

THE MOTOR CAR ORDINANCE, 1923.

Table showing sources of the Ordinance.

SECTION OF ORDINANCE.	CORRESPONDING SECTION OF EXISTING LAW.
1	... Short title.
2	... Section 2 of 36-1912. Definitions of "Constable," "Regulations" and "Prescribed" have been added. Definition of "Public Road" amended.
3	... Section 4 of 36-1912, and section 4 of 24-1921.
4 (1)	... Section 5 (1) of 36-1912. The words "not being disqualified for obtaining a licence" have been inserted in line 3.
4 (2)	... Section 2 of 47-1914.
4 (3)	... Section 5 (3) of 36-1912 amended to provide that all licences shall expire on 31st December. Provision is made for continuing licences in force at the commencement of the Ordinance, and for renewal on proportionate payment.
4 (4)	... Section 5(4) of 36-1912 amended to give express power to stop cars for the purpose of demanding production of licences.
4 (5)	... Section 5 (5) of 36-1912.
5	... Section 3 (1) of 36-1912. (Section 3 (2) and (3) of 36-1912 have been included in sections 11 and 12 of Ordinance).
6	... Section 8 of 36-1912.
7	... Sections 2 and 3 of 38-1920.
8 (1),(2) (3)	Section 3 (1) of 24-1921.
8 (4)	... Section 3 (2) of 24-1921. The notice of intended prosecution must be in writing. This gives effect to the decision of the Full Court here, and is the law in England.
9	... Section 7 of 36-1912.
10	... Section 9 of 36-1912 and section 2 (c) of 47-1914. Paragraph (h) of sub-section (1) and sub-section (3) are new.
11, 12	... Section 3 (2) and (3) of Ordinance 36-1912 extended so as to apply to any offence under the Ordinance.
13, 14	... Section 11 of 36-1912, amended.
15	... Section 2 of 24-1921. The proviso to (4) is new.
16	... Section 12 of 36-1912.
17	Is new.
18	... Repeal.
19	... Commencement.

TRINIDAD AND TOBAGO.

No. 26—1923.

I ASSENT,

[L.S.]

S. H. WILSON,  
*Governor.*

14th December, 1923.

AN ORDINANCE to regulate the use of Motor Cars.

[1st January, 1924.]

**B**E 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 Motor Car Short title. Ordinance, 1923.

2. In this Ordinance, unless the context otherwise Interpreta-  
tion. requires, the expression—

“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.

[Price 6d.]

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

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

“Constable” includes any member of the Constabulary Force, but does not include a Rural, Estate, City or Borough Constable.

“Regulations” means Regulations made under section 10 of this Ordinance.

“Prescribed” means prescribed by the Regulations.

Registration of  
motor cars.

3.—(1) Every motor car shall be registered with the Inspector-General, who shall assign a separate number to every motor car so registered.

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

(3) A fee of twenty shillings shall be paid to the Inspector-General on the registration of every motor car, except in the case of motor cycles, for which the fee shall be five shillings.

(4) If any motor car 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 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 motor 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 motor car, if the mark so assigned is fixed upon the motor car in the manner prescribed.

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

4.—(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, not being disqualified for obtaining a licence, 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. Licensing of  
drivers.

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

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

(3) 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; but every such licence shall be renewable.

Provided that any licence in force at the commencement of this Ordinance shall continue in force for the period named therein and shall be renewable on the expiration thereof on payment of the proportionate part of the licence fee computed from the first day of the month following the date of the expiration of such licence.

(4) It shall be lawful for any constable in uniform to require any person driving a motor car 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.

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

Reckless driving.

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

Duty to stop in case of accident.

6. 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 guilty of an offence under this Ordinance.

Using motor car without consent of owner.

7.—(1) If any person uses a motor car without the consent of the owner, 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 car would, had he been present, have consented to the motor car 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 a right to use the motor car.

(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 car either or both of the following sums, namely—

Award of compensation.

- (a) Such sum as, in the opinion of the magistrate, would have been charged if the motor car 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 the motor car.

8.—(1) A person shall not, under any circumstances, within any prescribed limits or place, drive a motor car at a speed exceeding twenty miles per hour, or such lesser speed as may be prescribed.

Rate of speed of motor cars.

(2) A person shall not, under any circumstances, drive a motor van, motor lorry or motor omnibus on a public road at a speed exceeding ten 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 cars less than ten miles per hour is prescribed, a motor van, motor lorry or motor omnibus shall not be driven faster than such prescribed rate of speed.

Rate of speed of motor lorries, &c.

(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.

Penalty.

(4) Where a person is prosecuted for an offence under this section, he shall not be convicted unless he is warned of the intended prosecution at the time the offence is committed, or unless written 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 thinks reasonable.

Notice of intended prosecution.

Fraudulent alteration or use of identification mark or licence.

9. If any person fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a car, 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.

Regulations by Governor in Executive Council.

10.—(1) The Governor in Executive Council may make Regulations—

- (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 to be fixed and to be rendered easily distinguishable, whether by night or by day; and with respect to the registration of motor 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 members of the Constabulary Force, and for making the registration of a car 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 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 cars, or of any special kind of motor cars, on any specified public road or part of a public road, 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 or any class 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) for the purpose of regulating the conduct of drivers of motor cars standing or plying for hire or reward;
- (h) providing for all such matters as are authorized by this Ordinance to be prescribed;
- (i) generally for the better carrying out of the provisions of this Ordinance.

(2) Any person who shall contravene or fail to comply with any Regulation made under this section shall be guilty of an offence under this Ordinance.

(3) All Regulations made under this section shall be published in the *Royal Gazette* and shall be judicially noticed.

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

11. If the driver of any motor car 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 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 shall also be guilty of an offence under this Ordinance.

Power to arrest without warrant.

12. It shall be lawful for any constable to apprehend without warrant the driver of any motor car who commits an offence under this Ordinance or under the Regulations within his view, if such driver refuses to give his name and address or to produce his licence on demand.

Procedure.

13. All offences under this Ordinance or under the Regulations shall be prosecuted, heard and determined before a Magistrate, and the procedure in respect of such offences and of all matters incidental to and arising out of the prosecution of such offences shall be such as is laid down in the Summary Conviction Offences (Procedure) Ordinance, 1918.

(9-1918.)

Penalties.

14. Every person who shall be convicted of any offence under this Ordinance or under the Regulations shall be liable to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Suspension of licence and disqualification.

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

(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) shall, 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.

(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 a licence.

(4) Any person who is by virtue of an order of the Court 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, 1918, and the Court may if he thinks fit, pending the appeal, defer the operation of the order. <sup>(9-1918.)</sup> Provided that in case of such appeal 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.

Saving of liability.

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

Stands for motor cars used as public conveyances.

**17.**—(1) The Inspector-General may from time to time

(a) appoint stands or places where motor cars used or intended to be used as public conveyances may stand for hire; and

(b) make orders fixing the number of such motor cars to be allowed at any such stand or place, and for the enforcement of order thereat, and may from time to time alter or revoke any such order.

(2) Every appointment and order made under this section and every alteration or revocation thereof 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 car 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.

Repeal.

**18.** The Motor Car Ordinance, 1912 (36-1912), the Motor Car (Amendment) Ordinance, 1914 (47-1914), the Motor Car (Unlawful User) Ordinance, 1920 (38-1920) and the Motor Car (Amendment) Ordinance, 1921 (24-1921) are hereby repealed.

Commencement.

**19.** This Ordinance shall commence and come into operation on the 1st day of January, 1924.

Passed in Council this seventh day of December, in the year of Our Lord one thousand nine hundred and twenty-three.

G. D. OWEN,  
Clerk of the Council.