

TRINIDAD AND TOBAGO.

[Published as a Supplement to the "Royal Gazette" issued on the
8th day of December, 1938.]

No. 25—1938.

I ASSENT,

[L.S.]

J. HUGGINS,
Acting Governor.

5th December, 1938.

8th December, 1938.

AN ORDINANCE relating to the licensing of vehicles
other than motor vehicles.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Licensing of
Vehicles Ordinance, 1938.

Interpreta-
tion.

2. In this Ordinance—

"Agricultural Cart" means any cart used or kept
principally for agricultural purposes and
licensed as such by the Licensing Authority
issuing the licence in respect of such cart ;

"Carriage" includes any vehicle drawn by a horse
or other animal and used or intended to be
used for the conveyance of passengers ;

*Amended
26/1974
Licencing of
Vehicles Regs.
W.S. p. 615*

- “Cart” includes any cart, dray, van, wagon, truck, or car drawn by a horse or other animal and used or intended to be used for the conveyance of any goods, wares, or other burden, article, or thing whatsoever; and also any hearse or carriage used for conveying the dead;
- “District” of a Licensing Authority means, as the case may be, the Municipal areas of Port-of-Spain, San Fernando and Arima, the Ward of Tobago, or the County or Ward of a Warden;
- “Driver” includes any person actually driving any vehicle at any given time, and any person in charge of any vehicle whenever the same is in any street or public road;
- “Hackney Carriage” includes any carriage used or intended to be used for the conveyance of passengers for hire or reward;
- “Hand Cart” includes any cart drawn or propelled by a person;
- “Licensing Authority” means—
- (a) in the municipal areas of the corporations of Port-of-Spain, San Fernando and Arima, the respective councils of such corporations;
 - (b) elsewhere, the Warden;
- “Owner” includes a part owner, and any agent or attorney of an owner or part owner, and any person by whom the driver of any vehicle is employed to drive or draw the same;
- “Vehicle” includes a carriage, hackney carriage, cart, agricultural cart, hand cart, bicycle and tricycle.

PART II.

LICENSING.

*Powers and Duties of Licensing Authority.*Vehicles to
be licensed.

3. The owner of every vehicle as defined in section 2 hereof shall obtain the prescribed licence in respect thereof from the Licensing Authority of the district in which such vehicle is usually kept.

Licence
duties.

4.—(1) There shall be paid to the Licensing Authority in respect of licences granted under this Ordinance, the annual duties specified in the Schedule to this Ordinance :

Provided that if the Licensing Authority is satisfied that the vehicle had not been used on a road previously during the current year, the following percentage only of the full annual duty shall be payable, where a licence is issued :—

- (a) in the second quarter of a year, eighty per cent. of the duty ;
- (b) in the third quarter of a year, sixty per cent. of the duty ;
- (c) in the last quarter of a year, thirty per cent. of the duty.

(2) Where the owner of any vehicle which has been duly licensed under this Ordinance desires to take out in respect of such vehicle a licence for which a higher duty is payable, he shall be required to pay only the difference between such higher duty and the duty already paid. Such payment shall be made to the Licensing Authority of the district in which the vehicle in respect of which the payment is made is kept at the time of such payment.

Appropriation
of duties.

5. Duties received by the Licensing Authorities of Port-of-Spain, San Fernando, and Arima shall be for the use of the Authority by which the same are received, and duties received by the Wardens shall be paid into the Treasury.

Certificate of
Inspection
Officer.

6.—(1) No hackney carriage licence shall be issued by any Licensing Authority except upon the production by the person applying for such licence of a certificate in writing from the Inspection Officer to the effect that the

carriage in respect of which the application is made, and the horses and harness intended to be used therewith, are in a fit condition for public use, and that the carriage may be licensed for the conveyance of the number of persons specified in such certificate.

(2) For the purposes of this section, the Inspection Officer shall, on application being made to him by the owner of any hackney carriage, inspect such hackney carriage and the horse or horses and harness intended to be used therewith, and shall, upon such inspection, grant a certificate as to the fitness or otherwise of such carriage, horse or horses and harness, and as to the number of passengers which may be carried in such carriage.

(3) The inspection to be made by the Inspection Officer under this section shall take place at such place and time as may be appointed by the Inspection Officer.

(4) The Licensing Authority shall not grant a licence for any hackney carriage to carry a greater number of passengers than is specified in such certificate.

7. — (1) Before any licence under this Ordinance is granted, a written requisition for the same shall be delivered at the office of the Authority required to issue the licence, which requisition shall contain—

- (i) the christian name and surname of the owner of the vehicle ;
- (ii) in the case of a partnership, the name of the firm ;
- (iii) in the case of a body corporate, the name thereof ;
- (iv) in every case, the place of abode or business of such owner, firm, or body corporate, respectively ;
- (v) a description of the vehicle which in the case of a bicycle, shall include the Maker's number, and in the case of a hackney carriage the number of persons which the vehicle is to be licensed to carry ;

and shall be signed—

- (a) by the owner or one of the owners of the vehicle in respect of which the licence is applied for ; or

Requisition
for licence.

- (b) in the case of a body corporate, by the secretary, or by some officer thereof duly authorised in writing under the hand of the secretary, or by the attorney thereof.

Evidence.

(2) Every such requisition shall be received as evidence and be deemed proof of all matters therein contained as against the party applying for such licence.

Form of licence.

8. Every licence shall bear date the day on which it is granted, and shall have and contain —

- (i) a distinguishing number ;
- (ii) the full name of every owner of the vehicle in respect of which such licence is granted, except in the case of a body corporate, in which case it shall be sufficient to name an officer or the secretary thereof ;
- (iii) the place of abode or business of such owner or body corporate ;
- (iv) a description of the vehicle which, in the case of a bicycle, shall include the Maker's number ;
- (v) the amount of duty paid ;
- (vi) in the case of a hackney carriage, the number of persons which may be carried.

Form and duration of licence.

9. Every licence granted under this Ordinance shall be in the prescribed form, and shall be granted by such officer of a Licensing Authority as the Authority may direct, and every such licence shall commence on the day on which the same shall be granted and shall expire on the thirty-first day of December next following the date of its issue.

Change of ownership and transfer of licence.

10. Every licence shall be an authority only to the person named therein, but, on a change of ownership of any vehicle, it shall be lawful for the Licensing Authority, on a requisition signed by the new owner, to transfer the licence to him for the unexpired period thereof. Such

transfer may be made by endorsement on the licence, and for every such transfer there shall be paid to the Authority the prescribed fee.

11. As often as any licensee changes his place of abode or business he shall forthwith give notice thereof in writing signed by him to the Licensing Authority which granted his licence, and shall at the same time produce the licence to such Authority, and such Authority shall thereupon endorse a memorandum specifying the particulars of such change.

Change of
abode or place
of business
of licensee.

12.—(1) Every Licensing Authority shall cause to be kept a book or books in which shall be entered the name of every person taking out a licence, his place of abode or business, the number of every such licence, the date on which it was granted, the sum paid for the same, the description of vehicle in respect of which such licence was granted, and, in the case of a hackney carriage, the number of persons which may be carried.

Register of
licences.

(2) A copy of any entry made in any such book, and purporting to be certified as a true copy by the person having charge thereof, shall be received as evidence in all Courts, and shall be deemed sufficient proof of all things therein registered without requiring the production of any such book or of any requisition, notice, or other document upon which any such entry may be founded.

13. Any person authorised in writing by the licensing Authority may, at all reasonable times between the hours of six o'clock in the morning and six o'clock in the evening, enter any premises for the purpose of inspection to ascertain if there is any vehicle kept in such premises without having a licence plate for the current year affixed thereto.

Power to
enter
premises.

14. A Licensing Authority, or any officer thereof authorised in writing by such Authority, or any member of the Police Force, may require the driver of any vehicle for which a licence is required under the provisions of this Ordinance to produce the licence, or, if the driver states that he has not such licence with him, to declare the name and place of abode or business of the owner of the vehicle.

Production
of licence.

PART III.

INSPECTION.

Appointment
of Inspection
Officers.

15.—(1) The Governor may appoint such persons as he may think fit to be Inspection Officers for the purposes of this Ordinance, and may assign such portion of the Colony as he may think fit to each Inspection Officer as an inspection district.

(2) The names of any persons appointed under the provisions of this section shall be published in the *Royal Gazette*.

Inspection of
hackney
carriages,
horses, and
harness.

16. It shall be lawful for the Inspection Officer to cause an inspection to be made, as often as he may deem it necessary, and at such time and place as he may appoint, of any hackney carriage and of any horse or harness used with any hackney carriage licensed by any Licensing Authority; and if any such carriage, horse, or harness is in a condition unfit for public use, the Inspection Officer shall give notice in writing accordingly to the owner thereof, which notice shall be personally served on such owner or delivered at the place of abode or business of such owner as specified in the licence in respect of such carriage or as last endorsed on such licence.

Cost of
inspection.

17. All expenses properly incurred by the Inspection Officer in and about any inspection hereinbefore directed shall be repaid to the Inspection Officer by the Licensing Authority; and in the event of any dispute as to the liability for or as to the reasonableness of any expenses charged against any such Authority, the question in dispute shall be submitted to the Governor in Executive Council, whose decision shall be final.

PART IV.

MISCELLANEOUS PROVISIONS.

Licence
plates.

18.—(1) The owner of every vehicle shall, immediately upon the grant to him of a licence under this Ordinance, cause to be affixed, and shall, during the duration of the licence, keep affixed, to such part of his vehicle as may be prescribed, a plate (in this Ordinance called a "licence plate") bearing the number and year of his licence.

(2) The licence plate to be so affixed shall be of a different pattern or colour for each year and shall be provided annually by the Licensing Authority free of cost.

(3) If the owner of any duly licensed vehicle desires to be furnished with a new licence plate, he shall, on surrendering the old plate to the Licensing Authority (or, if the licence plate be lost, on producing satisfactory proof to that effect), be entitled to be supplied with another licence plate on payment of the prescribed fee.

(4) If a licence is lost, defaced or rendered illegible, the Licensing Authority may issue a duplicate licence on payment of the prescribed fee.

(5) If any such lost licence or licence plate be subsequently found, the holder of the duplicate shall forthwith deliver up to the Licensing Authority either the original or the duplicate, and any person knowingly retaining or having in his possession both an original and a duplicate licence or licence plate shall be guilty of an offence.

19. The owner of every hackney carriage shall, in addition to affixing the licence plate, keep distinctly painted in the prescribed position on such carriage the number of persons to be carried, and such particulars and distinguishing marks as may be prescribed.

20. The owner of every cart shall in addition to affixing a licence plate, cause his name and address and the distinguishing number of his licence to be conspicuously painted on such cart and in such position and manner as may be prescribed.

21. No owner of a cart licensed as an agricultural cart shall, for valuable consideration, use his cart or permit it to be used for conveying the goods or produce of any other person: Provided that this restriction shall not apply to the conveyance of pen manure and locally grown agricultural produce.

22.—(1) Every cart used for the haulage of sugar-canes, green coconuts, or charcoal, shall be provided with a prop attached to each shaft by means of a hinge or other similar device in such manner that when the cart is in

motion each prop may be fastened longitudinally to the shaft to which it is attached, but when the cart is at a standstill, with an animal harnessed thereto, the props shall be made to rest on the ground so as to relieve the animal from bearing any of the weight of the cart and its load.

(2) If the owner of such cart fails to provide and maintain the props as required by this section he shall be liable on conviction to a fine not exceeding ten dollars and the Court shall suspend the licence (if any) issued in respect of such cart for such period as it thinks fit in order to enable the owner to provide such props.

Failure to
use props.

(3) If any person in charge of such cart fails to use such props in the manner required by this section, he shall be liable on conviction to a fine not exceeding twenty-four dollars.

PART V.

OFFENCES AND PENALTIES.

Using vehicle
without
prescribed
licence.

23.—(1) Any owner using or keeping or allowing any vehicle to be used or kept shall unless he has the prescribed licence in respect of such vehicle from some Licensing Authority, be guilty of an offence. A complaint for an offence under this sub-section may be made at any time within two years from the date on which the offence was committed.

(2) The driver of any vehicle in respect of which the prescribed licence shall not have been obtained shall be guilty of an offence.

(3) Where the driver of any vehicle is charged with an offence under the last preceding sub-section, it shall be lawful for the Magistrate, upon the application of such driver, to order that a summons be issued against any person alleged by the driver to be the owner of the vehicle, making such alleged owner the co-defendant in the case; and the Magistrate may, after hearing the evidence and witnesses of all parties, make such order in regard to the payment of any penalty and costs as to the Magistrate seems just.

(4) Every vehicle shall, in all proceedings under this Ordinance, be deemed to be kept for use, until the contrary is proved by the owner of such vehicle.

24.—(1) Any person who, on applying for a licence, does not set forth in such requisition any of the particulars in this Ordinance required to be set forth shall be guilty of an offence. False particulars.

(2) A licence issued on a false requisition may be revoked by the Licensing Authority by which the same was issued.

25. Any driver of any vehicle for which a licence under this Ordinance is required who, being able to do so, shall refuse or neglect to produce such licence or who shall refuse or neglect to declare the name and place of abode or business of the owner of the vehicle, when required so to do by a Licensing Authority, or any officer thereof authorised in writing by such Authority, or any member of the Police Force, shall be guilty of an offence. Failing to produce licence.

26. Any person who, being a licensee under this Ordinance, shall fail to comply with the provisions of Section 11 of this Ordinance shall be guilty of an offence and shall, on conviction, be liable to a penalty not exceeding ten dollars. Failing to notify change of abode, &c.

27. Any person who shall refuse admission to or prevent inspection by any person lawfully claiming admission to any premises for the purpose of inspection in pursuance of Section 13 of this Ordinance, shall be guilty of an offence and shall, on conviction, be liable to a penalty not exceeding one hundred and twenty dollars. Preventing inspection.

28. Any person who shall—

- (a) use or let for hire any hackney carriage, or any horse or harness to be used with a hackney carriage after notice has been given by the Inspection Officer in pursuance of the provisions of Section 16 of this Ordinance, or Using hackney carriage, &c., and failing to produce same on inspection.
- (b) fail to produce any such carriage, horse and harness at the time and place appointed for inspection

shall be guilty of an offence and shall, on conviction, in the case of an offence under (a) be liable to a penalty not exceeding five dollars for each day during which the offence continues, and in the case of an offence under (b) be liable to a penalty not exceeding twenty-four dollars.

In either case, the Licensing Authority shall have power to suspend, for such time as it deems proper, the licence for such carriage.

Excess
passengers.

29. Any driver of a hackney carriage who permits a larger number of persons to ride thereon than is mentioned in the licence issued in respect thereof shall be guilty of an offence and, on conviction, shall be liable to a penalty not exceeding twenty-four dollars.

Using vehicle
without
licence plate.

30. Any owner of and any person using a vehicle without having a licence plate for the current year affixed thereto in accordance with the provisions of section 18 of this Ordinance shall be guilty of an offence.

Failure to
affix licence
plate, &c.,
on hackney
carriage or
cart.

31. The owner of a hackney carriage or cart, who shall contravene any of the provisions of sections 19 or 20 of this Ordinance, and the driver of a hackney carriage or cart in respect of which there is any such contravention, shall each be guilty of an offence.

Using agri-
cultural cart
contrary to
section 21.

32. Any owner of a cart licensed as an agricultural cart who shall use such cart or permit it to be used contrary to the provisions of section 21 of this Ordinance shall be guilty of an offence.

Joint owners.

33. In every case where there is more than one owner of any vehicle, it shall be sufficient in any complaint, summons, order, conviction, warrant, or other proceeding under this Ordinance, to name one of such owners without reference to any other or others of them and to proceed as if he were sole owner.

Penalties.

34.—(1) Any person guilty of an offence under this Ordinance or any regulation made thereunder shall, on summary conviction before a Magistrate, unless some other penalty is specifically provided for such offence, be liable to a penalty not exceeding forty-eight dollars, and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months.

(2) All penalties imposed under this Ordinance or any regulation made thereunder shall be recoverable in the manner prescribed by the Summary Conviction Offences (Procedure) Ordinance. Recovery of penalties. Cap. 24.

(3) Proceedings may be initiated by any member of the Police Force, or by any Licensing Authority and when initiated by a Licensing Authority may be conducted by any person authorised by that Authority, either generally or for any particular proceedings.

35. All penalties ordered or adjudged to be paid under this Ordinance or any regulations made thereunder in respect of offences committed within the district of a Licensing Authority being a municipal corporation shall be paid to the Magistrate for the use of such Licensing Authority, and in all other cases shall be paid into the Treasury. Appropriation of penalties.

PART VI.

REGULATIONS, SAVING AND REPEAL.

36.—(1) The Governor in Executive Council may make regulations for all or any of the following purposes, that is to say:— Regulations and forms

- (a) For regulating the duties of Inspection Officers ;
- (b) For prescribing the fees payable to an Inspection Officer ;
- (c) For prescribing the fees payable for licences, and modifying the fees set out in the schedule hereto ;
- (d) For prescribing the forms to be used under this Ordinance ;
- (e) For providing for any such matters as are authorised by this Ordinance to be prescribed ;
- (f) For prescribing the penalties to be imposed for contraventions of such regulations ; and
- (g) Generally, for carrying out the provisions of this Ordinance.

(2) Regulations made under this section shall not have any force or effect until they have been approved by resolution of the Legislative Council, and when so approved they shall be published in the *Royal Gazette*, and from the date of such publication, or from the date specified therein, such regulations shall have the same force and effect as if they were contained in and formed part of this Ordinance.

Government
and
Municipal
vehicles—
exemptions.

37. Nothing in this Ordinance contained shall be construed so as to prevent any person in the service of His Majesty keeping or allowing to be kept any vehicle used and employed exclusively in His Majesty's service, or so as to prevent the Licensing Authorities of Port-of-Spain, San Fernando, and Arima keeping or allowing to be kept any vehicle used and employed exclusively in the service of such Authority, and no licence shall be required in respect thereof.

Repeals.

No. 29-1931,

No. 6-1936.

No. 12-1938.

38. The following Ordinances are hereby repealed:—

The Licensing of Vehicles Ordinance, 1931.

The Licensing of Vehicles (Amendment) Ordinance, 1936.

The Carts Ordinance, 1938.

SCHEDULE.

	£	c.
Hackney Carriage	6	00
Carriage (other than a Hackney Carriage) per wheel	1	20
Hand Cart	3	00
Cart drawn by one donkey	3	60
Agricultural Cart	6	00
Cart (other than hand cart, or cart drawn by one donkey, or agricultural cart)	12	00
Bicycle or Tricycle	1	20
Duplicate licence or licence plate		24
Endorsement or acknowledgment of transfer of licence		24

Provided that any cart or carriage fitted with pneumatic tyres shall pay only half the appropriate licence duty as set out above.

Passed in Council this eighteenth day of November, in the year of Our Lord one thousand nine hundred and thirty-eight.

W. E. BOARDMAN,
Clerk of the Council.