

THE ROAD TRAFFIC ACT

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SCHEDULE

THE ROAD TRAFFIC ACT

Cap. 346.	20 of 1964,
Laws	15 of 1967,
23 of 1953,	26 of 1968,
31 of 1953,	41 of 1969,
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20 of 1960,	12 of 1984,
11 of 1961,	16 of 1984,
14 of 1962.	1 of 1986,
Acts	13 of 1987,
7 of 1963,	2nd Sch.
17 of 1963,	22 of 1987.
5 of 1964,	

[1st April, 1938.]

PART I. *Preliminary*

1. This Act may be cited as the Road Traffic Act. Short title.
- 2.—(1) In this Act— Interpreta-
tion.
- “area” means the area from time to time prescribed as a traffic, or as a licensing area, and the expressions “traffic area” and “licensing area” shall be construed accordingly;
- “chauffeur” means a person who drives a motor vehicle and receives compensation therefor;
- “driver” where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression “drive” shall be construed accordingly;

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"fares" includes sums payable in respect of a contract ticket or a season ticket;

13/1987
2nd Sch.

"Licensing Authority", in relation to any licensing area, means the Transport Authority established under the Transport Authority Act;

27/1971
S. 2.

"local authority" means, in relation to the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation, and, in relation to any other parish, the Parish Council for that parish;

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

"owner" means the person for the time being in whose name any motor vehicle or trailer is registered;

"prescribed" means prescribed by regulations;

G.N.
964/1959

"Road Authority" in relation to any road means the authority (being the Chief Technical Director or the Council of the Kingston and St. Andrew Corporation or a Superintendent of Parochial Roads and Works or any other person declared to be a Road Authority pursuant to the provisions of subsection (2)) responsible for the maintenance of the road;

6/1959
S. 2(a).

"road" means any main or parochial road and includes bridges over which a road passes, and any roadway to which the public are granted access and any roadway declared to be a road pursuant to the provisions of subsection (2);

6/1959
S. 2(b).

"trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

(2) The Minister may by order declare any roadway to be a road for the purposes of this Act, and such order may declare any person to be the Road Authority for the purposes of this Act in relation to the roadway specified in the order.

6/1959
S. 2(c).

(3) Every motor vehicle shall be deemed for any purpose, to be a carriage within the meaning of any Act of this Island and of any rules, regulations or by-laws made under any Act of this Island, and if used as a carriage of any particular class shall be deemed to be a carriage of that class, and the Act relating to carriages of that class shall apply accordingly.

3.—(1) There shall be established at Kingston a Road Traffic Control Authority (in this Act referred to as the "Island Traffic Authority").

Establish-
ment of
Road Traffic
Control
Authority
and
branches
thereof.

(2) The Island Traffic Authority shall be the Chief Technical Director, the Commissioner of Police and one other member appointed by the Minister, two to form a quorum, and there shall be attached to the Authority such officers and servants as the Governor-General shall from time to time appoint.

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(3) The Island Traffic Authority shall have the general control of road traffic in the Island and shall be also the Traffic Area Authority for the traffic area in which is included the Corporate Area as defined by the Kingston and St. Andrew Corporation Act.

L.N.
233/1964

(4) A person appointed an officer or servant by virtue of subsection (2) shall receive such salary as may be provided in the estimates of the Island and shall perform such duties as the Island Traffic Authority shall assign.

(5) There shall be established, in such traffic areas of the Island as may be prescribed, a branch of the Island Traffic Authority (in this Act referred to as the "Traffic Area Authority") under a Superintendent of Public Works, a Superintendent or Assistant Superintendent of Police and one other member appointed by the Minister, two to form a quorum, and there shall be attached to the Traffic Area Authority such officers and servants as the Governor-General shall from time to time appoint.

(6) A Traffic Area Authority shall in relation to road traffic control within its area be subject to the general or special directions of the Island Traffic Authority, and a person appointed an officer or servant by virtue of subsection (5) shall receive such salary as may be provided in the estimates of the Island and shall perform such duties as the Island Traffic Authority shall assign.

4.—(1) The Island Traffic Authority or any Traffic Area Authority may for the purpose of the due discharge of its functions under this Act, delegate any of those functions to any officer or servant of or attached to either of these Authorities.

Delegation
of functions
by Traffic
Authorities.
20/1960
S. 2(a).

(2) A delegation under this section may be made in respect of any particular matter or class of matters or generally or may be limited to any part of the Island and may be made subject to such terms and conditions as the delegating Authority thinks fit.

(3) A delegation under this section—

- (a) may at any time be revoked by the delegating Authority;
- (b) while in force shall not prevent the discharge by the delegating Authority of any function thereby delegated.

5. It shall be the duty of the Island Traffic Authority and, subject to the provisions of subsection (6) of section 3, of a Traffic Area Authority, in accordance with the provisions of this Act—

Duties of
Island
Traffic and
Traffic Area
Authorities.

- (a) to regulate and control traffic on roads;
- (b) to inspect from time to time all motor vehicles;

- (c) to test applicants for drivers' licences as to their competence to drive and, in the case of chauffeurs, as to their mechanical knowledge and to grant the necessary certificates of competence;
- (d) to grant certificates of fitness referred to in section 10;
- (e) to keep records of endorsements on drivers' licences;
- (f) to keep records of all accidents on roads;
- (g) to furnish annually to the Minister a report of all accidents on roads which result in death or injury to persons, and as far as practicable the causes attributed to such accidents;
- (h) to keep a Drivers' Offences Book;
- (i) to enforce the provisions of this Act and of regulations made thereunder.

6. *[Repealed by Act 13 of 1987].*

Delegation
of functions
by Licensing
Authority.
20/1960
S. 2(b).

7.—(1) A Licensing Authority may for the purpose of the due discharge of its functions under this Act delegate any of those functions to a Collector of Taxes or any other public officer.

(2) A delegation under this section may be made in respect of any particular matter or class of matters or

generally or may be limited to any part of the licensing area of the delegating Authority and may be made subject to such terms and conditions as the delegating Authority thinks fit.

(3) A delegation under this section—

- (a) may at any time be revoked by the delegating Authority;
- (b) while in force shall not prevent the discharge by the delegating Authority of any function thereby delegated.

8. The validity of any proceedings of the Island Traffic Authority, any Traffic Area Authority or any Licensing Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Validity of
proceedings
of Island
Traffic
Authority,
Traffic Area
Authorities
and
Licensing
Authorities.
14/1970
S. 2.

PART II. *Regulation of Motor Vehicles*

9. This Part shall apply to all motor vehicles and to vehicles (in this Act referred to as "trailers") drawn by motor vehicles:

Application
of this
Part.

Provided that the provisions of this Part, other than sections 16 to 25, both inclusive, and sections 27, 32, 34 and 39 shall not apply to trolley vehicles, the use of which

is authorized or regulated by a special Act, unless the special Act so provides.

Certificate
of fitness.

10.—(1) A motor vehicle shall not be used on a road unless there has been issued in respect of the vehicle, and prior to the licensing of the vehicle, by a Traffic Area Authority, a certificate (in this Act referred to as a "certificate of fitness") that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, and such certificate is in force in respect of the vehicle:

20/1964
S. 2.

Provided that the prescribed fee shall be payable for a certificate of fitness.

(2) A motor vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force in respect of the vehicle.

(3) A Traffic Area Authority may at any time revoke a certificate of fitness issued by the Authority, and if on the inspection of a motor vehicle it appears to any such Authority that the vehicle does not comply with the prescribed conditions as to fitness that Authority may revoke the certificate of fitness, and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of

fitness is in force any licence granted in respect of that vehicle shall cease to have effect unless and until a new certificate of fitness is obtained.

(4) Any person driving or using a motor vehicle in contravention of the provisions of this section shall be guilty of an offence.

11.—(1) Motor vehicles shall, for the purposes of this Act and regulations made thereunder be divided into the following classes—

Classifica-
tion of
motor
vehicles.

- (a) motor tractors; that is to say, motor vehicles which are not constructed themselves to carry any load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment;
- (b) trucks; that is to say, motor vehicles (not being classified under this section as motor cars) which are constructed themselves to carry a load or passengers or both;
- (c) motor cars; that is to say, motor vehicles (not being classified under this section as motor cycles or invalid carriages) which are—
 - (i) constructed solely for the carriage of passengers exclusive of the driver;
 - (ii) adapted to carry not more than seven passengers exclusive of the driver,
- (d) private motor cars; that is to say, motor vehicles whether “trucks” or “motor cars”, within the meaning of this section, (not being vehicles classified as “commercial motor cars”) constructed

solely for the carriage of passengers and their effects and used exclusively for personal purposes;

- (e) motor cycles; that is to say, motor vehicles (not being classified under this section as "invalid carriages") with less than four wheels and the unladen weight of which does not exceed eight hundredweight;
- (f) invalid carriages; that is to say, motor vehicles, the weight of which unladen does not exceed five hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from simple physical defect or disability and are solely used by such persons;
- (g) trailers; that is to say, vehicles without motive power designed or used for carrying goods or freight or persons wholly on their own structure and for being drawn by a motor vehicle.

(2) For the purposes of this Part—

- (a) in any case in which a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load; and
- (b) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus, which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load but shall be deemed to form part of the vehicle; and

- (c) a side-car attached to a motor cycle shall be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

Licensing and Registration of Motor Vehicles

12.—(1) There shall be charged, levied and paid to the Licensing Authority of the area in which any motor vehicle or trailer is kept for use on a road, annual licence duties at the rates specified in the Schedule. Such duties shall, save as may hereinafter be provided, be payable in accordance with the provisions of section 13. and, subject thereto, be collectable, recoverable and enforceable under the provisions of any Act for the time being in force regulating the payment, collection, recovery and enforcement of taxes or duties:

Licence
duties on
motor
vehicles.
20/1964
S. 3(a).
(b), (c).
15/1967
S. 2(a).
Schedule.

Provided that a licence to use a motor vehicle shall not be granted unless the applicant for the licence produces to the Licensing Authority a certificate of fitness in respect of the vehicle:

Provided further that in the case of motor vehicles brought into Jamaica by persons making only a temporary stay in Jamaica or by dealers in motor vehicles, the regulations made under this Act may provide for the issue of licences and registration plates and for the kind of licences and registration plates to be issued to such persons, and as to the conditions under which such licences and registration plates shall be issued and the duty payable.

(2) The Minister responsible for finance may by order—

17/1963
S. 2.

- (a) revoke, increase, reduce or alter any licence duty specified in the Schedule and may add any licence duty thereto; and

- (b) revoke, increase, reduce or alter any fee imposed by subsection (3) of section 17, subsection (1) of section 18, subsection (5) of section 25, subsection (3) of section 66 or subsection (1) of section 70.

11/1961
S. 2.

(3) An order made under subsection (2) may contain such consequential, supplemental or ancillary provisions as appear to the said Minister to be necessary or expedient for the purpose of giving due effect to the order and, without prejudice to the generality of the foregoing such provisions may, notwithstanding anything to the contrary contained in this or any other Act, be made to affect the operation of, and the licence duty payable in relation to, any existing licence in respect of the remaining period of such licence.

11/1961
S. 2.

(4) An order made under subsection (2) shall be subject to affirmative resolution of the House of Representatives.

15/1967
S. 2(c).

(5) For the purposes of subsection (3), "existing licence", as respects any order under subsection (2), means a licence issued under this section which has not expired on the date fixed for the variation of the licence duty in the order, and the "remaining period" means the period during which the licence purports to have effect after that date.

(6) The duties charged under this section shall be paid upon a licence to be taken out by the owner or person in charge of the motor vehicle or trailer and which shall be issued and be subject to such conditions and regulations as may be prescribed.

(7) Every person applying for the first licence in respect of any motor vehicle or trailer under this section

shall make application to the Licensing Authority of the area in which the motor vehicle or trailer is kept for use on a road, and shall make a declaration and furnish such particulars with respect to the motor vehicle, or trailer for which the licence is to be taken out, as may be prescribed. On the expiration of the period covered by the first or any subsequent licence a fresh licence shall be issued by the Licensing Authority in the name of the owner for the time being, upon application, production of a certificate of fitness and payment of the duty.

(8) Every licence issued under this section shall be issued in respect of the vehicle specified in the application for the first or original licence or in the new licence granted under subsection (7) and shall not entitle the person to whom it is issued to use any other motor vehicle or trailer.

(9) When any motor vehicle or trailer in respect of which any licence has been issued is used or altered and used after the licence has been issued in such manner as to cause the vehicle to become a vehicle in respect of which a licence at a higher rate of duty is required, the licence shall become void, but the holder of the licence shall, on surrendering the same and furnishing the prescribed particulars, be entitled to receive a new licence in respect of the motor vehicle to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force, on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence.

(10) No duty shall be payable under this section in respect of fire engines, ambulances and road rollers nor upon tractors used exclusively within the limits of the estate or pen to which they belong or upon any public road

running through such estate or pen and within the limits of the same.

(11) Regulations made under this Part may provide for the total or partial exemption for a limited period from the duty payable under this section on any motor vehicle brought into Jamaica by persons making only a temporary stay in Jamaica, and for refunds of duty or partial exemption from duty in respect of vehicles no longer in use on a road.

(12) Any licence issued under this section may be transferred in the prescribed manner.

(13) If any person knowingly makes a false statement in any declaration required to be made under this Act such person shall be liable on conviction to a penalty of one hundred dollars and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding three months.

Duration
of licences.
22/1927
§ 2.

13.—(1) A licence under section 12 may be taken out for—

- (a) a period of twelve months; or
- (b) a period of six months,
commencing from the beginning of the month in which the licence first has effect.

(2) The duty payable under section 12 on a licence for any vehicle shall—

- (a) if the licence is taken out for a period of twelve months, be paid at the annual rate of duty applicable to that vehicle;
- (b) if the licence is taken out for a period of six months, be an amount equal to one-half of the annual rate of duty applicable to that vehicle.

(3) For the purposes of this Act—

- (a) issue of a licence under section 12 to take effect upon the expiry of an earlier licence may be made not earlier than thirty days before the date of expiry of the earlier licence; and
- (b) without prejudice to paragraph (a) or to collection when the licence duty is actually being paid, enforcement of any provision for the collection or recovery of licence duty payable under section 12 shall not be undertaken during the month of grace and the earlier licence shall, during the month of grace or until renewed during that month, be regarded as still in force.

(4) For the purposes of subsection (3) “the month of grace”, in relation to any licence, means the period of one month after the expiration of the licence.

(5) Except in such circumstances as may be prescribed, every application for a licence shall be deemed to be an application for a licence to take effect immediately after the date of expiry of the previous licence, and licence duty shall be payable accordingly.

(6) The provisions of sections 15 and 18 of the Tax Collection Act (which relate to payment of taxes in moieties or quarterly) shall not apply to any licence duty payable in accordance with this section.

14.—(1) Every motor vehicle or trailer kept for use on a road shall be registered in a book to be called the “Motor Vehicles Register” and shall carry registration plates in the prescribed manner and such registration shall be effective for the whole period during which such motor vehicle or trailer is so used, subject to such alterations through loss of registration plates or otherwise, as may be effected in accordance with regulations made under this Act.

Motor
Vehicles
Register.

(2) The Motor Vehicles Register shall be kept by the Licensing Authority of the area in which the licence for the motor vehicle or trailer is issued, and in such Register shall be entered the letter and number of the registration plate, the name and address of the person for the time being in whose name the vehicle is registered, the number of any licence issued and the cause of discontinuance of the issue of the licence.

(3) If a motor vehicle or trailer is used on a road without being registered or licensed, or in contravention of the terms of the licence or if any registration plate or licence to be affixed and kept affixed in accordance with regulations made under this Act is not so affixed and kept affixed or if being so affixed is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving or using the motor vehicle or trailer shall be guilty of an offence and the motor vehicle or trailer shall be liable to be seized and kept in the possession of the Police until the requirements of this Act and regulations thereunder have been complied with.

(4) A person shall not be convicted of an offence under this section if he proves that he has had no reasonable opportunity of registering or licensing the motor vehicle or trailer and that the vehicle is being driven or drawn on the road for the purpose of being registered or licensed.

15. All licence duties and fees paid or payable under this Act or the regulations thereunder shall be paid into or accrue to the Consolidated Fund.

All licence
duties and
fees to be
paid into
the Con-
solidated
Fund.
30/1956
S. 2.

Licences of Drivers

16.—(1) A person shall not drive a motor vehicle on a road unless he is the holder of a licence for the purpose (in this Act referred to as a "driver's licence") and a person

Drivers'
licences
required.

shall not employ any person to drive a motor vehicle on a road unless that person so employed is the holder of such a driver's licence. If any person acts in contravention of the provisions of this subsection he shall be guilty of an offence, and the burden of proving that such person holds such a driver's licence shall be upon the person charged: 1/1986
S. 2 (a).

Provided that this subsection shall not apply to a person who is being taught to drive (in this Act referred to as a learner) by the holder of such a driver's licence who is directing the learner or who is in responsible control: 1/1986
S. 2 (b).

Provided further that— 1/1986
S. 2 (c).

(a) such vehicle—

(i) shall have displayed at the back and front thereof such distinguishing mark as may be prescribed; and

(ii) shall be operated subject to such restrictions relating to the carrying of passengers or freight as may be prescribed; and

(b) the learner is either the holder of a provisional licence issued under this section or, although not the holder of a driver's licence authorizing him to drive the class or description of vehicle in respect of which he is a learner, is nevertheless the holder of a driver's licence in respect of some other class or description of motor vehicle.

(2) A driver's licence issued under this Act shall, subject to the provisions of this Act, continue in force for the prescribed period and the licence duty in respect thereof shall be paid in full at the time of the issue of the licence. 30/1956
S. 3.
16/1984
S. 2 (a).

(3) Application for a driver's licence shall be made to the Licensing Authority of the area in which the applicant resides.

(4) Drivers' licences shall be of three classes, that is to say—

(a) "a private driver's licence", which shall entitle

the holder thereof to drive, not for reward, "trucks", "motor cars", (not being public passenger vehicles or commercial motor cars) and "invalid carriages";

(b) "a general driver's licence", which shall entitle the holder thereof to drive, whether for reward or otherwise, such class or classes of motor vehicles as may be specified in the licence and which his examination test or tests prove him competent to drive;

(c) "a motor cycle driver's licence", which shall entitle the holder thereof to drive a motor cycle.

1 1986
S. 1 (d).

(5) Drivers' licences shall be in the prescribed form and where the holder of the licence is subject to any restriction (whether with respect to the class of licence or with respect to the description, design, construction, weight or any other feature of the vehicle which, as shown in the certificate of competence under section 18, he is competent to drive) the extent of such restriction shall be specified in the prescribed manner on the licence.

21/1972
S. 2.

(6) The Licensing Authority on application by a person of at least seventeen years of age desiring to learn to drive a motor vehicle with a view to passing a driver's test under section 18, may grant to such person a provisional licence to be in force for a period of six months which licence shall be in the prescribed form and granted subject to the prescribed conditions. If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted he shall be guilty of an offence.

Licensing
of drivers.

17.—(1) A Licensing Authority shall, subject to the provisions of this Part, grant a driver's licence of the appropriate class to any person resident in the area of the Licensing Authority who applies for it in the prescribed manner and produces to the Licensing Authority a certificate of competence mentioned in section 18.

(2) A Licensing Authority shall enter in a book to be called the "Drivers' Licences Book" the particulars of—

16/1984
S. 3 (a).

- (a) all drivers' licences granted by the Authority including the name, address and description of the person licensed and the date of such licence;
- (b) all drivers' licences refused, suspended or revoked by the Authority and the reason for such refusal, suspension or revocation.

(3) In the event of any licence issued as aforesaid being lost the Licensing Authority who issued the lost licence may issue a new licence in place of the licence so lost on payment of the prescribed fee.

16/1984
S. 3 (b).

(4) Any person who—

16/1984
S. 3 (c).

- (a) maliciously removes, defaces or destroys any record; or
- (b) with intent to deceive or defraud alters or erases any record,

kept by the Licensing Authority, shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

18.—(1) A Licensing Authority shall not grant a driver's licence unless the applicant for the licence pays to the Licensing Authority the prescribed fee which may include a prescribed service charge and unless the applicant produces to the Authority a certificate (in this Act referred to as a "certificate of competence") in the prescribed form, from the Traffic Area Authority in whose traffic area is situated the licensing area, certifying that the applicant—

Prerequisites
to the grant
of a driver's
licence
16/1984
S. 4.

- (i) is able to read and write in English;
- (ii) has complied with the provisions of this Act and the regulations made thereunder and paid the fees prescribed for a driver's test and, has passed

or has been exempted from, such test and, where the applicant is a chauffeur has passed, or has been exempted from, a test of his mechanical knowledge;

- (iii) is at least seventeen years of age, or in the case of an applicant for a motor cycle driver's licence that he is at least of that age;
- (iv) in the case of an applicant for a general driver's licence to drive a public passenger vehicle, has attained the age prescribed for the holding of such a licence;
- (v) has produced to the Traffic Area Authority, a certificate from a Justice or a Superintendent or Assistant Superintendent of Police in the area in which the applicant resides, in the prescribed form certifying that he is a fit and proper person to be the holder of a driver's licence;
- (vi) in the case of an applicant for a private driver's licence, or for a motor cycle driver's licence, has made a declaration in the prescribed form that he is not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such class or description as he would be authorized by the licence to drive, to be a source of danger to the public;
- (vii) in the case of an applicant for a general driver's licence has produced to the Traffic Area Authority a medical certificate from a registered medical practitioner, in the prescribed form, certifying that he is not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being of such class or description

as he would be authorized by the licence to drive, to be a source of danger to the public:

Provided that the provisions of this subsection (other than the provision for the payment of the licensing fee) shall not apply to a person making only a temporary stay in Jamaica if he produces to the Traffic Area Authority a driver's licence issued to him not longer than twelve months before by the competent Authority in the country from which he comes:

Provided further that the Licensing Authority may in any case require the holder of such a licence to comply with all or any of the provisions of this subsection.

(2) If any person for the purpose of obtaining the grant of any licence to himself or any other person, or for the purpose of obtaining a certificate of competence, knowingly makes any false statement or withholds any material information, he shall be guilty of an offence and shall be liable to a penalty not exceeding fifty dollars, and in default of payment thereof to imprisonment, with or without hard labour, for any period, not exceeding three months, or, in the discretion of the court, to imprisonment, with or without hard labour, for any period not exceeding three months.

(3) Notwithstanding anything in this Act to the contrary, where the applicant for a driver's licence is a member of the Jamaica Defence Force who is required to drive vehicles belonging to the Force the certificate of competence required pursuant to subsection (1) may be furnished by a person authorized in that behalf by the Chief of Staff of the Force, and for that purpose—

- (a) any function which, pursuant to that subsection, is vested in a Traffic Area Authority may be performed by the person authorized as aforesaid; and
- (b) any reference therein to a Traffic Area Authority shall be construed to include a reference to a person so authorized.

Disqualifi-
cations for
obtaining
a driver's
licence

19.—(1) A person shall be disqualified for obtaining a driver's licence—

- (a) while another licence of the same class granted to him is in force, whether the licence is suspended or not;
- (b) if he is by a conviction under this Part or by an order of a court under this Part disqualified for holding or obtaining a driver's licence.

(2) In any proceedings the fact that a driver's licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration or produced a medical certificate, as the case may be, that he was not disqualified for holding or obtaining the licence.

16/1984
S. 5.

(3) For the purposes of subsection (1) (a) two or more licences shall, unless the contrary is proved by the licensee, be regarded as having been granted to the same person if his photograph appears thereon notwithstanding that the licences are in different names.

Grounds
for refusal
or cancell-
ation of
drivers'
licences.
16/1984
S. 6.

19A.—(1) A Licensing Authority may refuse to grant or renew a driver's licence in respect of any person if—

- (a) the applicant is, for any reason, not entitled to be granted a licence; or
- (b) the applicant is, pursuant to section 19, disqualified for holding or obtaining a driver's licence.

(2) Where it appears to the Licensing Authority that there is reason to believe that subsection (1) applies to any person who is the holder of a driver's licence or a provisional licence, as the case may be, the Licensing Authority may revoke the licence held by such person.

(3) Where, pursuant to this section, the Licensing Authority refuses to renew a licence or revokes a licence held by any person, the Licensing Authority shall give notice of such refusal or revocation, as the case may be, and the

reasons therefor to the holder of the licence who shall, on receipt of such notice, without prejudice to any appeal to the Road Traffic Appeal Tribunal, surrender the licence forthwith to the Licensing Authority.

(4) Any person who fails to surrender a licence as required under subsection (3) shall be guilty of an offence and shall be liable on first conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months and in the case of a second or subsequent conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

20.—(1) Where a Licensing Authority refuses to grant a driver's licence of any class on the ground that the applicant is suffering from any such disease or disability as is mentioned in paragraphs (vi) and (vii) of subsection (1) of section 18—

*Provisions
as to
physical
fitness of
applicants
for drivers'
licences.*

- (a) the Licensing Authority may grant to the applicant a licence limited to drive an invalid carriage if the Traffic Area Authority in whose traffic area is situated the licensing area certifies to the Licensing Authority that the applicant is fit to drive such a carriage;
- (b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorized by the licence to drive and if the Traffic Area Authority in whose traffic area the licensing area is situated certifies to the Licensing Authority that the applicant has passed the prescribed test and is not otherwise disqualified, the grant of the licence shall not be refused

by reason only of the provisions of paragraphs (vi) and (vii) of subsection (1) of section 18, so, however, that if the Traffic Area Authority certifies to the Licensing Authority that the test of the applicant proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;

- (c) if on the first application for the grant of a driver's licence by a person who at the commencement of this Act is the holder of a driver's licence under any Law now repealed, an applicant who is suffering from a disease or disability, other than a disease or disability prescribed as aforesaid, makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorized by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of such disease or disability being a disease or disability other than a disease or disability prescribed as aforesaid;
- (d) if on the application for the grant of a licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as is mentioned in paragraph (b), or on making such a declaration as is mentioned in paragraph (c), a further test will not be required unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the Licensing Authority, it appears

that the disease or physical disability from which the applicant is suffering has become more acute or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(2) If it appears to a Traffic Area Authority that there is reason to believe that any person who holds a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorized by the licence to drive, to be a source of danger to the public, and on enquiry into the matter the Authority is satisfied that the licence holder is suffering from such a disease or disability as aforesaid the Authority shall certify accordingly in the prescribed form to the Licensing Authority who granted the licence, and such Licensing Authority shall, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, after giving to the licence holder notice of the intention of the Authority so to do, revoke the licence and the licence holder shall on receipt of such notice deliver the licence to the Licensing Authority for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

21.—(1) There shall be constituted a Road Traffic Appeal Tribunal which shall consist of a chairman and two other members to be appointed by the Minister.

Constitution
of Road
Traffic
Appeal
Tribunal.

(2) The members of the Road Traffic Appeal Tribunal shall, subject to the provisions of subsection (6), hold office for such period, not exceeding two years, as the Minister may determine, but shall be eligible for reappointment.

(3) The Minister may appoint any person to act in the place of the chairman or any other member of the

Road Traffic Appeal Tribunal in case of the absence or inability to act of the chairman or other member.

L.N. 233/64

(4) Any member of the Road Traffic Appeal Tribunal may at any time resign his office by instrument in writing addressed to the chairman thereof, who shall forthwith cause it to be forwarded to the Minister, and from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Road Traffic Appeal Tribunal.

(5) The appointment, removal, death, departure from the Island or resignation of any member of the Road Traffic Appeal Tribunal shall be notified in the *Gazette*.

(6) The Minister may make rules prescribing the procedure to be followed upon appeal to the Road Traffic Appeal Tribunal.

13/1987
2nd Sch.

(7) Where any person is aggrieved—

- (a) by refusal of the Transport Authority to grant or renew a licence; or
- (b) by the revocation of a licence; or
- (c) by the refusal of the Transport Authority to hear any person who makes an objection to the grant of the application for a licence in respect of a stage or express carriage service pursuant to section 63 (7).

he may, after giving notice to the Transport Authority of his intention so to do, appeal to the Road Traffic Appeal Tribunal, which may make such order as it thinks fit, and, as regards an appeal pursuant to paragraph (c), the Tribunal may, regardless of the merits of the decision of the Transport Authority on the matter order the Authority to hear any person who has made an objection if the Tribunal in its discretion, thinks it desirable, in all the circumstances, for that person to be heard by the Authority.

13/1987
2nd Sch.

(8) Any order made pursuant to subsection (7) shall be final and conclusive and shall bind the Transport Authority.

Production
of driver's
licence to
constable
on request.

22. Any person driving a motor vehicle on a road or accompanying a learner in a motor vehicle on a road or a learner in a motor vehicle on a road shall, on being so

required by a constable, produce his driver's licence for examination so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue and the Licensing Authority by which it was issued, and if he fails to do so he shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding one hundred dollars:

12/1984
S. 2.

Provided that where a person aforesaid is unable to produce his driver's licence when so required but is able to satisfy the constable by other means as to his name, address and identity, that constable shall, if otherwise satisfied as to the credentials of that person, permit him to produce such licence in person within five days thereafter at such Police Station as may be specified by that person at the time its production was required, and if the licence is so produced that person shall not be convicted of an offence under this section.

22/1974
S. 2(b).

23.—(1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle and any court before which a person is convicted of any offence whatsoever under this Act or the regulations made thereunder, in addition to any penalty for such offence—

Disqualifica-
tion for
offences.

- (a) may in any case, except where otherwise expressly provided by this Part, and shall, where so required by this Part, order him to be disqualified for holding or obtaining a driver's licence for such period as the court thinks fit; and
- (b) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made or where so required by this Part, order that the particulars of the con-

viction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

(2) A person who by virtue of an order of a court under this Part is disqualified for holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction and the court making the order may if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions
as to
disqualifica-
tions and
suspensions.

24.—(1) Where a person who is disqualified by virtue of a conviction or order under this Part is the holder of a driver's licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this Part shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this Part is disqualified for holding or obtaining a driver's licence may, at any time after the expiration of six months from the date of the conviction or order, and from time to time, apply to the court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(4) If any person who, under the provisions of this Part, is disqualified for holding or obtaining a driver's licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be guilty of an offence and shall be liable on conviction thereof to imprisonment, with or without hard labour, for a term not exceeding six months or if the court thinks that, having regard to the special circumstances of the case, a pecuniary penalty would be an adequate punishment for the offence, to a penalty not exceeding one thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months or to both such imprisonment and such penalty, and a licence obtained by any person disqualified as aforesaid shall be of no effect. ^{12/1984}
S. 3.

(5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction proceedings for an offence under subsection (4) may be brought—

- (a) within a period of six months from the date of the commission of the alleged offence; or

- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(6) For the purposes of this section, references to orders under this Part include references to orders under the corresponding provisions of any enactment now repealed.

Provisions
as to
endorse-
ments.

25.—(1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any driver's licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

(2) Where an order is made requiring any driver's licence held by an offender to be endorsed, then—

- (a) if the offender is at the time the holder of a driver's licence, he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and
- (b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement,

and if he fails so to do, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended

from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new driver's licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.

(4) If any person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and shall be liable on conviction thereof to imprisonment, with or without hard labour, for a term not exceeding three months or to a penalty not exceeding fifty dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under this Part, or the corresponding provisions of any enactment now repealed requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, either on applying for the grant of a licence under this Part or subject to payment of a fee of ten dollars, and subject to surrender of any subsisting licence, at any time, to have issued to him a new licence free from endorsements: 16/1984
S. 9.

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or obtaining a driver's licence shall be excluded.

(6) Where a court orders particulars to be endorsed on a driver's licence held by any person, or where by a conviction or order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the order to the Traffic Authority in whose traffic area that person resides, and in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to such Traffic Authority, and that Authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

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 Traffic Authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof cause the appropriate Licensing Authority to issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorized to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of disqualification, whichever is the shorter.

(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed the court by which the appeal is allowed or the conviction is quashed, shall send notice thereof to the Traffic Authority in whose traffic area the person affected by the order or conviction resides and to the Licensing Authority who issued the licence.

Provisions as to Driving and Offences in connection therewith

Rate of
speed on
prescribed
roads.

26.—(1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a prescribed

road or on a road within a prescribed area at a speed greater than the speed prescribed as the maximum speed in relation to a vehicle of that class or description and if any person acts in contravention of this section he shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five hundred dollars. 12/1984 S. 4.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

(3) A person charged under this section with the offence of driving a motor vehicle of any class or description at a speed greater than the maximum speed prescribed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(4) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule, or gives any directions, under which any journey, or any stage or any part of any journey, is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey, or that stage or part of the journey, to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule, or the giving of the directions, may be produced as *prima facie* evidence that the employer procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

27.—(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, Reckless or dangerous driving.

and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

41/1969
S. 2.
12/1984
S. 5.

- (a) on conviction, to a penalty not exceeding three thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding four months, or to imprisonment with or without hard labour for a term not exceeding four months, and, in the case of a second or subsequent conviction, either to a penalty not exceeding three thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding six months, or to imprisonment with or without hard labour for a term not exceeding six months or to both such penalty and imprisonment;
- (b) on conviction on indictment, to imprisonment with or without hard labour for a term not exceeding two years or to a fine or to both such imprisonment and fine.

(2) The court shall order particulars of any such conviction to be endorsed on any driver's licence held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this Part of ordering that the offender shall be disqualified for holding or obtaining a driver's licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction, or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an

offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Part relating to disqualification for holding or obtaining drivers' licences, be deemed to be an offence within the meaning of section 23.

28. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 27 (which relates to reckless or dangerous driving), to find him guilty of that offence, whether or not the requirements of section 38 (which relates to notice of prosecution) have been satisfied as respects that offence.

Power to
convict for
reckless or
dangerous
driving on
trial for
man-
slaughter.

29.—(1) Where a person is charged before a court of summary jurisdiction with an offence under section 27 and the court is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter, the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under section 32 (which relates to careless driving) to be preferred forthwith against the defendant and may thereupon proceed with that charge, so, however, that he or his solicitor or counsel 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 court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

Power to
proceed on
charge for
careless
driving on
hearing of
charge for
reckless or
dangerous
driving.

(2) A defendant in whose case the requirements of section 38 (which relates to notice of prosecution) have been satisfied or do not apply, as respects the alleged offence under section 27, may be convicted on a charge

preferred under subsection (1), notwithstanding that such requirements have not been satisfied as respects the alleged offence under section 32.

Causing
death by
reckless or
dangerous
driving.
41/1969
S. 3.

30.—(1) A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding five years.

(2) Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under subsection (1) to find him guilty of that offence, and upon the trial of a person for an offence under subsection (1) it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 27, to find him guilty of that offence, whether or not the requirements of section 38 have been satisfied as respects that offence.

Disquali-
fication for
offences
causing
death.
41/1969
S. 3.

31.—(1) A person convicted of manslaughter in connection with the driving of a motor vehicle by him or of an offence under section 30 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 for holding or obtaining a driver's licence.

(2) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence mentioned in subsection (1), and it is proved that he was present in the vehicle at the time of the commission

of the offence, the provisions of that subsection shall apply in relation to the offence of which he is convicted as if it were mentioned in that subsection.

32.—(1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five hundred dollars.

Careless driving.

12/1984
S. 6.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a driver's licence.

33.—(1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall be guilty of an offence and shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months or to a penalty not exceeding one thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding three months, or to both such imprisonment and penalty.

Racing and speed trials.

12/1984
S. 7.

(2) A person convicted of an offence 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 twelve months from the date of the conviction for holding or obtaining a driver's licence.

34.—(1) Any person who when driving or attempting to drive or when in charge of a motor vehicle on a road or other public place is under the influence of drink or a drug to such extent as to be incapable of having proper control of the vehicle, shall be liable—

Driving motor vehicles under influence of drink or drugs.

12/1984
S. 8.

- (a) on conviction to a penalty not exceeding one thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding four months or to imprisonment, with or without hard labour, for a term not exceeding four months, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months;
- (b) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding six months.

(2) A person convicted of an offence 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 twelve months from the date of the conviction for holding or obtaining a licence.

(3) A constable may arrest without warrant any person committing an offence under this section.

Restriction
on pillion
riding.

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

(2) If any such person is carried on any such cycle in contravention of the provisions of this section, the driver of the cycle shall be guilty of an offence and shall be liable in the case of the first conviction to a penalty not exceeding one hundred dollars, and in the case of a second

12/1984
S. 9.

or subsequent conviction to a penalty not exceeding two hundred dollars. 12/1984
S. 9.

36.—(1) The number of trailers, if any, which may be drawn by a motor vehicle on a road shall not exceed such number as may be prescribed in relation to motor vehicles of any particular class. Restriction
on number
of trailers
drawn.

(2) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence.

37.—(1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his name and address, or gives a false name and address, he shall be guilty of an offence. Duty to give
name and
address
and to stop,
and power
of arrest in
certain
cases.

(2) Any constable in uniform or on showing his authority as a member of the Police Force of the Island may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his driver's licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a constable in uniform, and if he fails so to do shall be guilty of an

12/1984
S. 10.

offence and shall be liable to a penalty not exceeding five hundred dollars.

Restrictions
on prosecu-
tions.
41/1969
S. 4.

38. Where a person is prosecuted for an offence under section 26, 27, or 32 he shall not be convicted unless either—

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said 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 the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

- (a) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—
 - (1) 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
 - (2) the accused by his own conduct contributed to the failure; and

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

Accidents

39.—(1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

Duty to stop in case of accident.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) In this section the expression "animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(4) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

Provisions as to Lights, Reflectors, Horns, Noise

14/1962
S. 2 (a).

40.—(1) During the period specified in this section, every motor vehicle, save as in this section mentioned, shall carry attached thereto—

Lights on vehicles.

- (a) two similar head-lamps only (in this Act referred to as obligatory head-lamps) one on each side, so constructed and placed as to cast, when lighted, in the direction in which it is proceeding a white light only, sufficiently clear and strong as to afford

adequate means of signalling the approach and position of such vehicle; and

- (b) a lamp on the back and on the right side thereof or the back and right side of the last vehicle attached thereto, so constructed and placed as to exhibit when lighted a red light visible from behind and also a white light sufficiently clear and strong to illuminate the letter and number of the registration plate.

(2) On every motor cycle when in use on a road within the period specified in this section, one head-lamp shall be carried, so affixed thereto as to exhibit when lighted a white light only, adequate to signal the approach and position of such motor cycle and a tail-lamp so placed and in such position as to exhibit when lighted a red light visible in the reverse direction at a reasonable distance.

Where a side-car is attached to or used with such motor cycle an additional similar head-light shall be affixed to such side-car.

(3) Every such lamp shall be lighted when the motor vehicle or motor cycle is in use on any road during the period between one half hour after sunset and one half hour before sunrise.

(4) Notwithstanding anything in this section contained, when a motor vehicle is stationary it shall be sufficient for the same to be fitted with such parking lights as may be prescribed.

(5) If any person fails to comply with the provisions of this section he shall be guilty of an offence.

41.—(1) No head lamp shall be used on any motor vehicle unless such lamp is so constructed, fitted and maintained that the beam of light emitted therefrom— Elimination
of glare.

- (a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than twenty-five feet from the lamp whose eye level is not less than three feet six inches above that plane; or
- (b) can be deflected downwards or both downwards and to the left at the will of the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid; or
- (c) can be extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with paragraph (a); or
- (d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or brings into or leaves in operation a lamp or lamps (other than the obligatory head lamps) which complies or comply with paragraph (a).

(2) This section shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

Reflectors
on carriages
and motor
vehicles.
14/1962
S. 2 (b).

42.—(1) Notwithstanding anything to the contrary carriages and motor vehicles shall carry such reflectors affixed in such manner as may be prescribed and different types of reflectors may be prescribed for different classes of carriages or motor vehicles.

(2) If any person fails to comply with the provisions of this section he shall be guilty of an offence.

(3) For the purposes of this section "carriages" includes carts, waggons, drays, wheeled carriages of every description, bicycles, tricycles and other similar machines.

Warning
device and
prohibition
of unreason-
able noise
and smoke.

43.—(1) Every motor vehicle shall have attached thereto a horn or other instrument of a type approved by the Island Traffic Authority capable of giving audible and sufficient warning of the approach and position of the vehicle and such horn or other instrument shall be sounded only whenever it shall be reasonably necessary to notify pedestrians, or others of the approach of the vehicle.

(2) A person having the control or charge of a motor vehicle shall not sound any horn or such other instrument so as to make an unreasonable noise and any such person shall not permit any unreasonable amount of smoke to escape from the said vehicle nor shall any such person at any time by cutting out the muffler or otherwise cause such motor vehicle to make any unnecessary noise:

Provided that this subsection shall not apply to a motor vehicle of the Constabulary, or an ambulance, or a motor vehicle of any Fire Brigade whilst proceeding to a fire or answering a fire alarm.

(3) No motor vehicle other than an ambulance or one operated by or on behalf of the Constabulary or Fire

Brigade shall be equipped with a siren horn or a device, producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

(4) Every motor vehicle shall be equipped with a noise muffler and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

(5) Any person who—

- (a) contravenes subsection (1), (3) or (4) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding two hundred dollars;
- (b) contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding one hundred dollars.

12/1984
S. 11.

44. The Island Traffic Authority may by notice published in the *Gazette* and in one newspaper of the Island declare that from and after a date to be fixed by such notice no horn or other warning device shall be sounded during such hours, or at or within such place or area of any urban area as may be specified in the notice and any person who acts in contravention of any such notice shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding one hundred dollars.

31/1984
S. 10.

45.—(1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be guilty of an offence and shall be liable—

Unlawful
user of
motor
vehicle.

(a) on summary conviction—

- (i) in the case of a first conviction under this section to imprisonment with or without hard labour, for a term not exceeding six

26/1968
S. 2 (a).

12/1984
S. 13 (a) (i).

months or to a penalty not exceeding one thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months; and

12/1984
S. 13 (a) (ii).

- (ii) in the case of a second or subsequent conviction under this section to imprisonment, with or without hard labour, for a term not exceeding twelve months or to a penalty not exceeding two thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding twelve months;

(b) on conviction on indictment—

12/1984
S. 13 (b) (i).

- (i) before a Resident Magistrate to imprisonment, with or without hard labour, for a term not exceeding twelve months or to a penalty not exceeding two thousand dollars or to both such imprisonment and penalty;

12/1984
S. 13 (b) (ii)

- (ii) before the Supreme Court to imprisonment with hard labour for a term not exceeding three years or to a penalty not exceeding three thousand dollars or to both such imprisonment and penalty:

26/1968
S. 2(b)

Provided that, if on summary proceedings, or on proceedings on indictment before a Resident Magistrate under this section the court, or on proceedings under this section in the Supreme Court the jury, are satisfied that the accused acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(2) If on the trial on any indictment for stealing a motor vehicle the Resident Magistrate is of opinion, or where the trial is in the Supreme Court, the jury are of opinion, that the offender is not guilty of stealing the motor vehicle but was guilty of an offence under this section, the Resident Magistrate or the jury, as the case may be, may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Any constable may arrest without warrant any person reasonably suspected by him of having committed or attempted to commit an offence under this section.

46.—(1) Any person who—

Offences.

- (a) forges or with fraudulent intent alters or uses or allows to be used by any other person, any licence or any licensing or registration marks or plates issued under this Act; or
- (b) with intent to enable any other person to use a licence or licensing or registration marks or plates issued under this Act, gives or lends the same to any other person; or
- (c) without the permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing; or
- (d) having the care of a motor vehicle for the owner or person in charge thereof, receives directly or indirectly any consideration for the purchase from any other person of supplies or parts for

such motor vehicle or for work performed thereon by any other person and any person furnishing such supplies or parts or doing any work in connection therewith, who gives or offers to give such person having such care of such motor vehicle directly or indirectly any valuable consideration; or

- (e) throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned; or
- (f) uses any spotlight on a motor vehicle on a road or public place in any town or village, or when another approaching vehicle is in sight, except for providing light for effecting repairs; or
- (g) uses or drives or permits to be used or driven any motor vehicle on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public; or
- (h) neglects when engaging or permitting any person to drive a motor vehicle to ascertain the correct name and place of residence of such person, at the time of such engagement or the granting of such permission and to keep a record thereof; or
- (i) being the owner of a motor vehicle refuses on the request of any constable—
 - (i) to give the name and address of the driver thereof, such driver having been authorized by such owner to drive the said motor vehicle, and

- (ii) to give all such information in his possession as would assist in the discovery or identity of the driver; or
 - (j) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being duly licensed as a public passenger vehicle in its appropriate class, on being so required by a constable refuses to give a statement as respects his presence in such vehicle and as to whether he is being conveyed for hire or reward; or
 - (k) holds on to a moving motor vehicle for the purpose of being towed,
- shall be guilty of an offence.

(2) Any person convicted of an offence under paragraph (a) of subsection (1) shall be liable to a penalty not exceeding three thousand dollars.

12/1984
S. 14(b).

47. The particulars of every conviction for an offence under this Act shall be furnished by the Registrar of the Supreme Court, if the conviction is recorded in the Supreme Court at Kingston, by the Clerk of the Circuit Court, if the conviction is recorded in a Circuit Court, or by the Clerk of the Courts for the parish if the conviction is recorded in a court of summary jurisdiction, to the Island Traffic Authority and to the Traffic Area Authority in whose traffic area the offender is convicted, who shall enter the particulars of such conviction in a book to be called the "Drivers' Offences Book" Such entry shall contain the name of the offender, the number of his licence and the licensing area in which such offender was granted his licence and shall be duly indexed.

Particulars of convictions to be furnished to Traffic Authorities and entered in Drivers' Offences Book.

Motor
Vehicles
Register,
Drivers'
Offences
Book
and Drivers'
Licences
Book to be
prima facie
evidence.

48. The contents of the "Motor Vehicles Register", the "Drivers' Licences Book" and the "Drivers' Offences Book" shall respectively be *prima facie* evidence of all the facts contained therein in all proceedings under this Act and shall be at all reasonable times available for inspection and use by the Police.

Weighing of Motor Vehicles

Method of
calculating
weight.

49. For the purposes of this Act, the weight unladen of any motor vehicle shall be taken to be the weight of the vehicle inclusive of body and all parts which are necessary to or ordinarily used with the vehicle when in use on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

Weighing
of motor
vehicles.

50.—(1) Subject to any regulations, it shall be lawful for any person authorized by a Traffic Area Authority or for any constable authorized on behalf of any such Authority by a Police authority, on production of his authority, to require the person in charge of any motor tractor or truck to allow the vehicle or any trailer drawn thereby to be weighed, either laden, or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose shall proceed to a machine for weighing vehicles, and if any person in charge of a motor tractor or truck refuses or neglects to comply with any such requirements, he shall be guilty of an offence:

Provided that it shall not be lawful for any person or constable so authorized to require the person in charge of the vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen:

Provided further that the person in charge of the vehicle shall not be required to proceed more than six miles out of his way, that is to say, three miles going and three miles returning.

(2) Where a motor tractor, truck or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(3) It shall be lawful for a Traffic Area Authority within its area to erect and maintain machines for weighing vehicles.

(4) Any expenses to be incurred by an Authority under this section shall be defrayed out of such moneys as may be voted for the purpose by the House of Representatives.

Driving Rules

51.—(1) The driver of a motor vehicle shall observe the following rules—a motor vehicle

Rules of
the road.
14/1962
S. 3.

- (a) meeting or being overtaken by other traffic shall be kept to the near side of the road. When overtaking other traffic the vehicle shall be kept on the right or off-side of such other traffic:

Provided that an animal being led or driven, may be passed or overtaken on whichever side is the safer;

- (b) being overtaken by other traffic shall be driven so as to allow such other traffic to pass;
- (c) shall not be driven alongside of, or overlapping, or so as to overtake other traffic proceeding in the same direction if by so doing it obstructs any traffic proceeding in the opposite direction;

- (d) shall not be driven so as to cross or commence to cross or be turned in a road if by so doing it obstructs any traffic;
- (e) proceeding from one road to another shall not be driven so as to obstruct any traffic on such other road;
- (f) proceeding from a place which is not a road into a road or from a road into a place which is not a road, shall not be driven so as to obstruct any traffic on the road;
- (g) shall not be driven so as to overtake other traffic unless the driver has a clear and unobstructed view of the road ahead;
- (h) shall not be permitted to travel backwards further than may be necessary for turning or other reasonable purpose.

(2) Notwithstanding anything contained in this section it shall be the duty of a driver of a motor vehicle to take such action as may be necessary to avoid an accident, and the breach by a driver of any motor vehicle of any of the provisions of this section shall not exonerate the driver of any other motor vehicle from the duty imposed on him by this subsection.

(3) For the purposes of this section—

- (a) a motor vehicle obstructs other traffic if it causes risk of accidents thereto;
- (b) “traffic” includes bicycles, tricycles, motor vehicles, tram-cars, vehicles of every description, processions, bodies of troops and all animals being ridden, driven or led;
- (c) “overtaking” includes passing or intending to pass any other vehicle proceeding in the same direction.

(4) Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

52.—(1) No person shall ride on the running board, wings or fenders of a motor vehicle or on the outside of the vehicle except in a properly constructed seat.

Riding on
outside of
motor
vehicle.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

53.—(1) A motor vehicle when not in motion—

(a) shall be placed with its near side as close to the left of the roadway as possible or in such position as may be indicated by any constable or by notice exhibited by a Traffic Area Authority;

Stationary
motor
vehicles.
12/1984
S. 15 (a).

(b) shall not be placed or allowed to remain in such a position as to obstruct or be likely to obstruct traffic.

(2) The driver of a motor vehicle shall not leave the motor vehicle unattended without having stopped the engine and taken due precautions against its being moved or moving in his absence.

(3) It shall not be lawful to pour any petrol or other fuel into any tank of a motor vehicle or into any receptacle in or on a motor vehicle while the engine is running, or when any light, other than an electric light is alight in or on the motor vehicle.

(4) Any person who—

(a) acts in contravention of paragraph (a) of subsection (1) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding one hundred dollars;

12/1984
S. 15 (b).

(b) acts in contravention of paragraph (b) of subsection (1) or subsection (3), shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five hundred dollars;

(c) acts in contravention of subsection (2), shall be guilty of an offence and shall be liable on con-

viction thereof to a penalty not exceeding two hundred dollars.

Parking of
motor
vehicles.

14/1962
S. 4.

27/1971
S. 3(a).

27/1971
S. 3(b).

54.—(1) Rules may be made by the Kingston and St. Andrew Corporation or a Parish Council, at the request of the Island Traffic Authority, prohibiting, restricting or regulating the parking of motor vehicles in any road, street or public place and, without prejudice to the generality of the foregoing, such rules may, subject to approval by the Minister responsible for local government, provide for the imposition of charges in respect of vehicles left in any such road, street or public place, and may prescribe the method of collection of such charges whether by the insertion of coins in an apparatus provided for the purpose (hereinafter referred to as a parking meter) or otherwise.

(2) The exercise by a local authority of their functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(3) Where provision is made for the use of parking meters, it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) and for recording in the prescribed manner the date on which, and the person by whom, a meter has been tested.

Offences
relating
to parking
places on
highways
where
charges
made.
27/1971
S. 4.

55.—(1) A person who—

- (a) being the driver of a vehicle, leaves the vehicle in a parking place designated by rules under section 54, otherwise than as authorized by such rules or fails duly to pay any charge payable pursuant to such rules or contravenes or fails to comply with

any provision of such rules relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place; or

- (b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with the provisions of such rules,

shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding one hundred dollars. 12/1984
S. 16 (a).

(2) In relation to an offence under paragraph (a) of subsection (1) of failing duly to pay any charge payable pursuant to rules made under section 54, the reference in the said paragraph (a) to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 12/1984
S. 16 (b).

(4) Where, in any proceedings for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and, in default of payment, imprisonment for a period not exceeding two months.

(5) In any proceedings for an offence under this section it shall be presumed, unless the contrary is shown, that any apparatus provided for the purposes of a parking place, being an apparatus operated by the insertion of coins, is of a type and design prescribed by the rules under section 54.

(6) A local authority may institute proceedings for an offence under this section in connection with a parking place for which they are the local authority.

When motor
vehicle is to
be stopped.
12/1984
S. 17.

56.—(1) On the request of any constable or of any person in command of a body of troops or having charge of any animal, or if such constable or person shall raise his hand as a signal to stop, the motor vehicle shall be immediately stopped and kept stationary so long as may be reasonably necessary.

(2) No person shall drive or attempt to drive a motor vehicle across a funeral procession.

(3) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding two hundred dollars.

Signals by
drivers.

57.—(1) The driver of a motor vehicle constructed to be steered on the right or off-side thereof, shall, before commencing to turn to, or change direction towards, the right, extend his right arm and hand horizontally straight out, from the right or off-side of the vehicle, with the palm turned to the front so as to be visible to drivers of all vehicles concerned.

(2) The driver of a motor vehicle may also if he thinks fit—

- (a) in order to signal an overtaking car not to attempt to pass extend his right arm and hand horizontally straight out from the right or off-side of the motor vehicle, with the palm turned downwards and move the arm up and down;
- (b) in order to signal to an overtaking car to pass, extend his right arm and hand below the line of the shoulder from the right or off-side of the motor vehicle with the palm turned to the front and move the arm backwards and forwards.

(3) When approaching a constable on duty at a road junction, the driver of a motor vehicle shall extend his arm in the direction in which he wishes to proceed so as to be visible to the constable.

(4) The use of additional signals may be prescribed or permitted by regulations and all or any of the signals prescribed or permitted by this section or by regulations may be given by any mechanical or illuminated device of a type approved by the Island Traffic Authority.

(5) Every motor vehicle constructed so as to be steered from the left or near side thereof shall be fitted on the right or off-side of the vehicle with a mechanical or illuminated device approved by the Island Traffic Authority, and such device shall be employed by the driver of the motor vehicle to indicate in a manner approved by the Island Traffic Authority the intention of the driver to turn to or change direction towards the right or of his intention to stop the vehicle and may be employed to signal to an overtaking motor vehicle to pass, or not to pass, as the case may be.

(6) Any person who acts in contravention of or fails to comply with any of the provisions of subsections (1), (3) and (5), or with regulations made under subsection (4), shall be guilty of an offence.

58. The driver of a motor vehicle shall obey all directions whether verbal or by signal given by a constable in the execution of his duty to stop the vehicle or to make it slow down or to pass on any indicated side of the constable or to keep to any indicated line of traffic and any person who fails to obey any such direction shall be guilty of an offence.

Signals by
Police to be
obeyed.

Regulations

59. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this

Minister
may make
regulation

Part, and generally as to the use of motor vehicles and trailers on roads, their construction and equipment, and the conditions under which they may be so used and otherwise for the purpose of carrying this Part into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations in respect to any of the following matters—

- (a) appointing and defining the limits of traffic areas and licensing areas;
- (b) the width, height and length of motor vehicles and trailers and the load carried thereby, the overhang of body over chassis, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (c) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;
- (d) excessive noise owing to the design or condition of the vehicle or the loading thereof;
- (e) the maximum weight unladen of motor tractors and trucks and the maximum weight laden of all motor vehicles and trailers and the maximum weight to be transmitted to the road by a motor vehicle or trailer of any class or description or by any part or parts of such a motor vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested;
- (f) prohibiting the use of a motor vehicle or trailer of any class or description on any road or part of a road or on any bridge or culvert;
- (g) restricting the use of a motor vehicle or trailer of any class or description on any road or part of a road, bridge or culvert, the weight either laden or unladen, the type of tyres and fittings to be used and dimensions measured over all including the load, and may vary such restrictions from time to

time according to the season of the year or with reference to wet or dry periods;

- (h) the preparation of framing and placing of notices on or in connection with, or with respect to, any road, bridge or culvert, by the road authority dealing with the type of tyre to be used on any such road, bridge or culvert, or the total weight and dimensions measured over all with load, of the motor vehicle or trailer or of the motor vehicle or trailer using such road, culvert or bridge, or preventing or restricting permanently or temporarily, any particular class or kind of motor vehicle from using or proceeding along such road, culvert or bridge;
- (i) the particulars to be marked on motor vehicles and trailers;
- (j) the towing of or drawing of vehicles by motor vehicles;
- (k) the number and nature of brakes and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering any officer or servant of a Traffic Area Authority to stop, test and inspect, on a road or, subject to the consent of the owner of the premises to test and inspect on any premises where the vehicle is, any such brakes, silencers, or steering gear;
- (l) the forms to be used for the purposes of this Part;
- (m) applications for licences or registration and the licensing or registration of motor vehicles and trailers and for the examination thereof either for licensing or registration purposes or as to mechanical fitness or fitness to be driven on a road and

20/1964
S. 6 (a), (b).
22/1987
S. 2 (a) (b).

the issue of documents of registration and title and certificates of fitness and for determining and regulating generally the size, shape and character of such documents, certificates, licences, licence holders and registration plates to be used and any fee payable therefor and the manner in which they are to be displayed and rendered easily distinguishable either by night or day;

- (n) the keeping of a record or register showing particulars of ownership and the class and description of each motor vehicle or trailer licensed, together with the letter and number issued to each and for making any particulars or description contained in such record or register available to the Police at all times;
- (o) the speed at which motor vehicles may be driven on any specified road or part of a road, or on any road within any specified area of the Island;
- (p) the length, height and width of a motor vehicle or trailer of any class or description measured over all including the load or otherwise, the maximum weight of load, the number of persons to be in charge thereof, and where they are to be placed, the position passengers may occupy in relation to the seats, sides or floor of the motor vehicle, the methods of loading and the distribution of weights in relation to the floor, sides or roof of a motor vehicle, the conditions under which they may be used or ply for hire and the devices, mechanical or otherwise, to be attached to motor vehicles for the purpose of government, safety or control;
- (q) the qualifications, examination and licensing of drivers of motor vehicles, the fees to be paid for

such examination or any other requirements or conditions to the grant of a licence to drive;

- (r) the granting of a licence and registration plates to dealers in motor vehicles and the conditions on which such licence and registration plates may be granted and the amount to be paid therefor, the returns to be made by them, and for assigning a general identification mark to such dealers;
- (s) the fees to be payable under this Part and the persons liable to pay the same;
- (t) the custody, production and cancellation on revocation of licences and certificates of fitness and the return to the Licensing Authority of licences which have become void or revoked;
- (u) the limitations of time during which drivers of public passenger vehicles and commercial vehicles may remain continuously on duty;
- (v) prohibiting the driving of vehicles, or of vehicles of any specified class or description, on any specified road otherwise than in a specified direction;
- (w) the fees to be paid in respect of the grant of any permit, special permit or licence by the Minister in accordance with the provisions of this Act or of any regulations made thereunder including fees to be paid annually in respect of any such permit, special permit or licence, under which any motor vehicle or trailer is used or operated on any public road;
- (x) calculating the weight[†] unladen of any motor vehicle or the unit of horse-power or the cylinder capacity of any engine or any other basis which

30/1956
S. 4.

Schedule.

may be prescribed for the purpose of any rate of duty specified in the Schedule;

15/1960
S. 2.

(y) the prior right of passage along all roads of motor vehicles used—

(i) in consequence of an alarm of fire or for the purpose of proceeding to a fire by any constable or any officer, sub-officer or fireman of the Fire Brigade constituted under the Fire Brigade Act;

(ii) for the purpose of collecting or transporting a person in immediate need of medical attention;

26/1968
S. 3 (b).

(iii) in such other circumstances as he may prescribe.

PART III. *Regulation of Public Passenger Vehicles and Road Licences*

Classifica-
tion of
public
passenger
vehicles.

60.—(1) Public passenger vehicles shall, for the purposes of this Part and the regulations made thereunder, be divided into the following classes—

(a) stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than ten cents for a single journey or such sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line of route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages or hackney carriages as hereinafter defined;

(b) express carriages; that is to say, motor vehicles not being hackney carriages as hereinafter defined

carrying passengers for hire or reward at separate fares (none of which is less than ten cents for a single journey or such sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying appropriate fares for the journey or journeys in question;

- (c) contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;
- (d) hackney carriages; that is to say, motor vehicles carrying passengers for reward or hire used in standing or plying for hire on any thoroughfare or place frequented by the public and which have seating accommodation for not more than four persons:

Provided that subject to section 21 of the Public Passenger Transport (Corporate Area) Act, a public passenger vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of race meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

(2) Contract carriages shall not stand or ply for hire on any road or in any place whatsoever in public view and to which the public may have access:

Provided that a Traffic Area Authority shall by order from time to time and subject to such restrictions and conditions as may be specified in any such order authorize

within the area of the Authority the use of certain sections of any road, or any other place whatsoever to which the public may have access as stands for contract carriages and any person who fails to comply with any such restriction or condition of any such order, shall be guilty of an offence.

(3) It is hereby declared that where persons are carried in a motor vehicle for any journey for consideration of separate payments made by them whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares whether the payments are solely in respect of the journey or not:

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

(4) For the purposes of this section a motor vehicle shall be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise (that is to say)—

- (a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party must have been made by some person, not being the holder of the licence in respect of the vehicle or a person acting on behalf of the holder of such a licence or a person who receives any remuneration in respect of those arrangements;
- (b) the journey must be made without previous advertisement to the public of the arrangements therefor;

- (c) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;
- (d) no differentiation of fares for the journey on the basis of distance or of time must be made;
- (e) in the case of a journey to a particular destination the passengers must not include any person who, frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to that destination from a place from or through which the journey is made.

Road Licences for Public Passenger Vehicles

61.—(1) Subject to the provisions of subsection (6), no person shall use or cause or permit a motor vehicle to be used on any road as a public passenger vehicle unless he is the holder of a licence (in this Act referred to as a “road licence” or “an emergency road licence”) to use it as a vehicle of that class in accordance with the provisions of this Part:

Road licences for public passenger vehicles. 31/1953 S. 2 (a).

Provided that—

- (a) a person who is the holder of a road licence to use a vehicle as a stage carriage may use it as a contract carriage or, as an express carriage, and a person who is the holder of a road licence to use a vehicle as an express carriage may use it as a contract carriage subject to any conditions attached to the licence; and
- (b) in the case of a service of stage carriages a vehicle licensed under a road licence as an express carriage may be used on the service if the Traffic Area Authority of each of the traffic areas in which the

vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.

34/1976
S. 4 (b).

(2) Application for a road licence or an emergency road licence—

- (a) shall be made to the Licensing Authority in the licensing area within or from which the vehicle is intended to be ordinarily operated;
- (b) if the application is for a licence to operate a stage carriage or an express carriage on a route which lies in more than one licensing area—
 - (i) shall be made to the Licensing Authority for the licensing area in which the route is, under sub-paragraph (ii), certified to originate; and
 - (ii) shall be accompanied by a certificate from the Island Traffic Authority certifying, for the purposes of the application, the licensing area in which the route, in the opinion of the Island Traffic Authority, originates.

(3) A road licence issued under this Act shall, subject to the provisions of this Act, continue in force—

- (a) in the case of a road licence to use a vehicle as a stage carriage or as an express carriage, from the date thereof until the third anniversary of the next succeeding 31st day of March; and
- (b) in the case of any other road licence, from the date thereof until the next succeeding 31st day of March,

and there shall be charged, levied and paid in full at the

time of the issue of any road licence the relevant duty at the rate specified in the Schedule:

Schedule.

Provided that every road licence issued under the provisions of this Act immediately preceding the 1st day of April in any year shall bear date the 1st day of April next ensuing.

(4) A road licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the Licensing Authority by whom it was granted if that Licensing Authority is satisfied that having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used, he is not a fit person to hold such a licence.

34/1976
S. 4 (c).

(5) If any person uses or causes or permits a vehicle to be used in contravention of this section, he shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five hundred dollars and the vehicle shall be liable to be seized and kept in the possession of the Police until the licence required by this Part has been obtained and produced.

12/1984
S. 18.

(6) Whenever it appears to the Minister that existing public passenger transport services outside the Corporate Area will be inadequate to meet the needs of the public on any special occasion, the Minister may by order permit motor vehicles of the classes or description specified in the order to be used, subject to the conditions (if any) prescribed in the order, and to the provisions of the Public Passenger Transport (Corporate Area) Act, for the carrying of passengers for hire or reward on the occasion in question notwithstanding that the vehicles are not licensed as public passenger vehicles, and the provisions of subsection (1) shall not apply in relation to such use of such vehicles on the said occasion.

31/1953
S. 2 (b).

In this subsection "Corporate Area" means the Corporate Area as defined in the Kingston and St. Andrew Corporation Act.

13/1987
2nd. Sch.

(7) Where a vehicle is seized pursuant to this section—

- (a) storage fees shall become payable to such persons at such rates and in accordance with such conditions as may be prescribed; and
- (b) if the vehicle remains in the possession of the Police for more than six months the vehicle may, subject to such conditions as may be prescribed, be sold by the Police to recover the cost of storage.

Classes of
road
licences.

62.—(1) Road licences may be granted in respect of the following classes of vehicles—

- (a) stage carriages;
- (b) express carriages;
- (c) contract carriages;
- (d) hackney carriages.

(2) A road licence for a stage carriage, an express carriage, a contract carriage or a hackney carriage, shall entitle the holders thereof respectively to use the vehicle licensed as such respectively in the manner mentioned in paragraphs (a), (b), (c) and (d) respectively of subsection (1) of section 60.

(3) An emergency road licence may be granted in respect of the following classes of vehicles and no others—

- (a) stage carriages;
- (b) express carriages;
- (c) contract carriages.

63.—(1) Subject to the provisions of this Part the Transport Authority may grant to any person applying therefor a road licence of any of the classes specified in section 62.

Conditions to grant of road licences and conditions attached to road licences.

(2) The Transport Authority shall not grant a road licence if it is made to appear to the Transport Authority by a Traffic Area Authority that from the particulars furnished in pursuance of subsection (9) the provisions of Part II relating to the speed of motor vehicles are likely to be contravened; and the Transport Authority, in exercising discretion to grant or to refuse any such licence, or to grant or to refuse any such licence for a stage or express carriage in respect of any routes, and discretion to attach conditions to any such licences, shall have regard to the following matters—

- (a) in the case of an application for a licence in respect of a stage or express carriage, the suitability of the routes and the condition of the roads on which the service may be provided under the licence;
- (b) in the case of an application for a licence in respect of a stage or express carriage, the extent, if any, to which the needs of the proposed routes are already adequately served;
- (c) in the case of an application for a licence other than in respect of a contract carriage, the extent to which the proposed service is necessary or desirable in the public interest;
- (d) in the case of any application for a licence other than in respect of a contract carriage, the routes of the traffic area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services, the elimination of unnecessary services and the prevention of unremunerative services), and the co-ordination of all forms of passenger transport, including transport by rail; and

- (e) the result of any technical survey conducted pursuant to subsection (4), and, in the case of an application for a licence in respect of a stage or express carriage, take into consideration any representations which may be made by any Traffic Area Authority, or local authority, in whose area any of the routes or any part of any of the routes is situated and any objection made by an existing operator pursuant to subsection (5) so, however, that the Transport Authority shall not be obliged to allow an existing operator to make oral submissions to the Transport Authority but may, if it thinks fit having regard to any recommendations made by a person conducting the technical survey, select from among such operators any one or more of them to make such submissions.

(3) Where the Transport Authority decides not to hear oral submissions from an existing operator pursuant to subsection (2) the existing operator may, on such terms as to costs as may be specified by the Transport Authority, appeal to the Road Traffic Appeal Tribunal but any such appeal shall not preclude the grant to the applicant, on such terms and conditions as the Transport Authority in its discretion may think appropriate, of a road licence if, in the opinion of the Transport Authority, such grant is desirable in the interest of the travelling public.

(4) For the purposes of subsection (2) (e) the Transport Authority shall arrange to have technical surveys carried out either by officers in the service of the Transport Authority or by other persons appearing to the Authority to be competent in that regard in order to determine the population to be served, the likely destinations and the likely commencement of journeys, the desired time of travel, the number of seats required for passengers at different times of a day or on different days and the service being supplied to those passengers.

(5) A person conducting a survey pursuant to subsection (4) shall, in the case of an application for a licence in respect of a stage or express carriage, take into account any representations which may be made—

- (a) by any person pursuant to subsection (7); and
- (b) by the Traffic Area Authority, or local authority, in whose area any of the routes or part thereof is situated.

(6) Every representation under subsection (5) shall be made in writing to the Transport Authority but at the request of the person making the representation, the person or persons conducting the technical survey may hear oral submissions by or on behalf of the existing operator.

(7) Any person, in this section referred to as an “existing operator”—

- (a) who is already providing stage or express carriage service along or near to the route in respect of which an application is made for a licence to operate a stage or express carriage service; and
- (b) who satisfies the Authority that the stage or express carriage service already so provided is being maintained in a satisfactory manner and that it is likely that the service so maintained may be materially prejudiced by the grant of the application,

may object to the grant of the application on the ground that there is no need for any additional service on the route as the transportation needs of the passengers using the route are adequately served.

(8) Subject to the provisions of this section and to representations made under this Act, the Transport Authority may attach to a road licence such conditions as the Authority may think fit with respect to the matters in which the Authority is required to have regard under subsection (7) and in particular for securing that—

- (a) in the case of a licence in respect of a stage, express, contract or hackney carriage, the fares shall not be unreasonable;
- (b) in the case of a licence in respect of a stage or express carriage, where desirable in the public interest, the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the routes or any part thereof, or in proximity thereto;
- (c) in the case of a licence in respect of a stage or express carriage, copies of the timetable and fare table shall be carried and be available for inspection in vehicles used on the service;
- (d) in the case of a licence in respect of a stage or express carriage, passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;
- (e) in the case of a contract or hackney carriage, a copy of the fare table shall be carried and be available for inspection in vehicles used as such,

and generally for securing the safety and convenience of the public, and the Transport Authority may from time to time vary in such manner as the Authority may think fit the conditions attached to a road licence.

(9) Every person applying for a road licence of any class shall submit to the Transport Authority—

- (a) particulars of the types or type of vehicle to be used accompanied by the certificate of fitness issued in respect of the vehicle;
- (b) in the case of an application for a road licence in respect of a stage carriage or express carriage, the proposed route, the timetables and fare tables of the services proposed to be provided, the frequency of the services and the times to be taken on the journeys included in those services, a statement as to the need for the proposed services and such other information as the Transport Authority may require,

and the Transport Authority shall transmit to the Traffic Area Authority in whose area application for the licence is made a copy of such particulars.

(10) Applications for licences under this section, and representations submitted for consideration pursuant to subsection (5), (other than representations made by a Traffic Area Authority or local authority) and any objection made pursuant to subsection (7) shall be accompanied by the respective fees prescribed by regulations made under section 76, so, however, that until other fees are so prescribed the fee on each application, representation or objection shall be one hundred dollars.

(11) Each representation referred to in subsection (10) shall state the grounds of any objection proposed to be made in respect of the application for the licence and a copy thereof shall be served on the applicant.

(12) The Transport Authority or any person conducting a survey pursuant to subsection (4) may, in its or his discretion, where the Authority is determining the grant or refusal of an application, invite any person who has made a representation under subsection (5) to give oral evidence, or any other person as a witness in the cause.

(13) Any person who pursuant to subsection (5), makes a representation in relation to an application for a stage or express carriage licence shall, upon application to the Transport Authority and upon payment to the Transport Authority of the prescribed fee, be given a copy of the findings of any technical survey referred to in subsection (4).

(14) The Transport Authority on granting a road licence in respect of a stage or express carriage shall send notice thereof, including particulars of the services to be provided thereunder to—

(a) the Traffic Area Authority; and

(b) the local authority,

in whose area or any part thereof any such service is to be provided.

(15) If any person uses a public passenger vehicle or causes or permits it to be used in contravention of this section or, being the holder of a road licence of any class, wilfully or without reasonable cause fails to comply with any of the conditions attached to that licence he, subject to subsection (16), is guilty of an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment and in respect of a second or subsequent conviction the court may, upon application by the Transport Authority, revoke the road licence.

(16) The failure in any case to comply with any condition referred to in subsection (15) shall not be an offence if the alleged offender proves that the Traffic Area Authority for the traffic area in which the offence is alleged to have been committed had dispensed with compliance in that case.

(17) In—

(a) this Part “local authority” means the Parish Council of any parish or the Kingston and St. Andrew Corporation;

- (b) this section "Transport Authority" means the Transport Authority established under the Transport Authority Act.

Power of
Minister to
limit
number of
road
licences.
23/1957
S. 2.

64.—(1) A Licensing Authority may, by instrument in writing addressed to the Minister, from time to time, recommend that the Minister make an order under this section limiting the number of road licences in respect of any specified class of vehicle which may be granted in, or in relation to, any specified licensing area during any specified period.

(2) Where a recommendation has been made by a Licensing Authority under subsection (1) the Minister may, in his discretion, by order declare the maximum number of road licences in respect of any specified class of vehicle which may, in or in relation to, any specified licensing area during any specified period be granted by a Licensing Authority whether or not it is the Licensing Authority making the recommendation.

(3) When an order has been made by the Minister under subsection (2) a Licensing Authority—

- (a) shall, in relation to any application for a road licence, have regard to such order;

- (b) shall deal with applications for licences which are affected by such order in its discretion but in such a manner as to ensure that any limitation on the number of licences to be granted is, as far as possible, equitably applied to such applications; and
- (c) may, in exercising any discretion vested in it under subsections (2) and (6) of section 63, attach to any licence such conditions as may be necessary to give effect to such order and, notwithstanding any other provisions of this Act, such conditions may include restrictions on the operations of any class of vehicle.

13/1987
2nd. Sch.

65.—(1) This section applies to an application made in accordance with subsection (2) of section 61 for a licence to operate a stage carriage or an express carriage on a proposed route which lies in more than one licensing area.

Specially
constituted
Licensing
Authorities.
34/1976
S. 6.

(2) An application to which this section applies shall be considered and determined by the Licensing Authority to which the application is made, which, however, shall be constituted for such purposes by the addition of one member of the Licensing Authority for each other licensing area in which any part of the proposed route lies, nominated in accordance with subsection (3).

(3) A Licensing Authority which receives an application to which this section applies (hereinafter referred to in this subsection as the appropriate Licensing Authority) shall give notice of the application to the Licensing Authority for

each other licensing area in which any part of the proposed routes lies, and the chairman of each such Licensing Authority upon receipt of such notice shall nominate one of the members of that Licensing Authority to be a member of the appropriate Licensing Authority for the purpose of hearing and determining the application.

13/1987
2nd. Sch.

(4) A Licensing Authority constituted under this section shall, in relation to an application to which this section applies and to any licence granted pursuant to such application, be deemed for all purposes to be the Transport Authority established under the Transport Authority Act.

(5) Where a licence has been granted by a Licensing Authority constituted in accordance with this section, the powers conferred by this Act upon a Licensing Authority to suspend or revoke a licence shall, in relation to any licence so granted, be exercised by a Licensing Authority constituted in accordance with this section, and accordingly any question as to the exercise of such powers shall be referred to the Licensing Authority which receives the application for the licence and the provisions of subsection (3) shall apply *mutatis mutandis* as if such reference of that question were the receipt of an application by that Licensing Authority.

Emergency
road
licences.
23/1953
S. 3(a) (b).

66.—(1) Subject to the provisions of this section, where the Minister is satisfied in relation to any licensing area that—

(a) the holder of any road licence in respect of a stage carriage or an express carriage (whether voluntarily or by reason of causes beyond his control) wholly or in part either—

(i) has failed or neglected to provide; or

- (ii) has discontinued or suspended the provision of; or
- (iii) is likely to discontinue or suspend the provision of,
the service authorized to be provided under such licence; or
- (b) any road licence in respect of a stage carriage or express carriage has been revoked or suspended under the provisions of this Act.

he may—

- (i) by order empower the Licensing Authority for the relevant area to grant so many emergency road licences in relation to such routes and for such periods (not being in excess of twelve months) as may be specified in such order; and
- (ii) by the same or any other order revoke all existing road licences in force in relation to such routes.

(2) Every emergency road licence shall take effect from such day as may be specified in such licence and unless sooner revoked or suspended shall continue in force until such day (not being more than twelve months next after the date upon which such licence takes effect) as may be specified in such licence.

(3) There shall be paid in respect of the grant of any emergency road licence a fee of two dollars.

(4) The provisions of section 63 other than so much of the provisions of subsection (2) as require the Licensing Authority to take into consideration representations made by the persons referred to in such subsection, and the provisions of section 67 and of section 68 shall apply to emergency road licences as they apply to road licences under section 63.

34/1976
S. 7.

(5) For the avoidance of doubt it is expressly declared that nothing in this Act or in any regulation made thereunder requiring any application for the grant of a road licence to be advertized or notice of such application to be given to any person other than the Licensing Authority or providing for any right of appeal against the decision of any Licensing Authority to grant or revoke any application for a road licence shall apply to any emergency road licence.

(6) Notwithstanding anything to the contrary, any emergency road licence may be revoked at any time by the Minister without any cause assigned.

(7) Notwithstanding anything to the contrary, no compensation shall be payable in respect of the revocation of any emergency road licence under this section.

(8) When any existing road licence is revoked in accordance with the provisions of this section there shall be refunded to the holder of that licence such sum as bears to sixteen dollars the same proportion as is borne by the number of months between the date of revocation and the date on which the licence would normally have expired to forty-eight.

(9) At any time before the expiration of an emergency road licence the Minister may by order empower the Licensing Authority for the relevant area to renew such licence for such period (not being more than twelve months from the date of the expiration of the licence) as may be specified in the order, and if the licence is renewed in pursuance of such order, it shall, subject to the succeeding provisions of this subsection, continue in force until the expiration of the period specified in the order.

The provisions of subsections (3), (4) and (5) shall have effect in relation to the renewal of an emergency road licence

as they have effect in relation to the grant of such a licence, and the provisions of subsections (6) and (7) shall have effect in relation to an emergency road licence in respect of any period for which it has been renewed as they have effect in relation to such licence in respect of the period for which it was first granted.

67.—(1) Subject to subsection (2), a road licence in respect of a stage carriage, an express carriage or a hackney carriage granted by the Licensing Authority of any licensing area shall not be valid in any other licensing area.

Validity of
road
licences in
other
licensing
areas.
34/1976
S. 8.

(2) A road licence in respect of a stage carriage or an express carriage granted under section 65 shall be valid in every licensing area in which is situated any part of the route authorized by the licence.

(3) Except as provided in subsections (1) and (2), any licence issued under this Part by the Licensing Authority of any licensing area shall be valid in any other licensing area.

68.—(1) A road licence of any class may be revoked or suspended by the Licensing Authority who granted the licence, if that Licensing Authority is satisfied that any condition subject to which the licence was granted has not been complied with:

Revocation
or suspen-
sion of
licences for
non-com-
pliance with
conditions.
34/1976
S. 9.

Provided that the Licensing Authority shall not revoke such a licence unless owing to the frequency of the breach of the conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Licensing Authority is satisfied that the licence should be revoked or suspended.

(2) The Licensing Authority on revoking or suspending a road licence shall send notice thereof to the Island

Traffic Authority, to the Traffic Area Authority and every local authority in whose area the service to which such licence relates is provided.

(3) A road licence shall not be capable of being transferred or assigned:

Provided that provisions may be made by regulations for enabling a person carrying on the business of the holder of a licence issued in respect of a stage or express carriage service to continue for the time being the service in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

Conductors' Licences

Conductors'
licences.

69.—(1) A person shall not act as conductor of a stage or express carriage on a road unless he is licensed for the purpose under this Part, and a person shall not employ any person who is not so licensed to act as conductor of any such vehicle on a road.

(2) There may be attached to the licence such conditions as the Licensing Authority may think fit to impose.

(3) A person shall be disqualified for obtaining a licence to act as conductor of a stage or express carriage unless he is over the age of eighteen years and fulfils such other conditions as may be prescribed.

(4) A licence to act as conductor of a stage or express carriage may at any time be suspended or revoked by the Licensing Authority by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence.

(5) If any person acts in contravention of this section or fails to comply with any condition attached to the licence he shall be guilty of an offence.

70.—(1) An application to act as conductor of a stage or express carriage shall be made to the Licensing Authority of the area in which the applicant resides, and there shall be paid to the Licensing Authority in respect of such licence a fee of one dollar.

Application
for
Conduc-
tors'
licences.

(2) A conductor's licence issued under this Act shall, subject to the provisions of this Act, continue in force from the date thereof until the then next ensuing 31st day of March:

Provided that the licence duty in respect thereof shall be paid in full at the time of the issue of the licence:

Provided further that every conductor's licence issued under the provisions of this Act immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

General Provisions as to Licences

71. Subject to the provisions of this Part the Minister may make regulations as to the procedure on applications for and the determination of questions in connection with the grant, suspension and revocation of licences under this Part by a Licensing Authority, and the surrender of such licences, and those regulations may make provision as to the particulars to be furnished and the person to whom notices are to be given, the manner in which notices are to be published or served, and as to the manner in which objections may be made.

Procedure
on
applications
for licences.

Appeals to
Road Traffic
Appeal
Tribunal in
connection
with road
licences.

72.—(1) Any person who—

- (a) being an applicant for the grant of a road licence, is aggrieved by the refusal or failure of the Licensing Authority to grant the licence, or with any condition imposed by the Licensing Authority; or
- (b) being a local authority which, or a person providing transport facilities who, has opposed the grant or variation of a stage or express carriage licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or
- (c) being the holder of a road licence, is aggrieved at the revocation or suspension thereof, by the Licensing Authority or by any variation of the conditions attached thereto,

may within the prescribed time and in the prescribed manner appeal to the Road Traffic Appeal Tribunal constituted under section 21.

(2) On any such appeal, the Road Traffic Appeal Tribunal shall have power to make such order as it thinks fit (including an order revoking a licence) and any such order shall be final and conclusive and shall be binding upon the Licensing Authority.

Appeals to
Road Traf-
fic Appeal
Tribunal in
connection
with
conductors'
licences.

73.—(1) Any person who, being the holder of or an applicant for a licence to act as conductor of a stage or express carriage feels aggrieved by conditions attached to the licence or by the refusal or failure of the Licensing Authority to grant or by the suspension or revocation of such a licence, may by notice in writing to the Licensing Authority require the Authority to reconsider the matter, and shall on the reconsideration be entitled to be heard either personally or by his representative.

(2) Any person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the Licensing Authority on the reconsideration of the matter may appeal to the Road Traffic Appeal Tribunal and on any such appeal the Tribunal may make such order as it thinks fit and any order so made shall be final and conclusive and shall be binding on the Licensing Authority.

Drivers, Conductors and Passengers

74.—(1) The Minister may make regulations generally as to the conduct of passengers in public passenger vehicles and such regulations may in particular, without prejudice to the generality of the foregoing provisions—

Regulations
for conduct
of
passengers.

- (a) authorize the removal from a public passenger vehicle of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any constable;
- (b) require a passenger in a stage or express carriage who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a constable or to the driver or conductor on demand;
- (c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;
- (d) require, on demand being made for the purpose by the driver or conductor or other person authorized by the licensee of the vehicle, production during the journey and surrender at the end

of the journey by the holder thereof of any ticket issued to him;

- (e) require a passenger, if so required by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;
- (f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If any person contravenes any provision of any such regulations, he shall be liable to a penalty not exceeding one hundred dollars.

12/1984
S. 19.

Regulation
of conduct
of drivers
and
conductors.

75.—(1) The Minister may make regulations as to the conduct of persons licensed to act as drivers or conductors of public passenger vehicles when acting as such.

(2) If any person to whom such regulations apply contravenes or fails to comply with any of the provisions of the regulations, he shall be liable to a penalty not exceeding ten dollars, and the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under this Part.

(3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be guilty of an offence.

General
power of
making
regulations.

76. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect, and in particular, but without prejudice to the

generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the forms to be used for the purposes of this Part;
- (b) applications for and the issue of licences and of certificates of fitness and the fees to be charged in relation to such certificates; 20/1964
S. 7.
- (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
- (d) the documents, plates and marks to be carried by public passenger vehicles and the manner in which they are to be carried;
- (e) the badges to be worn by drivers and conductors of public passenger vehicles and the identification cards, photographs and documents to be carried or exhibited by them; 34/1976
S. 10.
- (f) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the production, return and cancellation on revocation of certificates of fitness and as to the custody, production and return of badges and plates;
- (g) the determination of the number of passengers a public passenger vehicle is adapted to carry, the number who may be carried and the use of tickets in relation to fares payable by such passengers; 13/1987
2nd. Sch.
- (h) the carriage of luggage and goods on public passenger vehicles;
- (i) the safe custody and re-delivery or disposal of any property accidentally left in a public passenger vehicle and fixing the charges made in respect thereof;
- (j) the equipment to be carried by public passenger vehicles;

- (k) the inspection of vehicles proposed to be licensed as public passenger vehicles, the maximum size, weight and dimension of such vehicles or their design;
- 23/1957 S. 3. (l) the classification of hackney carriages;
- 23/1957 S. 3. (m) the control and regulation, in regard to hackney carriages, of instruments, equipment, fittings and appliances to be used therewith, their owners, drivers, and persons holding road licences in relation thereto, and the fares to be charged whether by prescribed districts or distance or otherwise and whether or not to be ascertained by meters, either on the basis of time or distance or both;
- 23/1957 S. 3. (n) the documents and records to be kept and the returns to be furnished by the owners or drivers of, or persons holding road licences in relation to, public passenger vehicles;
- 34/1976 S. 11.
13/1987 2nd. Sch. (o) the fees to be paid on applications for licences in respect of stage carriages and express carriages and on representations or objections made by persons (other than the applicants) in connection with such applications;

and different regulations may be made as respects different classes or descriptions of public passenger vehicles and as respects the same class and description of public passenger vehicles in different circumstances.

Non-exemption of liability under other provisions of this Act or at common law.

77.—(1) Nothing in this Part shall be construed or taken as relieving the driver or owner of a public passenger vehicle from any liability under the other provisions of this Act relating to motor vehicles or any regulations made thereunder or from any liability under any other Act or at common law.

(2) This Part shall not apply to the vehicles mentioned in the proviso to section 9

PART IV. *Regulation of Commercial Motor Cars*

78.—(1) Subject to the provision of this Part, no person shall use a commercial motor car on a road for the carriage of goods—

Prohibition to use commercial motor cars except under carriers' licences.

(a) for hire or reward; or

(b) for or in connection with any trade or business carried on by him,

except under a licence (in this Act referred to as a "carrier's licence").

(2) For the purposes of this Part and the regulations made thereunder—

(a) the expression "commercial motor car" means a motor vehicle constructed, adapted or used for the carriage of goods and any other motor vehicle including tractors and trailers used in connection with or in the furtherance of any private or business undertaking:

Provided that a vehicle used by its owner in the pursuits of his profession or business for his personal conveyance shall not be deemed to be a commercial motor car:

Provided further that a vehicle registered as a private motor car shall not be deemed to be a commercial motor car by reason only of its use as such in extraordinary circumstances;

(b) the expression "goods" includes goods or burden of any description and the expression "carriage" includes haulage;

(c) when a commercial vehicle is being used on a road for the carriage of goods, the driver of the vehicle,

if it belongs to him or is in his possession under an agreement for hire purchase or loan, and, in any other case, the person whose agent or servant the driver is, shall be deemed to be the person by whom the vehicle is being used.

(3) Application for a carrier's licence shall be made to the Licensing Authority for the licensing area in which the authorized vehicles are kept.

Schedule.

(4) A carrier's licence issued under this Act shall, subject to the provisions of this Act, continue in force from the date thereof until the then next ensuing 31st day of March. And there shall be charged, levied and paid to the Licensing Authority in respect of a carrier's licence the relevant duties at the rates specified in the Schedule:

Provided that the licence duty in respect thereof shall be paid in full at the time of the issue of the licence:

Provided further that every carrier's licence issued under the provisions of this Act immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

(5) Any person who uses or causes or permits a commercial motor car to be used in contravention of this section shall be guilty of an offence and the vehicle shall be liable to be seized and kept in the possession of the Police until the licence required by this Part has been obtained and produced.

Classes of
carriers'
licences.

79.—(1) Licences shall be of the following classes—

- (a) public carriers' licences;
- (b) private carriers' licences.

(2) A public carrier's licence shall entitle the holder thereof to use the authorized vehicles for the carriage of

goods for hire or reward, or for the carriage of goods for or in connection with his business as a carrier of goods, but it shall be a condition of the licence that no vehicle which is for the time being an authorized vehicle shall be used for the carriage of goods for or in connection with any other trade or business carried on by him except such storage or warehousing of goods as may be incidental to his business as a carrier.

(3) A private carrier's licence shall entitle the holder thereof to use the authorized vehicles for the carriage of goods for or in connection with any trade or business carried on by him, subject to the condition that no vehicle which is for the time being an authorized vehicle shall be used for the carriage of goods for hire or reward.

Notwithstanding anything in this Part, the Licensing Authority may, in a case of emergency and subject to such conditions as it thinks fit to impose, authorize the holder of a private carrier's licence to use an authorized vehicle for the carriage of goods for any person to whom he lets the vehicle, if the Authority is satisfied that the needs of that person cannot conveniently be met from other sources.

(4) For the purposes of this Part the expression "authorized vehicle" means in relation to any carrier's licence a vehicle authorized to be used thereunder.

(5) The vehicles authorized to be used under a carrier's licence shall be—

- (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire-purchase agreement, as are specified in the licence;
- (b) motor vehicles from time to time in the possession of the holder of the licence under an agreement

for hire or loan, not exceeding at any time such maximum number as is specified in the licence;

- (c) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence.

(6) A motor vehicle specified in the licence shall not, while it remains so specified, be capable of being effectively specified in any other licence under this Part.

(7) A person may be the holder of two or more licences whether of the same class or of different classes.

Procedure
on applica-
tion for
licences.

80.—(1) A person applying for a licence shall submit to the Licensing Authority a statement in the prescribed form—

- (a) containing as respects motor vehicles proposed to be used under a licence, such particulars as may be prescribed;
- (b) stating the number and type of hired motor vehicles and of trailers proposed to be so used;
- (c) specifying, in the case of an application for a public carrier's licence, the facilities for the carriage of goods intended to be provided by him under the licence for other persons including the particulars of the district within which, or the places between which, it is intended that the authorized vehicles will normally be used for the purposes of carrying goods for hire or reward.

(2) A person applying for a carrier's licence shall give to the Licensing Authority any information which it may reasonably require for the discharge of its duties in relation to the application and, in particular, an applicant

for a public carrier's licence shall, if required by the Licensing Authority, submit to the Authority in the prescribed form such particulars as the Licensing Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged by the applicant.

81. A carrier's licence may be refused, or, if it has already been granted, may at any time be suspended or revoked by the Licensing Authority by whom it was granted if it is made to appear to the Licensing Authority by a Traffic Area Authority, that having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used he is not a fit person to hold such a licence.

Refusal,
suspension
or revoca-
tion of
carriers'
licences in
certain
cases.

82.—(1) Subject to the provisions of this section, the Licensing Authority—

- (a) on an application for a public carrier's licence, shall have full power in its discretion either to grant or to refuse the licence; and
- (b) on an application for a private carrier's licence, shall grant the licence, unless the applicant is the holder of a licence which is suspended, or unless a licence previously held by him has been revoked, in either of which cases the Licensing Authority shall have full power in its discretion either to grant or to refuse the licence.

Discretion
of
Licensing
Authority
to grant or
to refuse
carriers'
licences.

(2) A Licensing Authority in exercising its discretion to grant or to refuse a public carrier's licence shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of

persons providing, facilities for transport, and, in particular, shall have regard to—

- (a) the extent, if any, to which the needs of the licensing area in which the licence is issued are already adequately served;
- (b) the extent to which the proposed service is necessary or desirable in the public interest;
- (c) the needs of the licensing area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services, elimination of unnecessary services and the prevention of unremunerative services) and the co-ordination of all forms of goods transport including transport by rail.

Conditions
of licences.

83.—(1) It shall be a condition of every carrier's licence—

- (a) that the authorized vehicles are maintained in a fit and serviceable condition;
- (b) that any provisions (whether contained in any Act or in any regulations or orders) with respect to limits of speed and weight, laden and unladen, and the loading of goods vehicles, are complied with in relation to the authorized vehicles.

(2) Any person who fails to comply with any condition of a licence held by him shall be guilty of an offence.

Power to
revoke or
to suspend
licences.

84:—(1) A carrier's licence of either class may be revoked or suspended by the Licensing Authority by whom the licence was granted on being satisfied by a Traffic Area Authority that any condition subject to which the licence was granted has not been complied with:

Provided that the Licensing Authority shall not revoke or suspend any such licence unless owing to the frequency

of the breach of conditions of the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Licensing Authority is satisfied that the licence should be revoked or suspended.

(2) In any case where a carrier's licence is revoked or suspended the Licensing Authority shall, if requested by the licence holder, state in writing the grounds for the revocation or suspension.

85.—(1) The Licensing Authority shall publish in the prescribed manner notice of an application for a public carrier's licence specifying the time within which, and the manner in which, objections may be made to the grant of the application.

Objections
to applica-
tions for
licences.

(2) It shall be the duty of the Licensing Authority, on an application for a public carrier's licence, to take into consideration any objections to the application which may be made by persons who are already providing facilities for the carriage of goods for hire or reward in the district, or between the places which the applicant intends to serve, on the grounds that suitable transport facilities in that district, or between those places, are, or if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements.

86. Any person who—

- (a) being an applicant for the grant of a carrier's licence is aggrieved by the decision of the Licensing Authority on the application; or
- (b) in the case of a public carrier's licence having duly made an objection to any such application as aforesaid, being an objection which the Licensing Authority is bound to take into consideration, is

Provisions
for appeals
in connec-
tion with
licences.

aggrieved by the decision of the Licensing Authority thereon; or

(c) being the holder of a carrier's licence is aggrieved by the revocation or suspension thereof, may within the prescribed time and in the prescribed manner appeal to the Road Traffic Appeal Tribunal constituted under section 21, and such Tribunal may make such order as it thinks fit and such order shall be final and conclusive and shall be binding on the Licensing Authority.

Transfer of
licences
prohibited.

87. A carrier's licence shall not be capable of being transferred or assigned:

Provided that provision may be made by regulations for enabling a person carrying on the business of the holder of a licence to continue for the time being to use the authorized vehicles in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

General
power of
making
regulations.

88. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the forms to be used, and the particulars to be furnished, for any of the purposes of this Part;
- (b) the procedure on application for, and the determination of questions in connection with the grant, suspension and revocation of licences under this Part;
- (c) the issue of licences, and the issue of copies of licences in the case of a licence lost or destroyed;

(d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorized vehicles;

(e) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the custody, production and return of documents and plates,

and different regulations may be made as respects different classes or description of vehicles and as respects the same class or description of vehicles in different circumstances.

89. Nothing in this Part shall be construed or taken as relieving the driver or owner of a commercial motor car from any liability under the other provisions of this Act relating to motor vehicles or any regulations made thereunder or from any liability under any other enactment or at common law.

Non-exemption of liability under other provisions of this Act or at common law.

PART V. *International circulation of Motor Vehicles*

90.—(1) The Minister may by order for the purpose of giving effect to any convention for facilitating the international circulation of motor vehicles provide—

International circulation of motor vehicles.

(a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in Jamaica when temporarily taking their motor vehicles abroad, or to drivers when proceeding abroad for the purpose of driving motor vehicles; and

(b) for modifying the provisions of this Act and regulations made thereunder relating to the registration of motor vehicles and the licensing of motor vehicle drivers in the case of motor vehicles

15/1960
S. 3.

brought temporarily into Jamaica by persons resident abroad, and intending to make only a temporary stay in Jamaica, and of drivers entering Jamaica and intending to make only a temporary stay in Jamaica.

(2) Any modifications of this Act, or the regulations made thereunder, made by an order under this section shall not have any force or effect until they have been approved or amended by the House of Representatives, and when so approved or amended by resolution shall, as from the date of such approval or amendment, have the same force and effect as if they were contained in and formed part of this Act or those regulations.

Cases not
within any
convention.
15/1960
S. 4.

91. The powers conferred by section 90 shall be exercisable for the benefit of persons resident in a country which is not a party to any such convention as is referred to in that section, in like manner and to the like extent as those powers may be exercised for the benefit of such persons as are so referred to.

PART VI. *Roads and Vehicles Generally*

Application
of this part
to all
vehicles.
5/1954
S. 2.

92. This Part shall apply to vehicles of every description, howsoever drawn or propelled, including handcarts, wheel-borrows and other similar vehicles but excluding the vehicles mentioned in the proviso to section 9.

Application
of certain
provisions
of Part II
to this Part.
14/1962
S. 5.

93. Notwithstanding the provisions of any other Act or regulations made thereunder, but subject to the provisions of section 94, the provisions of subsection (1) of section 27, subsection (1) of section 32, subsection (1) of section 33, subsections (1) and (3) of section 34, section 37, section 38,

except in so far as they relate to the maximum speed of a vehicle, sections 39, 44, 51, 53, 54 and 56, subsections (1), (2) and (3) of section 57 and subsection (6) of the said section, in so far as the provisions of the subsection relate to subsections (1) and (3) of the section, and section 58, shall apply to animal drawn vehicles and pedal bicycles and the drivers or riders thereof, subject to the modifications that references in the said provisions to motor vehicles shall be construed as references to animal drawn vehicles and to pedal bicycles.

94.—(1) The provisions of subsection (1) of section 33 (which relates to racing and speed trials) shall not apply to a person who promotes or takes part in a race or trial of speed on a road between pedal bicycles where the race or trial is authorized, and is conducted in accordance with any conditions imposed, by or under regulations under this section.

Regulation
of bicycle
racing on
roads.
14/1962
S. 6.

(2) The Minister may by regulations authorize, or provide for authorizing, for the purposes of subsection (1), the holding on a road of races or trials of speed of any class or description, or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations, and may prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorization under the regulations, and regulations under this section may make different provision for different classes or descriptions of races and trials.

(3) Without prejudice to any other powers exercisable in that behalf, the Commissioner of Police may give such directions with regard to the movement of, or the route to be followed by, traffic during such period as may be necessary or expedient to prevent or mitigate congestion

or obstruction of traffic or danger to or from traffic, in consequence of the holding of a race or trial of speed authorized by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to traffic or to traffic of a class or description so specified.

(4) In this section "traffic" includes bicycles, tricycles, motor vehicles, vehicles of every description however drawn or propelled including handcarts, wheel-barrow and other similar vehicles, bodies of troops, processions and all animals being ridden, driven or led.

Issue by
Island
Traffic
Authority
of directions
for guidance
of users of
roads.

95.—(1) The Island Traffic Authority shall prepare a code (in this Act referred to as the "Road Code") comprising such directions as appear to the Authority to be proper for the guidance of persons using roads, and may from time to time revise the Road Code by revoking, varying, amending or adding to the provisions thereof in such manner as the Authority may think fit.

17/1963
S. 4.

(2) The Island Traffic Authority shall cause the Road Code and every revised edition thereof to be printed and issued to the public at a price not exceeding the prescribed price.

(3) The failure on the part of any person to observe any provisions of the Road Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Erection of
traffic signs,
etc.

96.—(1) The Road Authority may cause or permit traffic signs to be placed on or near any road.

(2) Traffic signs shall be of the prescribed size, colour and type, except where the Road Authority authorizes erection of a sign of another character.

(3) The Road Authority shall by notice in writing require the owner or occupier of any land on which there is any 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 person fails to comply with such a notice the Road Authority may effect the removal, doing as little damage as may be.

(4) In this Part the expression "traffic sign" includes marks on the surface of roads, all signals, whether automatic electric signals or otherwise, warning sign posts, direction posts and signs or other devices for the guidance or direction of persons using roads.

(5) Regulations may be made restricting or regulating the placing, erection and exhibition of traffic signs under this section.

97.—(1) The driver of every vehicle and the rider of every pedal bicycle shall obey all traffic signs which may be lawfully placed, erected or exhibited on or near any road, or so as to be visible from a road, in accordance with the provisions of section 96.

All traffic signs to be obeyed.

(2) Any person who fails to comply with any such traffic signs shall be guilty of an offence.

(3) For the purposes of this section a traffic sign placed, erected or exhibited on or near any road shall be deemed to be of the prescribed size, colour and type or a sign of another character authorized by the Road Authority under section 96, and to have been lawfully so placed, erected or exhibited, unless the contrary is proved.

Power of
Road
Authority
as to
refuges.

98. A Road Authority may for the purpose of making the crossing of any road less dangerous to foot passengers, erect, light, maintain, alter and remove places of refuge in the road.

Arrange-
ments for
patrolling
school
crossings.
16/1956
S. 3.

99.—(1) Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, during period between the hours of half-past seven in the morning and half-past five in the afternoon when children are so on their way, by persons appointed by or on behalf of the appropriate authority.

(2) The functions of the appropriate authority for the purpose of arrangements under subsection (1) shall include the duty to satisfy himself of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(3) In taking decisions as to making arrangements under subsection (1) the appropriate authority shall have regard to any representations made by the Road Authority.

(4) Any person appointed to patrol in accordance with arrangements under this section is in this Act referred to as a school crossing patrol.

(5) In this section the expression "appropriate authority" means a Superintendent or Assistant Superintendent of Police posted to a parish or district and includes any sub-officer of Police temporarily in charge of any parish or district.

Power of
school
crossing
patrols to
stop traffic.
16/1956
S. 3.

100.—(1) When between the hours of half-past seven in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school are crossing or seeking to cross the road,

a school crossing patrol shall (subject to the provisions of subsection (4)) have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it

(2) When a person has been required in accordance with subsection (1) to stop a vehicle—

- (a) he shall cause the vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and
- (b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited.

(3) Any person who fails to comply with paragraph (a) of subsection (2), or who causes a vehicle to be put in motion in contravention of paragraph (b) of the said subsection shall be guilty of an offence under this Act.

(4) On and after a date to be fixed by the Minister by order the power conferred on a school crossing patrol by subsection (1) shall be exercisable only if the patrol is wearing the approved uniform.

(5) For the purposes of this section—

- (a) “approved uniform” means the uniform for the time being approved by the Minister;
- (b) “prescribed sign” means a sign of a size, colour and type prescribed by regulations made under this Act but, if the Minister authorizes the use of signs of a description not so prescribed, includes a sign of that description;
- (c) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed to have

been of the size, colour and type prescribed, or of a description authorized as aforesaid, unless the contrary is proved; and

- (d) where it is proved that a school crossing patrol was wearing uniform, the uniform shall be presumed, unless the contrary is proved, to have been the approved uniform.

Foot
passenger
crossings.
16/1956
S. 3.

101.—(1) Crossings for foot passengers may be established on roads in accordance with the provisions of this section.

(2) The Minister may make regulations with respect to the precedence of vehicles and foot passengers respectively, and generally with respect to the movement of traffic (including foot passengers), at and in the vicinity of a crossing (including regulations prohibiting foot passengers traffic on the carriage-way within one hundred yards of a crossing), and with respect to the indication of the limits of a crossing by marks on the roadway or otherwise, and to the erection of traffic signs in connection therewith.

(3) Different regulations may be made under this section in relation to different traffic conditions and, in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the Police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(4) (a) Within such period as the Minister may by order determine, the Road Authority shall, after consultation with the Island Traffic Authority, submit to the Minister (after giving public notice of intention so to do) either a scheme containing proposals for the establishment of crossings within areas specified by the Minister in the order,

aforesaid, or if it appears to the Road Authority that the establishment of crossings is unnecessary in any of the areas specified as aforesaid, a statement of the reasons why the Authority considers such crossings to be unnecessary.

(b) In any case where any statement as aforesaid has been submitted to the Minister, he may, if it appears to him that such crossings should be established and after giving the Authority an opportunity of making representations, require the Authority to submit a scheme in relation thereto.

(5) Every scheme submitted under subsection (4) shall specify either the positions of the crossings, or the lengths of the road, or the areas, in which they are to be established and the number proposed for any length of road or area, and the Minister may, if he thinks fit, approve the scheme with or without modification.

(6) A scheme under this section may be varied from time to time, or may be revoked, by a subsequent scheme submitted and approved as aforesaid, or by an order made by the Minister after giving the Road Authority by whom the scheme was submitted an opportunity of making representations.

(7) It shall be the duty of the Road Authority by whom a scheme was submitted to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of crossings in accordance with the provisions of the scheme for the time being in force, or with the indication thereof in accordance with the regulations having effect as respects the crossings, or required in consequence of a variation or revocation of the scheme.

(8) If any person contravenes any of the provisions of a regulation having effect as respects a crossing, he shall be guilty of an offence under this Act.

(9) In this section the expression "crossing" means a crossing for foot passengers established in accordance with the provisions for the time being in force of a scheme submitted and approved under this section and indicated in accordance with regulations having effect as respects that crossing, and for the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing, the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

Provision
of foot-
paths.

102. It is hereby declared to be the duty of a Road Authority to provide, where that Authority deems it necessary or desirable for the safety or accommodation of foot passengers, proper and sufficient foot-paths by the side of roads under the control of that Authority.

Power to
declare
roads, prin-
cipal roads.

103.—(1) Regulations may declare which road is to be considered a principal road and where two or more roads intersect the driver of a vehicle of any description before turning into, or crossing, a principal road shall bring the vehicle to a full stop and on turning into, or crossing, the principal road shall not drive a vehicle so as to obstruct any traffic on the principal road and shall comply with such directions as may be contained in such regulations.

(2) Any person who contravenes any of the provisions of this section or fails to comply with any direction contained in such regulation shall be guilty of an offence.

Relating to
drovers.

104.—(1) No person shall drive or be in charge of a drove of animals along or on a road unless he is at least eighteen years of age, and where the animals exceed fifteen in number at least three such persons shall be in charge or in attendance on such animals.

(2) Any person in charge of, or in attendance on, a drove of animals on a road after dark shall cause to be carried one light in front and one light at the rear of the drove of such animals.

(3) Any person who acts in contravention of the provisions of this section or who causes or permits any other person to act in contravention of the provisions of this section shall be guilty of an offence.

105.—(1) Subject to the provisions of this section, and notwithstanding any other Act or regulation made thereunder, if a Road Authority is satisfied that traffic on any road for the maintenance of which the Authority is responsible should, by reason of works of repair or reconstruction being required or being in progress on the road, be restricted or prohibited, the Authority may by order restrict or prohibit the use of that road 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 it may consider necessary.

Power of
Road
Authority
temporarily
to prohibit
or restrict
traffic on
roads.

(2) A Road Authority when considering the question of the making of an order under this section shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(3) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be liable in the case of a first conviction to a penalty not exceeding one hundred dollars and in case of a second or subsequent conviction to a penalty not exceeding two hundred dollars.

12/1984
S. 20.

106. The Minister may make regulations for any purpose for which regulations may be made under this Part and

Regulations.

for prescribing anything which may be prescribed under this Part, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

- (a) prescribing the number, nature and use of brakes, in the case of animal drawn vehicles when used on roads and for empowering persons authorized by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere;
- (b) prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles, for signalling their approach when used on roads and for securing that the riders of such vehicles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach;
- (c) making provisions for the removal from roads, and for the moving from one position on a road to another position on that or another road, of vehicles which have broken down or of vehicles which have been left on a road—
 - (i) in contravention of any statutory prohibition or restriction; or
 - (ii) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons; or
 - (iii) in such a position or in such condition or in such circumstances as to appear to have been abandoned,and for the safe custody of vehicles removed and any loads which they contain at the time of such removal; and

27/1971
S. 5.

- (d) prohibiting or restricting the use on any specified road of vehicles of any specified class or description, either generally or during particular hours.

PART VII. *General*

107.—(1) All regulations purporting to be made in pursuance of any Part of this Act shall be published in the *Gazette* and shall come into operation on such publication or at such other time as may be fixed by such regulations.

Relating to regulations under this Act.

(2) All regulations made under any Part of this Act shall have full effect notwithstanding anything in any other Act or any regulations made thereunder.

(3) If any person contravenes any regulations or orders made under any Part of this Act he shall, for each offence, be liable on summary conviction to a penalty not exceeding five hundred dollars and in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding three months.

12/1984
S. 21.

(4) Regulations made under any Part of this Act shall be of the same force and effect as if they were contained in and formed part of this Act and shall be judicially noticed.

(5) Regulations made under any Part of this Act may, if the Minister deems it necessary, be of a local nature and limited in their application to a particular area.

108. Any person who contravenes any of the provisions of this Act, and any person guilty of an offence under this Act, for which no special penalty is provided, shall be liable in respect of each such contravention or offence to a

Punishment of offences not otherwise provided for.

12/1984
S. 22.

penalty not exceeding two hundred dollars and in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding two months or in the case of a second or subsequent conviction to a penalty not exceeding five hundred dollars and in default of payment thereof, to imprisonment with or without hard labour, for a period not exceeding three months or in the discretion of the court to imprisonment, with or without hard labour, for a period not exceeding three months.

Trial of
offences.

109. Every offence under, and every contravention of, this Act shall, except where otherwise expressly provided be tried summarily and the offence or contravention shall be deemed to have been committed either at the place at which the same was actually committed or in the parish in which the offender resides.

Liability of
driver or
owner not
affected.

110. Nothing in this Act shall affect any liability of the driver or owner of a vehicle under any enactment or at common law save as by this Act may be expressly excepted.

Application
to persons
in Public
Service.

111. It is hereby declared that this Act applies to persons in the Public Service of the Crown.

Prerogative.

112. Nothing in this Act shall prejudice or affect the prerogative of the Crown to grant to any person or company an exclusive franchise to operate a public passenger service, by means of stage carriages, within any traffic area or part thereof.

Saving.

113. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other Act.

114. The provisions of sections 10, 12, 14, 36, 49 and 50 shall not apply to, or have any force or effect in respect of, any motor vehicle belonging to the Jamaica Defence Force.

Certain provisions of Part II not to apply to vehicles of Jamaica Defence Force.
5/1964
S. 3.

115. The provisions of this Act and of any regulation, by-law, rule or order which—

Exemption from certain restrictions.

- (a) restrict the speed at which, or the direction in which, any vehicle shall proceed along any street or road; or
- (b) require any vehicle to slow down or stop at the intersection of any two or more streets or roads; or
- (c) prohibit or restrict the parking of any vehicle on any street or road; or
- (d) prohibit or restrict the sounding of any horn or other warning device within any area,

shall not apply to any motor vehicle whilst such vehicle is being used in consequence of an alarm of fire, or for the purpose of proceeding to a fire, by any constable or any officer, sub-officer or fireman of the Fire Brigade constituted under the Fire Brigade Act.

PART VIII. *Special Powers of Enforcement and Administration*
Traffic Tickets

27/1971
S. 6.

116.—(1) This section shall apply to any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—

Punishment without prosecution of offences in connection with lights, reflectors, obstruction, etc.

- (a) by its being left or parked on a road without the lights or reflectors required by law; or

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- (b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road; or
- (c) by the non-payment of the charge made at a parking place on a road:

Provided that this section shall extend only to such areas as the Minister may, by order, specify, and he may, by order, exclude the application of this section to any offence.

(2) Where a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.

(3) Where a person is given a notice under this section in respect of an offence proceedings shall not be taken against any person for that offence by any constable or local authority until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.

(4) In subsections (2) and (3) "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and "convicted" shall be construed in like manner.

(5) Payment of a fixed penalty under this section shall be made to the local authority specified pursuant to subsection (6), and such local authority may retain the amount paid as part of their funds; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the specified local authority by a date specified in the certificate shall, if the certificate purports to be signed by the proper officer of the local authority, be sufficient evidence of the facts stated, unless the contrary is proved.

(6) A notice under subsection (2) shall specify the offence alleged, and give such particulars of the offence as are necessary for giving reasonable information of the allegation, and shall state also the period during which, by virtue of subsection (3), proceedings will not be taken for the offence, the amount of the fixed penalty, and the local authority to whom and the address at which the fixed penalty may be paid.

(7) Where a constable finds a vehicle on a occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice affixed to the vehicle shall be deemed to be given to the person liable for that offence.

(8) A notice affixed to a vehicle under subsection (7) shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection shall be guilty of an offence.

(9) The fixed penalty for an offence to which subsection (1) applies shall be four dollars:

Provided that the Minister may, by order, provide for the fixed penalty to be in any case more or less than four dollars (but not more than one-half of the maximum amount of the fine to which a person not previously convicted of the offence is liable on summary conviction).

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

(11) The Minister may by regulations make provision as to any matter incidental to the operation of this section, and in particular—

- (a) prescribing the form of notice under subsection (2), and the local authority to whom a fixed penalty is payable; and
- (b) prescribing the duties of local authorities and the proper officers, and the information to be supplied to them.

(12) In this section "proper officer" means, in relation to the Kingston and St. Andrew Corporation, the Town Clerk, and, in relation to a Parish Council, the Secretary of that Parish Council.

Traffic Wardens

Traffic
Wardens.

117.—(1) Subject to subsection (3), a local authority may appoint persons to discharge in aid of the Police functions

normally undertaken by the Police in connection with the control and regulation of road traffic or with the enforcement of the law relating to road traffic.

(2) Persons employed under subsection (1) shall be known as "traffic wardens", and a local authority employing traffic wardens for the purposes of that subsection may also (subject to subsection (3)) employ them to act, under the direction of the Commissioner of Police, for other purposes connected with the control and regulation of road traffic or road vehicles; and in particular the local authority may employ the traffic wardens to act as parking attendants at parking places on roads provided or controlled by the local authority.

(3) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Minister.

(4) In so far as an order under subsection (3) authorizes the employment of traffic wardens for the purposes of section 116 references in that section to a constable shall include a traffic warden.

(5) A local authority shall not employ as traffic warden any person who is a constable, but shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained by the Police before undertaking their duties.

(6) Traffic wardens shall wear such uniform as the local authority may determine, and shall not act as traffic wardens when not in uniform.

Special Enforcement Provisions

Duty to
give
information
as to iden-
tity of
driver, etc.,
in certain
cases.

118.—(1) Without prejudice to the generality of paragraph (i) of section 46, where the driver of a vehicle is alleged to be guilty of an offence under this Act or any rule, order or regulation made thereunder—

- (a) the owner of the vehicle shall give such information as to the identity of the driver—
 - (i) as the Commissioner of Police or any person acting on his behalf may require; or
 - (ii) in the case of an offence against section 55, as the local authority having power to institute proceedings for such offence, or any person acting on their behalf, may in writing require; and
- (b) any other person shall, if required as aforesaid, give such information which may lead to the identification of the driver as he may be able to give.

(2) A person who fails to comply with the requirements of paragraph (a) of subsection (1) shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was, and a person who fails to comply with the requirement of paragraph (b) of that subsection shall be guilty of an offence.

Evidence
by
certificate.

119.—(1) Subject to subsections (2) and (3) in any proceedings for an offence under this Act or any rule, order or regulation made thereunder a certificate in the prescribed form, purporting to be signed by a constable and certifying

that a person specified in the certificate stated to the constable—

- (a) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or
- (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner; or
- (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence—

- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or
- (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves

a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who sign the certificate

Proof, in summary proceedings, of identity of driver of vehicle.

120. Where on the summary trial of an information for an offence under this Act or any rule, order or regulation made thereunder—

- (a) it is proved to the satisfaction of the court that a requirement under subsection (1) of section 118 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

Charges for removing and storing vehicles.

121.—(1) Where a vehicle is removed from a parking place or from a road in pursuance of any provision made by or pursuant to this Act, there shall be payable to the appropriate authority by the prescribed person—

- (a) in respect of the removal, the fixed charge; and
- (b) in respect of any period during which the vehicle is in the custody of that authority, a charge ascertained by reference to the prescribed scale.

(2) The fixed charge in respect of the removal of a vehicle shall be six dollars or such other sum (whether greater or smaller) as may be prescribed.

(3) A charge under this section may (without prejudice to any other form of recovery) be recovered as a simple contract debt in any court of competent jurisdiction.

(4) In this section "appropriate authority" in relation to a vehicle removed from a parking place provided or controlled by a local authority, means that authority.

122.—(1) Subject to subsection (2), where by virtue of any provision made by or pursuant to this Act a vehicle has been, or could at any time be, removed from a road the appropriate authority may, if it appears to them that the vehicle has been abandoned, sell or otherwise dispose of it and—

Disposal of
vehicles
abandoned
on roads or
in parking
places.

- (a) apply the proceeds of a sale of the vehicle in or towards satisfaction of any costs incurred by them in connection with the disposal thereof or any charge to payment of which they are entitled as regards the vehicle under section 121;
- (b) recoup any such costs as aforesaid so far as not satisfied by virtue of paragraph (a);
- (c) dispose of in such manner as the Minister may by order prescribe any sums received by the appropriate authority on a sale of the vehicle, after deducting any sum applied thereout by virtue of paragraph (b).

(2) A power of disposal conferred by subsection (1) shall not be exercisable in the case of a vehicle unless there have been taken by the appropriate authority such steps and there has elapsed such period (not being less than six weeks) beginning with the taking of the first of them as may be prescribed by the Minister, by order, being steps and a period whose respective taking and lapse will, in the opinion of the Minister, together suffice for securing adequate opportunity for enabling the vehicle to be claimed.

(3) Different provisions may be made under subsection (2) with respect to vehicles of different classes or

descriptions or with respect to vehicles of the same class or description in different circumstances.

(4) In this section "appropriate authority" in relation to a vehicle that has been removed, means the authority who, in relation to it, are (within the meaning of section 121) the appropriate authority and, in relation to a vehicle that could at any time be removed, the authority who, if it were then removed, would in relation to it be (within the meaning of that section) the appropriate authority.

Regulations.

123. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing any other matter or anything which may be, or is required to be, prescribed under this Part.

SCHEDULE

(Sections 12, 59, 61
and 78)30/1956
S. 5.
L.Nn.
50/1977,
127c/78.
278B/84.*Licence Duties*

1. Licence duties on all motor vehicles calculated on unladen weight or on cylinder capacity of engines;

(a) Motor cars not deriving motive power from an internal combustion engine worked by cylinder or cylinders, ... each \$129.00

(b) Motor cars—

Where the cylinder capacity of the engine—
does not exceed 1,199 cubic centimeters, ... each \$129.00
exceeds 1,199 cubic centimeters but does not exceed 2,999 cubic centimeters, ... each \$198.00
exceeds 2,999 cubic centimeters but does not exceed 3,999 cubic centimeters, ... each \$360.00
exceeds 3,999 cubic centimeters, ... each \$750.00

(c) Hackney carriages and contract carriages which are motor car, ... each \$111.00

(d) Motor cycle, ... each \$ 25.00

(e) Motor trucks or tractors—

Not exceeding 20 cwt., ... each \$ 48.00
exceeding 20 cwt., but not exceeding 30 cwt., each \$ 63.00
exceeding 30 cwt., but not exceeding 40 cwt., each \$ 81.00
exceeding 40 cwt., but not exceeding 50 cwt., each \$ 96.00
exceeding 50 cwt., but not exceeding 60 cwt., each \$129.00
exceeding 60 cwt., but not exceeding 75 cwt., each \$170.00
exceeding 75 cwt., ... each \$240.00

2. In addition to licence duties required (apart from the following provisions of this Schedule) to be calculated on unladen weight or on cylinder capacity of engines, licence duties, on all motor vehicles which do not use as fuel motor spirit which is gasoline, calculated on unladen weight—

exceeding 20 cwt., but not exceeding 30 cwt., each \$188.00
exceeding 30 cwt., but not exceeding 40 cwt., each \$215.00
exceeding 40 cwt., but not exceeding 50 cwt., each \$240.00
exceeding 50 cwt., but not exceeding 60 cwt., each \$278.00
exceeding 60 cwt., but not exceeding 75 cwt., each \$320.00
exceeding 75 cwt., ... each \$374.00

Provided that where the Licensing Authority is satisfied that a motor vehicle, other than a motor vehicle licensed as a public passenger vehicle, uses as fuel spirit other than

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motor spirit which is gasoline, manufactured in the Island the Licensing Authority shall cause to be refunded to the person paying the licence duty the amount of such duty collected under this paragraph of this Schedule.

Section 61. 3. Road licences in respect of—

(a) each Stage Carriage	...	...	\$ 16.00
(b) each Express Carriage	...	...	\$ 16.00
(c) each Contract Carriage	...	...	\$ 2.00
(d) each Hackney Carriage	...	...	\$ 2.00

Provided that where in pursuance of the grant of a road licence the Licensing Authority is satisfied that a motor vehicle, being a truck without permanent top, is used regularly to take persons and their goods to market, the Licensing Authority shall cause to be refunded or remitted to the person paying any of the amounts specified under paragraphs 1 and 2 of this Schedule in respect of licence duties, one-half of such amount.

Section 78. 4. Carriers' licence—

(a) Public Carriers, each vehicle50c
(b) Private Carriers, each vehicle50c

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i

For convenience of reference, this Conversion Table is attached to the Act, but does not form part of the Act

Conversion Table showing the Numbering of sections of the Road Traffic Law, Cap. 346 and Subsequent Laws/Acts affecting that Law up to and including The Road Traffic (Amendment) Act, 1976 (Act 34 of 1976) as against The Revised Act.

Cap. 346		How Dealt with in Revised Act	
Section	Subsection	Section	Subsection
1		1	
2	(1)	2	(1)
	(1A)		(2)
	(2)		(3)
	(3)		Omitted
3	(1) to (7)	3	(1) to (6) (7) Omitted
3A	(1) to (3)	4	(1) to (3)
4		5	
5	(1) to (10)	6	(1) to (10)
5A	(1) to (3)	7	(1) to (3)
5B		8	
6		9	
7	(1) to (4)	10	(1) to (4)
8	(1) and (2)	11	(1) and (2)
9	(1)	12	(1)
	(1A)		(2)
	(1B)		(3)
	(1C)		(4)
	(1D)		(5)
	(2) to (9)		(6) to (13)
	(10)		Omitted
9A	(1) to (5)	13	(1) to (5)
10	(1) to (4)	14	(1) to (4)
11		15	
12	(1) to (6)	16	(1) to (6)
13	(1) to (3)	17	(1) to (3)
14	(1) to (3)	18	(1) to (3)
14A		Repealed	
15	(1) to (2)	19	(1) and (2)
16	(1) to (3)	20	(1) to (3)
17	(1) to (6)	21	(1) to (6)
18		22	
19	(1) and (2)	23	(1) and (2)
20	(1) to (6)	24	(1) to (6)
21	(1) to (7)	25	(1) to (7)
22	(1) to (4)	26	(1) to (4)
23	(1) to (4)	27	(1) to (4)
24		28	
25	(1) and (2)	29	(1) and (2)

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Cap. 346		How Dealt with in Revised Act	
Section	Subsection	Section	Subsection
25A	(1) and (2)	30	(1) and (2)
25B	(1) and (2)	31	(1) and (2)
26	(1) and (2)	32	(1) and (2)
27	(1) and (2)	33	(1) and (2)
28	(1) to (3)	34	(1) to (3)
29	(1) and (2)	35	(1) and (2)
30	(1) to (3)	36	(1) to (3)
31	(1) to (3)	37	(1) to (3)
32	(1) and (2)	38	(1) and (2)
33	(1) to (4)	39	(1) to (4)
34	(1) to (5)	40	(1) to (5)
35	(1) to (3)	41	(1) to (3)
35A	(1) to (3)	42	(1) to (3)
36	(1) to (5)	43	(1) to (5)
37		44	
38	(1) to (3)	45	(1) to (3)
39		46	
40		47	
41		48	
42		49	
43	(1) to (4)	50	(1) to (4)
44	(1)	51	(1)
	(2)		Repealed
	(3)		(2)
	(4)		(3)
	(5)		(4)
45	(1) and (2)	52	(1) and (2)
46	(1) to (4)	53	(1) to (4)
47	(1) to (3)	54	(1) to (3)
47A	(1) to (6)	55	(1) to (6)
48	(1) and (2)	56	(1) and (2)
49	(1) to (6)	57	(1) to (6)
50		58	
51		59	
52	(1) to (4)	60	(1) to (4)
53	(1)	61	(1)
	(2)		(2)
	(3)		(3)
	(3A)		Omitted
	(4)		(4)
	(5)		(5)
	(6)		(6)
54	(1) to (3)	62	(1) to (3)
55	(1)	63	(1)
	(2)		(2)
	(3)		(3)

Cap. 346		How Dealt with in Revised Act	
Section	Subsection	Section	Subsection
	(4)		(4)
	(4A)		(5)
	(4B)		(6)
	(5)		(7)
	(6)		(8)
	(7)		(9)
55A	(1) to (3)	64	(1) to (3)
55B	(1) to (5)	65	(1) to (5)
56	(1)	66	(1)
	(2)		Repealed
	(3) to (10)		(2) to (9)
57	(1) to (3)	67	(1) to (3)
58	(1) to (3)	68	(1) to (3)
59	(1) to (5)	69	(1) to (5)
60	(1) and (2)	70	(1) and (2)
61		71	
62	(1) and (2)	72	(1) and (2)
63		73	(1) and (2)
64	(1) and (2)	74	(1) and (2)
65	(1) to (3)	75	(1) to (3)
66		76	
67		Repealed	
68	(1) and (2)	77	(1) and (2)
69	(1) to (5)	78	(1) to (5)
70	(1) to (7)	79	(1) to (7)
71	(1) and (2)	80	(1) and (2)
72		81	
73	(1) and (2)	82	(1) and (2)
74	(1) and (2)	83	(1) and (2)
75	(1) and (2)	84	(1) and (2)
76	(1) and (2)	85	(1) and (2)
77		86	
78		87	
79		88	
80		89	
81	(1) to (3)	90	(1) to (2) (3) Omitted
81A		91	
82		92	
83		93	
83A	(1) to (4)	94	(1) to (4)
84	(1) to (3)	95	(1) to (3)
85	(1) to (5)	96	(1) to (5)
86	(1) to (3)	97	(1) to (3)
87		98	
87A	(1) to (5)	99	(1) to (5)

ROAD TRAFFIC

Cap. 346		How Dealt with in Revised Act	
Section	Subsection	Section	Subsection
87B	(1) to (5)	100	(1) to (5)
87C	(1) to (9)	101	(1) to (9)
88		102	
89	(1) and (2)	103	(1) and (2)
90	(1) to (3)	104	(1) to (3)
91	(1) to (3)	105	(1) to (3)
92		106	
93	(1) to (5)	107	(1) to (5)
94		108	
95		109	
96		110	
97		111	
98		112	
99		113	
99A		114	
100		115	
101	(1) to (12)	116	(1) to (12)
102	(1) to (6)	117	(1) to (6)
103	(1) and (2)	118	(1) and (2)
104	(1) to (3)	119	(1) to (3)
105		120	
106	(1) to (4)	121	(1) to (4)
107	(1) to (4)	122	(1) to (4)
108		123	
Schedule		Schedule	