

TRINIDAD AND TOBAGO.

No. 40. 1914.

13th November.

AN ORDINANCE to provide for the Licensing
of Vehicles.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

5th December 1914.

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

1. This Ordinance may be cited as the Licensing of Vehicles Ordinance, 1914. Short Title.

2. In this Ordinance—

“Licensing Authority,” “Authority” mean—

(a.) In the City of Port-of-Spain, the Mayor, Aldermen, and Citizens of the City of Port-of-Spain as defined in the Port-of-Spain Corporation Ordinances;

(b.) In the boroughs of San Fernando and Arima the Mayor and Burgesses of such boroughs, as the

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tion.

same are respectively defined in the Municipal Corporations (San Fernando Amendment) Ordinance, 1912 and the charter of the Borough of Arima ;

(c.) In Tobago, the Sub-Receiver ;

(d.) Elsewhere than in the places above referred to, the Warden as regards his particular district.

“ The District ” of a Licensing Authority means, as the case may be, the City of Port-of-Spain, the boroughs of San Fernando and Arima, the Ward of Tobago, or the district of a Warden ;

“ Vehicle ” includes a Carriage, Hackney Carriage, Motor Car, Motor Cab, Motor Van, Motor Lorry, Motor Omnibus, Motor Cycle, Tram Car, Cart, Agricultural Cart, Hand Cart, Tricycle and Bicycle.

“ Carriage ” means any vehicle on springs drawn by a horse or other animal ;

“ Hackney Carriage ” means any carriage for the conveyance of passengers which stands on hire or plies for hire at any place ;

“ Motor Car ” includes all mechanically propelled vehicles, not being motor vans, motor lorries, motor omnibuses, motor cabs or motor cycles ;

“ Motor Cab ” means a motor car kept or used for conveyance of persons in any street or place for hire or reward or standing or plying on hire or reward in any place or street ;

“ Motor Van, Motor Lorry ” includes all mechanically propelled vehicles and machines used for the conveyance or portorage of goods, wares, merchandise or other burden, and traction engines, but does not include steam ploughs ;

“ Motor Omnibus ” means any mechanically propelled vehicle used for the conveyance of passengers at separate fares, but does not include Tram Cars ;

“ Motor Cycle ” means all mechanically propelled bicycles and tricycles.

“ Cart ” includes any cart, dray, van, waggon, truck, car and any other vehicle or machine drawn or propelled otherwise than by any person and used or intended to be

used for the carriage or conveyance of any goods, wares, or other burden, article or thing whatsoever; and also any hearse or any carriage or vehicle used for conveying the dead;

“Hand Cart” means any cart drawn or propelled by a person;

“Agricultural Cart” means a cart used or kept principally for agricultural purposes and certified in its absolute discretion, to be such by the Licensing Authority issuing the license in respect of such cart.

“Tram Car” means any car whether mechanically propelled or not which runs on rails affixed to the surface of the ground and mainly along the public roads;

“Owner” means the owner, a part owner, and any agent or attorney of such owner or part owner, and any person by whom the driver of any vehicle is employed to drive or draw the same;

“Driver” means 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;

“Prescribed” means prescribed by this Ordinance or by Regulations made under this Ordinance.

“Inspection Officer” means as regards the City of Port-of-Spain the Inspector-General and as regards any other district means any Commissioned Officer of the Constabulary Force or any other member of the Constabulary Force appointed in that behalf by the Governor.

Government Vehicles.

3. 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 Authority of the City of Port-of-Spain, or of the boroughs of San Fernando or Arima keeping or allowing to be kept any vehicle used and employed exclusively in the service of such Authority, and no license shall be required in respect thereof.

Government
Vehicles.

Licensing Vehicles.

Vehicles to be licensed.

4.—(1.) The owner of every vehicle shall obtain the prescribed license in respect thereof from the Licensing Authority of the place in which such vehicle is usually kept, and any owner using or keeping or allowing to be used or kept any vehicle in any place in the Colony shall, unless he has the prescribed license in respect of such vehicle from some Authority, be liable to a penalty not exceeding £10 and in default of payment to imprisonment, with or without hard labour, for any term not exceeding three months.

(2.) The driver of any vehicle in respect of which the prescribed licence shall not have been obtained shall be liable to a penalty not exceeding £10, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding three months.

(3.) Where the driver of any vehicle is charged with an offence under the 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.

Duration and signature of and Duty on Licenses.

5.—(1.) Every licence granted under this Ordinance shall be either a yearly or a quarterly licence, and every yearly licence, whenever issued, shall expire on the 31st day of December next following the date of its issue, and every quarterly licence, whenever issued, shall expire on the 31st March, 30th June, 30th September, or 31st December, whichever of these dates next follows the date of its issue; and there shall be paid to the Licensing Authority in respect of such licences the duties specified in the First Schedule to this Ordinance.

(2.) Duties received by the Mayor, Aldermen and Citizens of Port-of-Spain, the Mayor and Burgesses of San Fernando or the Mayor and Burgesses of Arima, shall be for the use of the particular Licensing Authority by which the same are

provision as to
of agricultural
vehicles on hire
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received, and duties received by the Sub-Receiver in Tobago or by a Warden shall be paid into the Treasury.

(3.) The Duties specified in the First Schedule may be added to, increased or reduced by the Legislative Council by resolution.

6.—(1.) Before any license under this Ordinance is granted a requisition for the same shall be made and signed :— Requisition
for License.

(a.) By the owner or one of the owners of the vehicle in respect of which the license is applied for; and

(b.) In the case of a body corporate, by the Secretary or some officer thereof duly authorised in writing under the hand of the Secretary, or by the Attorney thereof.

(2.) The requisition shall contain :—

(a.) The Christian name and surname of the owner of the vehicle ;

(b.) In the case of a partnership, the name of the firm ;

(c.) In the case of a body corporate, the name thereof ; and

(d.) In the case of a motor car, its weight and registered number under the Motor Car Ordinance, 1912 ;

(e.) And in every case, the place of abode or business of such owner, firm, or body corporate, respectively

(3.) Every such requisition shall be left at the office of the Authority to which it is made.

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

7.—(1.) Any person who on applying for a license does not set forth truly in such requisition any of the particulars False
particulars. in this Ordinance required to be set forth, shall be liable for each offence to a penalty not exceeding £10 and

in default of payment thereof shall be imprisoned with or without hard labour for any term not exceeding three months.

(2.) The Authority issuing a licence may revoke a licence issued on a false requisition.

Form of
license.

8. Every license shall bear date the day on which it is given, and shall have and contain :

- (1.) A distinguishing number;
- (2.) The full name of every owner of the vehicle in respect of which such license 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 ;
- (3.) The place of abode or business of such owner, or body corporate ;
- (4.) A description of the vehicle ;
- (5.) Amount of duty paid ;
- (6.) The date on which such license expires ;
- (7.) In the case of a motor car, its registered number under the Motor Car Ordinance, 1912.

Change of
ownership

9. Every license shall be an authority only to the person named therein, but

- (1.) On transfer of the property in or ownership of any vehicle, or
- (2.) On admission of any person as a partner in the ownership of any vehicle,

it shall be lawful in the case of a yearly license for the Licensing Authority to grant, in lieu of the license then in force for such vehicle, to the person named in any requisition for that purpose, a license to the like effect, and in such case the new license shall be granted without payment of any fee or duty, for the period then unexpired of the license in lieu of which it was given.

Change of
abode or place
of business of
licensee.

10.—(1.) 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 Town Clerk and Treasurer of

the Licensing Authority if he was licensed in Port-of-Spain, San Fernando, or Arima and to the Sub-Receiver if licensed in Tobago, and to the Warden who granted his license if licensed elsewhere, and shall at the same time produce the license to the Town Clerk and Treasurer, Sub-Receiver, or Warden as the case may be, who shall thereupon endorse a memorandum specifying the particulars of such change.

(2.) Every licensee failing to comply with the provisions of this section shall be liable for each and every offence to a penalty not exceeding Forty Shillings, and in default of payment thereof shall be imprisoned with or without hard labour for any term not exceeding three months.

11. Any person who shall forge or counterfeit or cause or procure to be forged or counterfeited any license under this Ordinance, shall be guilty of felony and be liable to imprisonment with or without hard labour for any term not exceeding twelve months. Forging or counterfeiting licenses.

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

(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 be deemed sufficient proof of all things thereon 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.

Hackney Carriages.

13.—(1.) No hackney carriage licence shall be issued by any 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. Inspection.

(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 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.

(5.) Any driver who permits a larger number of persons to ride in a hackney carriage than is mentioned in a licence granted in respect thereof under this section shall be liable to a penalty not exceeding 50 shillings or in default of payment to imprisonment with or without hard labour for any term not exceeding one month.

Inspection of
hackney
carriages,
horses and
harness.

14.—(1.) It shall be lawful for the Inspection Officer to cause an inspection to be made, as often as he may deem it necessary, of any hackney carriage and of any horse or harness used with any hackney carriage licensed by any 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 specified in the requisition in respect of such carriage or last indorsed thereon; and if after such notice any proprietor within the limits of any Authority uses or lets to hire such carriage as a hackney carriage, or uses or lets to hire with any hackney carriage such horse or harness whilst in a condition unfit for public use, the Licensing Authority shall have power to suspend, for such time as it may deem proper, the license of such carriage; and any person who uses or lets to hire any such carriage, horse or harness after such notice as aforesaid, shall be liable to a penalty not exceeding Twenty Shillings for each

day that he uses or lets to hire such carriage, horse or harness, and in default of payment may be imprisoned for any time not exceeding one month.

(2.) The inspection shall be made at such time and place as the Inspection Officer appoints, and if the carriage, horse and harness are not produced at the time and place appointed, the Licensing Authority of the particular district shall have power to suspend for such time as it deems proper the license of such carriage.

15. All expenses properly incurred by the Inspection officer in and about any inspection hereinbefore directed shall be repaid to the Inspection Officer by the Authority on whose behalf or in whose district the inspection was carried out; and in the event of any dispute as to the liability for or as to the reasonableness of any expenses charged against any Authority, the question in dispute shall be submitted to the Governor in Executive Council, whose decision shall be final. Cost of inspection.

16. (1.) The owner of every hackney carriage shall keep distinctly painted on the outside of such carriage, and in such a position as is from time to time prescribed, in words at length the number of persons to be carried by such carriage. Particulars to be painted on carriage.

(2.) The owner of a hackney carriage who contravenes the provisions of this section shall be liable to a penalty not exceeding £5, and in default of payment to imprisonment for any term not exceeding three months.

Carts.

17. The owner of every cart shall cause his name and address and the distinguishing number of his license, to be painted upon some conspicuous part of the right or off side of such cart, not less than one inch in height and in a different colour from the ground on which the same is painted and in words at length. Number of license, &c., to be painted on cart.

18. The owner of a cart contravening any of the provisions of the last preceding section and the driver of a cart Penalty for breach of Section 17.

in respect of which there is any contravention of the provisions of such section shall each of them be liable to a penalty not exceeding £5, and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

General.

Regulations.

19.—(1.) The Governor in Executive Council may make regulations for carrying out the provisions of this Ordinance. All such regulations shall be published in the *Royal Gazette*.

Forms.

(2.) The Governor in Executive Council may from time to time prescribe the forms to be used in carrying out the provisions of this Ordinance.

Production of license.

20. A Licensing Authority or any officer thereof authorised in writing by such Authority, or any member of the Constabulary Force, may require the driver of any vehicle for which a license is required under the provisions of this Ordinance to produce the same, 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; and any driver refusing or neglecting to produce such license or refusing or neglecting to declare the name and place of abode or business of the owner of the vehicle is liable to a penalty not exceeding Forty Shillings, and in default of payment to imprisonment for any term not exceeding one month, with or without hard labour.

Joint proprietors.

21. In every case where there is more than one owner of any vehicle, it shall be sufficient in any information, 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.

Procedure.

22. All penalties for offences against this Ordinance may be recovered, at the instance of a Licensing Authority or of a person authorized in writing either generally or in a particular case by a Licensing Authority, before a Magistrate in the manner provided by the Summary Conviction Offences (Procedure) Ordinance, No. 1; and any officer of any Licensing Authority duly authorised in that behalf by such Authority may conduct the proceedings before the Magistrate in all cases in which such Authority or any of its officers are complainants.

23. All fines and penalties ordered or adjudged to be paid ^{Application of penalties.} by any offenders against this Ordinance shall in the case of prosecutions by or at the instance of a Licensing Authority which is a Municipal Corporation be paid to the Magistrate for the use of such Licensing Authority and in all other cases into the public Treasury.

24. The enactments mentioned in the Second Schedule ^{Repeal.} hereto are hereby repealed to the extent specified in the third column of such schedule.

25. This Ordinance shall commence and come into ^{Commence-} operation on a day to be proclaimed by the Governor in ^{ment.} the *Royal Gazette*.

Passed in Council this Thirteenth day of November, in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,

Clerk of the Council.

FIRST SCHEDULE.

PRESCRIBED LICENCES, AND THE DUTIES PAYABLE IN RESPECT THEREOF.

	Per Annum.			Per Quarter.		
	£	s.	d.	£	s.	d.
Carriages (other than a Hackney Carriage) per wheel		5	0		1	6
Hackney Carriage	1	5	0		7	6
Motor Car, not exceeding 1,600 lbs. in weight ...	2	0	0		12	0
" exceeding 1,600 lbs., but not exceeding 2,600 lbs. in weight ...	3	10	0	1	1	0
" exceeding 2,600 lbs., but not exceeding 3,600 lbs. in weight ...	6	10	0	1	19	0
" exceeding 3,600 lbs. in weight ...	10	0	0	2	15	0
Motor Cab, not exceeding 1,600 lbs. in weight ...	3	5	0		19	6
" exceeding 1,600 lbs., but not exceeding 2,600 lbs. in weight ...	4	15	0	1	8	6
" exceeding 2,600 lbs., but not exceeding 3,600 lbs. in weight ...	7	15	0	2	6	6
" exceeding 3,600 lbs. in weight ...	11	5	0	3	2	6
Motor Cycle	1	0	0		6	0
Motor Van or Lorry	10	0	0	2	15	0
Motor Omnibus	10	0	0	2	15	0
Tram Car	10	0	0	2	15	0
Hand Cart		12	6		3	9
Cart drawn by one donkey		15	0		4	6
Agricultural Cart	1	5	0		7	6
Cart (other than hand cart or cart drawn by one donkey, or Agricultural Cart) ...	2	10	0		15	0
Bicycle or Tricycle		5	0		1	6

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Number or year.	Short Title.	Extent of Repeal.
150	The Port-of-Spain Hucksters Porters and Carters Ordinance.	Clauses (c) and (d) of Section 3, and Clauses (1) and (2) of Section 6. From and including the words "In every such requisition" in line 10 of Section 6 to and including the word "firm" in line 16 thereof. From and including the word "Cart" in line 2 of Section 8 to and including the words "in the case of" in line 13 thereof. Section 26. The scale of fees prescribed by Resolution of the Port-of-Spain Town Board of 25th November, 1909.

SECOND SCHEDULE. - CONTINUED.

Number or year.	Short Title.	Extent of Repeal.
151	The San Fernando and Arima Hucksters Porters and Carters Ordinance.	Clause 3 of Section 4. Section 10—So much of this section as incorporates any provisions of the Port-of-Spain Hucksters Porters and Carters Ordinance (No. 150) relating to carts and hand carts. Schedule II—Except so far as the same relates to porters, pedlars and hucksters.
156	The Port-of-Spain Hackney Carriage Ordinance.	Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Sections 32 and 33—So far as the same refers to licenses in respect of hackney carriages. Section 67—The words "of inspecting horses and carriages or otherwise" in line 3 of the section
157	The San Fernando and Arima Hackney carriage Ordinance.	The Port-of-Spain Hackney Carriage Ordinance (No. 156) shall in its application to San Fernando and Arima be read subject to effect being given to the repeal of such of its provisions as are hereinbefore in this schedule specified. Section 3—The words "of inspecting horses and carriages or otherwise" in lines 3 rd and 4.
158	The Hackney Carriages (Country) Ordinance.	The Port-of-Spain Hackney Carriage Ordinance (No. 156) shall in its application to country districts be read subject to effect being given to the repeal of such of its provisions as are hereinbefore in this Schedule specified.
16 of 1907	The San Fernando and Arima Hucksters Porters and Carters (Amending) Ordinance, 1907.	Section 1; Section 2 from the words "For every cart" in line 11 to the end of the section.

SECOND SCHEDULE.—CONTINUED.

Number or year.	Short Title.	Extent of Repeal.
52 of 1912	The San Fernando Wheels Ordinance, 1912.	The whole Ordinance.
57 of 1912	The Port-of-Spain Carriage Licenses Ordinance, 1912.	The whole Ordinance.
17 of 1913	The Port-of-Spain Car- riage Licences (amend- ment) Ordinance, 1913.	The whole Ordinance.
18 of 1913	The Port-of-Spain Hackney Carriage (Amendment) Ordi- nance, 1913.	Section 2.