

TRINIDAD AND TOBAGO.

No. 30—1931.

I ASSENT,

[L.S.]

A. C. HOLLIS,
Governor.

11th November, 1931.

AN ORDINANCE to regulate the use of motor vehicles.

[1st January, 1932.]

BE 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 Vehicles Ordinance, 1931.

Interpreta-
tion.

2. In this Ordinance—

“Constable” includes any member of the Constabulary Force.

“Motor Vehicle” means any vehicle operated or propelled by any form of engine, motor or mechanical power.

“Motor Cab” means any motor vehicle standing or plying for hire or reward, for the conveyance of not more than six passengers and their personal luggage, whether at separate fares or otherwise.

“Motor Car” mean any motor vehicle used solely for the carriage of passengers and their personal luggage and not for hire or reward.

“Motor Van” “Motor Lorry” mean any motor vehicle transporting or intended for the transport of goods or materials or for hauling or intended for the haulage of any goods or materials or of any other vehicle so engaged, but shall not include a motor vehicle intended or used solely for the carriage of passengers and their personal luggage.

“Motor Omnibus” means any motor vehicle kept or used for hire or reward or standing or plying for hire or reward for the conveyance of more than six passengers, whether at separate fares or otherwise, but does not include tram cars.

“Owner” includes a part owner and any agent or attorney of an owner or part owner, and in relation to a vehicle which is the subject of a hiring or hire purchase agreement, means the person in possession of the vehicle under that agreement.

“Public Road” means any street or road to which the public are granted access.

“Regulations” mean regulations made under section 19 of this Ordinance.

3.—(1) The owner of every motor vehicle shall register such vehicle with the Inspector-General, who shall assign a separate number to every motor vehicle so registered. Registration of motor vehicles.

(2) A mark, indicating the registered number of the motor vehicle, shall be fixed on the motor vehicle in such manner as may be prescribed. Number plate.

(3) A fee of twenty shillings shall be paid to the Inspector-General on the registration of every motor vehicle. Registration fee.

(4) If any motor vehicle is used on a public road without being registered, or if the mark to be fixed in accordance with sub-section (2) hereof 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 motor vehicle 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: Offences.

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 motor vehicle 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 or repairer of motor vehicles, on payment of an annual fee not exceeding three pounds, a general identification mark which may be used for any motor vehicle on trial after completion, for test or trial for the benefit of a prospective purchaser, or for proceeding to or returning from any place for such test or trial; and a person shall not be liable to a penalty under this section while so using the motor vehicle, if the mark so assigned is fixed upon the motor vehicle in the manner prescribed.

(5) For the purposes of this section, a vehicle trailed after or propelled by a motor vehicle shall be deemed to be a motor vehicle, and the fee for the registration of such a vehicle shall be twenty shillings.

Licensing of
drivers and
conductors.

4.—(1) (i) A person shall not drive a motor vehicle on a public road unless he is licensed for the purpose under this section, or unless, not being disqualified for obtaining a licence, he is sitting next to a licensed driver in a motor vehicle not carrying passengers for hire or reward for the purpose of being instructed in the driving of motor vehicles; and a person shall not employ any person who is not so licensed to drive a motor vehicle. If any person acts in contravention of this provision he shall be guilty of an offence under this Ordinance.

(ii) Licences shall be of three classes, viz. :

- (a) To drive a motor cycle;
- (b) To drive a motor omnibus, motor lorry, motor van or motor cab;
- (c) To drive a motor car.

(iii) The Inspector-General shall, on payment of a licence fee of five shillings, grant a licence to drive a motor vehicle to any person applying for it, if such person is duly qualified under this Ordinance and under the regulations.

(iv) A licence granted under this section shall be in such form as may be prescribed, and shall commence on the day on which the same shall be granted, and shall expire on the thirty-first day of December next following.

(v) It shall be lawful for any constable in uniform to require any person driving a motor vehicle on a public road to stop and to produce his licence for inspection; and if any such person shall fail to stop or to produce his licence when so required he shall be guilty of an offence under this Ordinance.

(vi) Any person under the age of twenty-one years shall be disqualified for obtaining a licence to drive a motor omnibus, motor lorry, motor van or motor cab, and a person of twenty-one years of age or over shall be disqualified for obtaining a licence to drive a motor omnibus or a motor lorry unless he shall prove to the satisfaction of the Inspector-General that he has previously driven any other motor vehicle, other than a motor cycle, for a period of not less than one year.

(vii) Save as provided in the last preceding paragraph any person not being under the age of seventeen years and not being otherwise disqualified shall be qualified to obtain a licence to drive a motor vehicle.

(2) (i) A person shall not act as the conductor of a motor omnibus unless he is licensed for the purpose under this section, and no person shall employ any person who is not so licensed to act as such.

Conductor's
licence.

If any person acts in contravention of the provisions of this sub-section he shall be guilty of an offence under this Ordinance.

(ii) The provisions of paragraphs (iii) (iv) and (v) of sub-section (1) of this section shall apply to licences to conductors of motor omnibuses in like manner as they apply to licences to drive a motor vehicle.

5. If any person fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a motor vehicle, or any licence or any document purporting to be a licence granted under this Ordinance, he shall be guilty of an offence under this Ordinance.

Fraudulent
alteration or
use of
identification
mark or
licence.

6. If any person drives a motor vehicle 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

Reckless
driving.

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, such person shall be guilty of an offence under this Ordinance.

Provided that where any person is charged with any offence mentioned in this section, such person may be convicted of any other of the said offences the commission of which by such person is in the opinion of the Court proved by the evidence adduced.

Driving while
under the
influence of
drink or drugs.

7.—(1) If any person drives or attempts to drive, or is in charge of, a motor vehicle on a public road while under the influence of drink or drugs to such an extent as to be incapable of having proper control of the motor vehicle, he shall be guilty of an offence under this Ordinance.

(2) It shall be lawful for any constable to apprehend without warrant any person committing an offence under this section.

Motor racing
or speed trials
on public
road.

8. If any person promotes or takes part in a race or trial of speed between motor vehicles on any public road he shall be guilty of an offence under this Ordinance.

Rate of speed
of motor
vehicles.

9.—(1) A person shall not, in any circumstances, within any prescribed limits or place, drive a motor vehicle at a speed exceeding such speed as may be prescribed.

Rate of speed
of motor vans,
lorries and
buses.

(2) A person shall not, in any circumstances, drive a motor van exceeding two tons maximum gross weight or a motor lorry exceeding two tons maximum gross weight or a motor omnibus on a public road at a speed exceeding twenty miles per hour.

Provided that the speed over any bridge shall not be more than eight miles per hour: Provided further, that where a rate of speed for motor vehicles less than twenty miles per hour is prescribed, a motor van, motor lorry, or motor omnibus shall not be driven faster than such prescribed rate of speed.

Penalty

(3) If any person acts in contravention of this section he shall be guilty of an offence under this Ordinance: Provided that a person shall not be convicted under this section for exceeding the limit of speed fixed by this section or by the regulations merely on the opinion of one witness as to the rate of speed.

(4) Where a person is prosecuted for an offence under this section or under section 6 hereof, he shall not be convicted unless he was warned of the intended prosecution at the time the offence was committed, or unless written notice of the intended prosecution was sent to him or to the owner of the motor vehicle within such time after the offence was committed, not exceeding twenty-one days, as the Court thinks reasonable.

(5) In this section "maximum gross weight" means the combined weight of the chassis, body and load.

10.—(1) A person driving a motor vehicle shall, in any case, if an accident occurs to any person, whether on foot, on horse-back, or in a vehicle, or to any animal or vehicle in charge of any person, owing to the presence of the motor vehicle 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 motor vehicle; and if any person knowingly acts in contravention of this section he shall be guilty of an offence under this Ordinance.

(2) In this section "animal" means any horse, cattle, ass or mule.

11.—(1) If any person uses a motor vehicle without the consent of the owner or other lawful authority, he shall be guilty of an offence under this Ordinance:

Provided that a person shall not be convicted under this section if he proves either—

(a) that he had good reason to believe, and did in fact believe, that the owner of the motor vehicle would, had he been present, have consented to the motor vehicle being used in the manner in which it was used; or

(b) that he had reasonable cause to believe, and did in fact believe, that he had lawful authority use the motor vehicle.

(2) If any person is convicted under this section, the Magistrate may, if he thinks fit, either in addition to or without inflicting any punishment, order that the person convicted do pay to the owner of the motor vehicle either or both of the following sums, namely—

(a) such sum as, in the opinion of the Magistrate, would have been charged if the motor vehicle had been hired by the person convicted;

(b) such sum as, in the opinion of the Magistrate, represents fair compensation for any damage done to and/or for the use of the motor vehicle.

(3) If on the trial of any indictment for stealing a motor vehicle the jury are of opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(4) Any constable may arrest without a warrant any person suspected by him of having committed an offence under this section.

Motor omnibus to carry conductor.

12. Every motor omnibus when in use on any public road shall at all times carry a conductor in addition to the driver. The owner of any motor omnibus used in contravention of the provisions of this section shall be guilty of an offence under this Ordinance.

Refusing to give name address or giving false name or address.

13. If the driver or conductor of any motor vehicle who commits an offence under this Ordinance or under the regulations 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 motor vehicle, 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 or the conductor, and if the owner fails to do so he shall also be guilty of an offence under this Ordinance.

Power to arrest without warrant.

14. Any constable may arrest without warrant the driver or conductor of any motor vehicle who within his view commits any offence under this Ordinance or under the regulations unless the driver or conductor either gives his name and address or produces his licence for examination.

Penalties^a

15.—(1) Every person who is guilty of any offence under this Ordinance, other than an offence under section 18 hereof, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months.

(2) Every person who is guilty of any offence under the regulations shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding twenty-one days.

16.—(1) Any Court before whom a person is convicted of an offence under this Ordinance or under the regulations, or of any offence in connection with the driving of a motor vehicle under any other Ordinance or any regulation made thereunder, or at common law

Suspension of licence and disqualification.

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

Provided that if any person is convicted

- (i) of driving or attempting to drive or being in charge of a motor vehicle on a public road while under the influence of drink or drugs to such an extent as to be incapable of having proper control of the motor vehicle; or
 - (ii) of a second or subsequent offence of driving a motor vehicle on a public road recklessly or negligently or to the danger of the public,
- the Court shall, if the person convicted holds any licence under this Ordinance, in every case coming within paragraph (i)

of this proviso, suspend that licence for the unexpired period thereof and shall declare the person convicted disqualified for obtaining a licence for a period of twelve months, and shall, in every case coming within paragraph (ii) of this proviso, suspend that licence for a period of six months or the unexpired period thereof and shall declare the person convicted disqualified for obtaining a licence for a period of six months. If the person convicted does not hold any licence under this Ordinance, the Court shall, in every case coming within paragraph (i) of this proviso, declare the person convicted disqualified for obtaining a licence for twelve months, and shall, in every case coming within paragraph (ii) of this proviso, declare the person convicted disqualified for obtaining a licence for six months.

Provided also that this sub-section shall not apply to a first or second conviction of an offence specified in the Schedule hereto.

(2) Any person so convicted, if he holds any licence under this Ordinance, shall produce the licence 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 licence so suspended by the Court shall, during the term of suspension, be of no effect, and a person whose licence is suspended or who is declared by the Court to be disqualified for obtaining a licence shall, during the period of suspension or disqualification, be disqualified for obtaining any licence whatsoever under this Ordinance.

(4) Any person who is, by virtue of an order of a Court of summary jurisdiction under this section, disqualified for obtaining a licence 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, and the Court may, if it thinks fit, pending the appeal, defer the operation of the order: Provided that in such appeals no notice of reasons for appeal shall be necessary.

(5) If any person who, under the provisions of this Ordinance, is disqualified for obtaining a licence applies for or obtains a licence while he is so disqualified, or if any person whose licence has been endorsed applies for or obtains

a licence without giving particulars of the endorsement, such person shall be guilty of an offence under this Ordinance, and any licence so obtained shall be of no effect.

(6) If any person whose licence has been endorsed under this Ordinance has not for a continuous period of three years had any further conviction endorsed on his licence, he shall be entitled at any time either on application for a renewal of the licence or on payment of the sum of five shillings, to have issued to him a new licence free from endorsements.

17.—(1) The Inspector-General may—

- (a) appoint stands or places where motor vehicles used or intended to be used as public conveyances may stand for hire; and
- (b) make orders fixing the number of such motor vehicles to be allowed at any such stand or place, and for the enforcement of order thereat.

Stands for
motor vehicles
used as
public
conveyances.

(2) Every appointment and order made under this section shall be subject to the approval of the Governor in Executive Council, and when so approved shall be published in the *Royal Gazette*, and shall take effect as from the date of such publication.

(3) The driver of any such motor vehicle who stands for hire at any place not appointed under this section, or who contravenes or fails to comply with any order made under this section, shall be guilty of an offence under this Ordinance.

18.—(1) The driver of any motor cab shall be entitled for the hire of such motor cab to such fares as may from time to time be prescribed.

Fares for
motor cabs.

(2) The driver of any motor cab shall have a right to demand his fare of the person or persons employing him on their entering his cab or ordering him to wait or to drive further, and may refuse to convey any such person who does not comply with such demand, and may require any constable to remove and expel from the cab any person so refusing to pay his fare; and any person obstructing or resisting a constable in the performance of his duty under this section shall be guilty of an offence under this section.

(3) Every owner of a motor cab shall cause a statement of the prescribed fares to be printed or painted in the prescribed manner and affixed in the prescribed position in such motor cab.

(4) In case of dispute as to the fare to be calculated according to the distance, any table or book signed by the Inspector-General shall, on proof of such signature, be deemed to be conclusive evidence of all the distances therein stated to have been measured by authority of the Inspector-General.

(5) Every driver of a motor cab who demands more than his legal fare, and every person who refuses or omits to pay to any driver his legal fare, and every person who is guilty of any offence under this section, shall be liable on summary conviction by a magistrate to a penalty not exceeding five pounds.

(6) This section shall apply to such areas as the Governor in Executive Council shall, by proclamation, appoint.

Regulations. **19.**—(1) The Governor in Executive Council may make regulations—

- (a) providing generally for facilitating the identification of motor vehicles, 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 to be fixed and to be rendered easily distinguishable, whether by night or by day; and with respect to the registration of motor vehicles, and the entry of particulars, including particulars of the ownership of the motor vehicle, in the register, and the giving of those particulars, and for making any particulars contained in the register available for use by members of the Constabulary Force, and for making the registration of a motor vehicle void if the regulations as to registration are not complied with;

- (b) with respect to the licences to be granted by the Inspector-General under this Ordinance, and in particular with respect to the qualifications to be required to be possessed by drivers and conductors; and with respect to the grounds for suspending and cancelling licences and for refusing to grant or renew licences to persons offending against this Ordinance or the regulations or who have been convicted either summarily or on indictment of any offence whatsoever; and with respect to the surrender by holders thereof of suspended or cancelled licences, and the manner of dealing with the same; and with respect to the register to be kept of those licences and the renewal of licences, and for providing special facilities for granting licences to persons not resident in the Colony, and for making any particulars with respect to any persons whose licences are suspended or endorsed available for use by members of the Constabulary Force, and for preventing a person holding more than one licence;
- (c) prohibiting or restricting the driving of any motor vehicles, or of any special kind of motor vehicles, on any specified public road or part of a public road, on which ordinary motor traffic would, in the opinion of the Governor in Executive Council, be specially dangerous;
- (d) with respect to the use of motor vehicles or any class of motor vehicles 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 vehicles, 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 vehicles; and with respect to the character and kind of such horns or other instruments ;
- (g) with respect to the issue of badges and the form and design thereof to drivers and conductors of motor omnibuses ;
- (h) with respect to the uniform or other distinguishing attire to be worn by drivers and conductors of motor omnibuses during employment ;
- (i) for the purpose of regulating the conduct of drivers of motor vehicles standing or plying for hire or reward ;
- (j) for the purpose of regulating the duties and conduct of conductors of motor omnibuses ;
- (k) providing for all such matters as are authorized by this Ordinance to be prescribed ;
- (l) generally, for the better carrying out of the provisions of this Ordinance.

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

(3) All regulations made under this section shall, after approval, be published in the *Royal Gazette*.

Saving of liability.

20. Nothing in this Ordinance shall affect any liability of the driver or owner of a motor vehicle or any other person by virtue of any Ordinance or at common law.

Repeal.

21. The Motor Car Ordinance, Cap. 265, the Motor Car (Amendment) Ordinance, 1926 (No. 9 of 1926), and the Motor Car (Amendment) Ordinance, 1930 (No. 1 of 1930) are hereby repealed.

Commencement.

22. This Ordinance shall commence on the first day of January, 1932.

SCHEDULE.

(SECTION 16.)

1. Standing for hire at any place not appointed therefor and non-compliance with any order relating thereto.
2. Non-compliance with any order made under s. 4 (1) (b) of Cap. 274.
3. Failure to give notice of change of ownership of a motor vehicle.
4. Failure to have prescribed light on parked car.
5. Using horn, bell or other instrument which has not been approved by the Inspector-General.
6. Offences under No. 28 of the Motor Car Regulations, 1928, or under any regulation amending, repealing or replacing the same.
7. Exceeding any prescribed speed limit.
8. Offences under section 20 of Cap. 264.

Passed in Council this thirtieth day of October,
in the year of Our Lord one thousand nine hundred
and thirty-one.

J. O'CONNOR,
Acting Clerk of the Council.