

Vide 38 of 1920

24 - 1921

TRINIDAD AND TOBAGO.

No. 36.—1912.

10th April.

AN ORDINANCE to regulate the use of Motor Cars.

Repealed by  
26 of 1923  
[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

3rd August, 1912.

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

Short Title.

1. This Ordinance may be cited as the Motor Car Ordinance, 1912.

Interpretation.

2. In this Ordinance, unless the context otherwise requires:—

“Motor Car” means any vehicle propelled by mechanical power, and so constructed that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause, and includes a motor cycle.

“Public Road” includes a roadway to which the public are granted access.

“Inspector-General” means the Inspector-General of Constabulary.

3.—(1.) If any person drives a motor car on a public road recklessly or negligently, 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 to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, that person shall be guilty of an offence under this Ordinance. <sup>Reckless driving.</sup>

(2.) Any Member of the Constabulary or Supplemental Constabulary Forces may apprehend without warrant the driver of any car who commits an offence under this section within his view, if he refuses to give his name and address or produce his license on demand, or if the motor car does not bear the mark or marks of identification.

(3.) If the driver of any car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Ordinance, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this Ordinance.

4.—(1.) Every motor car shall be registered with the Inspector-General, who shall assign a separate number to every car so registered. <sup>Registration of motor cars.</sup>

(2.) A mark, indicating the registered number of the car, shall be fixed on the car in such manner as the Inspector-General may require in conformity with Regulations made under Section 9 of this Ordinance.

(3.) A fee of Twenty Shillings shall be charged by the Inspector-General on the registration of a car, except in the case of motor cycles, for which the fee shall be Five Shillings.

(4.) If a car is used on a public road without being registered, or if the mark to be fixed in accordance with this Ordinance is not so fixed, or if, being so fixed, it is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the car shall be

guilty of an offence under this Ordinance, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.

Provided that—

- (a.) A person shall not be liable to a penalty under this section if he proves that he has had no reasonable opportunity of registering the car in accordance with this section, and that the car is being driven on a public road for the purpose of being so registered; and
- (b.) The Inspector-General may assign to any manufacturer of or dealer in motor cars, on payment of an annual fee not exceeding Three Pounds, a general identification mark which may be used for any car on trial after completion, or on trial by an intending purchaser, and a person shall not be liable to a penalty under this Section while so using the car, if the mark so assigned is fixed upon the car in the manner required by the Inspector-General in accordance with regulations made under Section 9 of this Ordinance.

Licensing of  
drivers.

5.—(1.) A person shall not drive a motor car on a public road unless he is licensed for the purpose under this section, or unless he is sitting next to a licensed driver for the purpose of being instructed in the driving of motor cars, and a person shall not employ any person who is not so licensed to drive a motor car.

If any person acts in contravention of this provision he shall be guilty of an offence under this Ordinance.

(2.) The Inspector-General shall grant a license to drive a motor car to any person applying for it on payment of a fee of Five Shillings, unless the applicant is disqualified under any of the provisions of this Ordinance.

(3.) A license shall remain in force for a period of twelve months from the date on which it is granted, but

shall be renewable, and the same provisions shall apply with respect to the renewal of the license as apply with respect to the grant of the license.

(4.) A license must be produced by any person driving a motor car when demanded by a Member of the Constabulary Force, not being a Rural or Estate Constable. If any person fails so to produce his license, he shall be liable in respect of each offence to a fine not exceeding Ten Pounds.

(5.) Any person under the age of seventeen years shall be disqualified for obtaining a license.

6.—(1) Any Court before whom a person is convicted of an offence under this Ordinance, or of any offence in connection with the driving of a motor car, other than a first or second offence consisting solely of exceeding any limit of speed fixed under this Ordinance—

Suspension of  
license and  
disqualifica-  
tion.

*Repealed by  
vise sect. 24/192  
for new sec. 6*

- (a.) may, if the person convicted holds any license under this Ordinance, suspend that license for such time as the Court thinks fit, and, if the court thinks fit, also declare the person convicted disqualified for obtaining a license for such further time after the expiration of the license as the Court thinks fit; and
- (b.) may, if the person convicted does not hold any license under this Ordinance, declare him disqualified for obtaining a license for such time as the Court thinks fit; and,
- (c.) if the person convicted holds any license under this Ordinance, shall cause particulars of the conviction and of any order of the Court made under this Section to be endorsed upon any license held by him, and shall also cause a copy of those particulars to be sent to the Inspector-General.

(2.) Any person so convicted, if he holds any license under this Ordinance, shall produce the license within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence under this Ordinance.

(3.) A license so suspended by the Court shall during the term of suspension be of no effect, and a person whose license is suspended or who is declared by the Court to be disqualified for obtaining a license shall, during the period of suspension or disqualification, be disqualified for obtaining a license.

(4.) Any person who is, by virtue of an order of the Court under this Section, disqualified for obtaining a license may appeal against the order, in the same manner as a person may appeal in the manner provided in the Summary Conviction Offences (Procedure) Ordinance (No. 1), and the Court may, if it thinks fit, pending the appeal, defer the operation of the order.

(5.) If any person, who under the provisions of this Ordinance is disqualified for obtaining a license, applies for or obtains a license while he is so disqualified, or if any person whose license has been endorsed applies for or obtains a license without giving particulars of the endorsement, that person shall be guilty of an offence under this Ordinance, and any license so obtained shall be of no effect.

Forgery, etc.  
of identifica-  
tion mark or  
license.

7. If any person forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a car or any license under this Ordinance he shall be guilty of an offence under this Ordinance.

Duty to stop  
in case of  
accident.

8. A person driving a motor car shall, in any case, if an accident occurs to any person, whether on foot, on horseback or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of the motor car on the road, stop and, if required, give his name and address, and also the name and address of the owner and the registration number of the car; and if any person knowingly acts in contravention of this section, he shall be liable in respect

of the first offence to a fine not exceeding Ten Pounds, and in respect of the second offence to a fine not exceeding Twenty Pounds and in respect of any subsequent offence to a fine not exceeding Thirty Pounds or, in the discretion of the Court, to a term of imprisonment not exceeding one month.

9.—(1.) The Governor in Executive Council may make regulations—

Regulations by  
Governor in  
Executive  
Council.

- (a.) Providing generally for facilitating the identification of motor cars, and in particular for determining and regulating generally the size, shape and character of the identifying marks to be fixed under this Ordinance and the mode in which they are so fixed and to be rendered easily distinguishable, whether by night or by day, and with respect to the registration of cars, and the entry of particulars, including particulars of the ownership of the car, in the register, and the giving of those particulars, and for making any particulars contained in the register available for use by the police, and for making the registration of a car void if the regulations as to registration are not complied with ;
- (b.) with respect to the licenses to be granted by the Inspector-General under this Ordinance, and in particular with respect to the register to be kept of those licenses and the renewal of licenses and for providing special facilities for granting licenses to persons not resident in the colony, and for making any particulars with respect to any persons whose licenses are suspended or endorsed available for use by the Police, and for preventing a person holding more than one license ;
- (c.) prohibiting or restricting the driving of any motor cars, or of any special kind of motor cars, on any specified road or part of a road, which does not exceed sixteen feet in width, or on

which ordinary motor car traffic would, in the opinion of the Governor in Executive Council, be specially dangerous;

- (d.) with respect to the use of motor cars on public roads and the conditions under which they may be used;
- (e.) with respect to the number, position and kind of lights to be carried on motor cars and the times during which they are to be exhibited;
- (f.) with respect to the carrying of horns or other instruments capable of giving audible and sufficient warning of the approach or position of motor cars, and with respect to the character and kind of such horns or other instruments;
- (g.) with respect to all matters provided in Sections 4 and 10 of this Ordinance.

(2.) A breach of any regulation made under this Ordinance may be punished by a fine not exceeding One Hundred Pounds.

Rate of speed. **10.**—(1.) A person shall not, under any circumstances, drive a motor car at a speed exceeding fifteen miles per hour, or such less speed as may be mentioned in the regulations hereinafter referred to, within any limits or place referred to in the regulations made by the Governor in Executive Council with a view to the safety of the public.

If any person acts in contravention of this provision, he shall be liable in respect of the first offence to a fine not exceeding Twenty Pounds, and in respect of the second offence to a fine not exceeding Fifty Pounds and in respect of any subsequent offence to a fine not exceeding One Hundred Pounds, but a person shall not be convicted under this provision for exceeding the limit of speed fixed by the regulations merely on the opinion of one witness as to the rate of speed.

(2.) Where a person is prosecuted for an offence under this section, he shall not be convicted unless he is warned

*Repealed by Sec. 3  
of 24/1921 which  
see for new section  
in law*

of the intended prosecution at the time the offence is committed, or unless notice of the intended prosecution is sent to him or to the owner of the car as entered on the register within such time after the offence is committed, not exceeding twenty-one days, as the Court think reasonable.

11.—(1.) A person guilty of an offence under this Ordinance, for which no special penalty is provided, shall on conviction before any Stipendiary Justice of the Peace be liable in respect of each offence to a fine not exceeding Fifty Pounds, or in the case of a second or subsequent conviction to a fine not exceeding One Hundred Pounds, or in the discretion of the Court to imprisonment for a period not exceeding three months. Penalties and legal proceedings.

(2.) All persons punishable by fine or imprisonment under this Ordinance may be proceeded against summarily before any Stipendiary Justice of the Peace, and the manner of procedure in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance, No. 1.

12. Nothing in this Ordinance shall affect any liability of the driver or owner of a motor car by virtue of any Ordinance or at common law. Saving of liability.

Passed in Council this Tenth day of April, in the year of Our Lord one thousand nine hundred and twelve.

HARRY L. KNAGGS,  
*Clerk of the Council.*