

TRINIDAD AND TOBAGO.

No. 23—1923.

I ASSENT,

[L.S.]

S. H. WILSON,  
*Governor.*

30th November, 1923.

AN ORDINANCE to consolidate and amend the law  
relating to the licensing of Vehicles.

[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 Licensing of short title  
Vehicles Ordinance, 1923.

2. In this Ordinance—

Interpretation.

“Licensing Authority” means—

- (a) In the City of Port-of-Spain, the Mayor,  
Aldermen and Citizens of the City of Port-of-  
Spain;
- (b) In the boroughs of San Fernando and Arima,  
the Mayor and Burgesses of such boroughs;
- (c) In Tobago, the Sub-Treasurer;
- (d) Elsewhere, the Warden of each County or Ward.

[Price 8d.]

"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 County or Ward of a Warden.

"Vehicle" includes a carriage, hackney carriage, motor car, motor cab, motor van, motor lorry, motor omnibus, trailer, motor cycle, tram car, cart, agricultural cart, hand cart, tricycle and bicycle.

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

"Hackney carriage" includes any carriage used or intended to be used for the conveyance of passengers for hire or reward.

"Motor car," except in relation to the amount of duty payable under this Ordinance, includes any vehicle operated or propelled by any form of engine, motor or mechanical power.

"Motor cab" includes any motor car kept or used for hire or reward, or standing or plying for hire or reward, for the conveyance of not more than six passengers, whether at separate fares or otherwise.

"Motor omnibus" includes any motor car 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.

"Motor van, Motor lorry" include any motor car 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.

"Motor cycle" includes any mechanically propelled bicycle or tricycle.

"Trailer" includes any vehicle (whether coming within the definition of Vehicle or not) trailed after or propelled by a motor car.

"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.

“Hand cart” includes any cart drawn or propelled by a person.

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

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

“Maximum gross weight” in reference to any motor van, motor lorry or trailer, means the combined weight of its chassis, body and load, and in reference to any motor omnibus means the combined weight of its chassis, body and number of persons to be carried. Provided that the weight of each person to be carried shall be taken as 126 lbs.

“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.

“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.

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

3.—(1) The Governor may from time to time 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.

Appointment  
of Inspection  
Officers.

(2) The Governor may from time to time appoint such persons as he may think fit to be Inspecting Engineers for the purposes of this Ordinance.

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

*Licensing Vehicles.*

Vehicles to be licensed.

4.—(1) The owner of every vehicle shall obtain the prescribed licence in respect thereof from the Licensing Authority of the district in which such vehicle is usually kept, and 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 liable to a penalty not exceeding ten pounds. 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 liable to a penalty not exceeding ten pounds.

(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.

Burden of proof.

(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.

Licence duties.

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

Provided that where a licence is taken out after the thirtieth day of June in any year, the duty payable shall be one-half the sum payable for a yearly licence.

Provided further that where the owner of any vehicle which has been duly licensed under this Ordinance desires to take out in respect of such a vehicle a licence for which a different duty is payable, he shall, if such duty is higher than the duty already paid in respect of such vehicle, be required to pay only the difference between such higher duty and the duty already paid, and shall, if such duty is

lower than the duty already paid in respect of such vehicle, be entitled to a proportionate refund of the difference between such lower duty and the duty already paid. If such licence is taken out after the thirtieth day of June in any year, only half such difference shall be payable or refunded as the case may be.

(2) 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 Sub-Treasurer in Tobago or by a Warden shall be paid into the Treasury.

6. 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.

Form and  
duration of  
licence.

7.—(1) Before any licence under this Ordinance is granted, a requisition for the same shall be made and signed:—

Requisition  
for licence.

- (a) By the owner or one of the owners of the vehicle in respect of which the licence is applied for; or
- (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, the weight, make, model, type and registered number under the Motor Car Ordinance, 1912; provided that in the case of a motor van, motor lorry, motor omnibus or trailer the weight to be given shall be the maximum gross weight. (36-1912.)

(e) In the case of a hackney carriage, motor cab or motor omnibus, the number of persons which the vehicle is to be licensed to carry.

(f) 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.

Evidence.

(4) 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.

Licensing Authority may require motor car to be weighed.

8. It shall be lawful for any Licensing Authority or any person authorised by a Licensing Authority before granting a licence in respect of a motor car or trailer to require such motor car or trailer to be weighed by and at the expense of the owner in the presence of a person authorised by the Licensing Authority.

False particulars.

9.—(1) Any person who on applying for a licence does not set forth truly in such requisition any of the particulars in this Ordinance required to be set forth, shall be liable for each offence to a penalty not exceeding ten pounds.

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

Form of licence.

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

- (1) A distinguishing number ;
- (2) 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 ;
- (3) The place of abode or business of such owner, or body corporate ;
- (4) A description of the vehicle ;
- (5) The amount of duty paid ;

- (6) In the case of a motor car, its registered number under the Motor Car Ordinance, 1912. (36-1912.)
- (7) In the case of a hackney carriage, motor cab or motor omnibus, the number of persons which may be carried.

11. 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 sum of one shilling.

Change of ownership and transfer of licence.

12.—(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 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.

(2) Every licensee failing to comply with the provisions of this section shall be liable for each offence to a penalty not exceeding forty shillings.

13.—(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.

Licence plates.

(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 a statutory declaration to that effect), be entitled to be supplied with another licence plate on payment of its cost.

(4) If any vehicle is kept or used without having a licence plate for the current year affixed thereto, the owner thereof and any person using the same shall each be liable to a penalty not exceeding ten pounds.

Power to enter premises.

**14.**—(1) Any person authorized in writing by the Licensing Authority may at all reasonable times between the hours of 6 a.m. and 6 p.m. 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.

(2) If any person lawfully claiming admission to any premises in pursuance of this section is refused admission into such premises or is otherwise prevented from making such inspection, the person so refusing admission or preventing inspection shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding twenty-five pounds.

Register of licences.

(36-1912.)

**15.**—(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, and 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 motor car the registered number under the Motor Car Ordinance, 1912, and in the case of a hackney carriage, motor cab or motor omnibus, the number of persons which may be carried.

(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.

*Public Conveyances.*

Certificate of Inspection Officer.

**16.**—(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.

17.—(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 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 specified in the licence in respect of such carriage or last indorsed thereon; and if after such notice any owner 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 licence 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.

Inspection of  
hackney  
carriages,  
horses and  
harness.

(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 owner thereof shall be liable to a penalty not exceeding five pounds, and the Licensing Authority shall have power to suspend for such time as it deems proper the licence of such carriage.

Cost of inspection.

**18.** 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.

Particulars to be painted on carriage.

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

(2) The owner of a hackney carriage who contravenes any of the provisions of this section, and the driver of a hackney carriage in respect of which there is any contravention of the provisions of this section, shall each be liable to a penalty not exceeding five pounds.

Excess passengers.

**20.** Any driver who permits a larger number of persons to ride in a hackney carriage than is mentioned in the licence granted in respect thereof shall be liable to a penalty not exceeding five pounds.

Application of preceding sections to motor cabs and omnibuses.

**21.** The provisions of sections 16 to 20 (both inclusive) of this Ordinance shall apply to motor cabs and motor omnibuses in like manner as those sections apply to hackney carriages, except that for references in the said sections to horses and harness used or intended to be used with a hackney carriage there shall be substituted references to the machinery used or intended to be used for the propulsion of such motor cars.

Motor Omnibuses to be examined by Inspecting Engineer.

**22.**—(1) Every applicant for a licence in respect of a motor omnibus shall produce such motor omnibus to an Inspecting Engineer for examination, and shall at the same time furnish to the Inspecting Engineer such information as may be prescribed: provided that if the applicant is

unable to furnish such information, the Inspecting Engineer may describe such motor omnibus from his own observation.

(2) The Inspecting Engineer shall examine such motor omnibus, and if satisfied that it conforms to the Regulations for the time being in force, shall forward to the Inspection Officer a certificate containing such particulars as may be prescribed, and shall recommend that such motor omnibus be licensed.

**23.** Notwithstanding anything in this Ordinance contained, no Inspection Officer shall grant a certificate as to the fitness of any motor omnibus unless he has received from an Inspecting Engineer the certificate and recommendation mentioned in the last preceding section of this Ordinance. Certificate of fitness dependent on Engineer's Certificate.

**24.**—(1) The owner of every licensed motor omnibus shall, at least once in every six months, and at any time if so ordered by an Inspection Officer, produce such motor omnibus to an Inspecting Engineer for examination, and the Inspecting Engineer, if satisfied that such motor omnibus conforms to the Regulations for the time being in force, shall endorse a certificate to that effect upon the licence issued in respect of such vehicle. Motor omnibuses to be examined every six months.

(2) The owner of any motor omnibus who fails to comply with the requirements of this section, or who uses or permits to be used any motor omnibus which does not conform to the Regulations for the time being in force or without having the required certificate of an Inspecting Engineer endorsed upon the licence issued in respect of such vehicle, shall be liable to a penalty not exceeding twenty pounds.

**25.** The owner of any motor omnibus who considers himself aggrieved by any decision of an Inspecting Engineer shall have the right to appeal to the Inspector-General of Constabulary, whose decision shall be final and binding on such owner. Appeal to Inspector-General.

#### *Carts.*

**26.**—(1) 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 painted on such cart in such position and manner as may be prescribed. Number of licence, &c., to be painted on cart.

(2) The owner of a cart who contravenes any of the provisions of this section, and the driver of a cart in respect of which there is any contravention of the provisions of such section, shall each be liable to a penalty not exceeding forty shillings.

Agricultural  
carts.

27. The owner of any cart licensed as an agricultural cart who for valuable consideration uses his cart or permits it to be used for carrying the produce or goods (not being sugar canes or pen manure) of any other person, shall be liable to a penalty not exceeding ten pounds.

*Government Vehicles.*

Government  
vehicles.

28. 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.

*General.*

Regulations  
and forms.

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

- (a) For regulating the construction of any vehicle used or intended to be used as a motor omnibus;
- (b) For regulating the duties of Inspecting Engineers;
- (c) For prescribing the fees payable to an Inspecting Engineer;
- (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;
- (g) Generally for carrying out the provisions of this Ordinance.

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

Production  
of licence.

30. 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 licence 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 licence or refusing or neglecting to declare the name and place of abode or business of the owner of the vehicle shall be liable to a penalty not exceeding five pounds.

31. 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. Joint owners.

~~32. Any person who shall forge or counterfeit or cause or procure to be forged or counterfeited any licence or any certificate under this Ordinance, shall be guilty of felony and shall be liable to imprisonment with or without hard labour for any term not exceeding twelve months.~~ Forging or counterfeiting licences. R. 13-1924

33. All penalties imposed under this Ordinance or any Regulation made thereunder shall be recoverable before a Magistrate in the manner provided by the Summary Conviction Offences (Procedure) Ordinance, 1918, and proceedings initiated by a Licensing Authority may be conducted by any person authorized by that Authority, either generally or for any particular proceedings. Recovery of penalties. (9-1918.)

34. All penalties ordered or adjudged to be paid under this Ordinance or any Regulations made thereunder 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 Treasury. Application of penalties.

35. The Licensing of Vehicles Ordinance, 1914 (40-1914), the Licensing of Vehicles (Amendment) Ordinance, 1921 (60-1921) and the Licensing of Vehicles (Amendment) Ordinance, 1922 (41-1922) are hereby repealed. Repeal.

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

## SCHEDULE.

			£	s.	d.
Carriage (other than a Hackney Carriage) per wheel	...	...	5	0	0
Hackney Carriage	...	...	1	5	0
Motor Car, not exceeding 1,600 lb. in weight	...	...	3	0	0
do. exceeding 1,600 lb., but not exceeding 2,600 lb. in weight	...	...	5	0	0
do. exceeding 2,600 lb., but not exceeding 3,600 lb. in weight	...	...	8	0	0
do. exceeding 3,600 lb. in weight	...	...	12	0	0
Motor Cab, not exceeding 1,600 lb. in weight	...	...	6	0	0
do. exceeding 1,600 lb., but not exceeding 2,600 lb. in weight	...	...	8	0	0
do. exceeding 2,600 lb., but not exceeding 3,600 lb. in weight	...	...	12	0	0
do. exceeding 3,600 lb. in weight	...	...	16	0	0
Motor Cycle	...	...	1	0	0
do. with car attached, when not used for industrial purposes	...	...	1	10	0
do. do. wheels used for industrial purposes	...	...	2	10	0
Motor Van or Lorry or Trailer, all four wheels of which are fitted with pneumatic tyres,					
		not exceeding 2 tons maximum gross weight	10	0	0
do. do.		for each additional half ton up to 4 tons maximum gross weight	1	5	0
do. do.		exceeding 4 tons but not exceeding 5 tons maximum gross weight	20	0	0
do. do.		for each additional half ton exceeding 5 tons maximum gross weight	10	0	0
Motor Van or Lorry or Trailer, all four wheels of which are not fitted with pneumatic tyres,					
		not exceeding 2 tons maximum gross weight	20	0	0
do. do.		for each additional half ton up to 4 tons maximum gross weight	2	10	0
do. do.		exceeding 4 tons but not exceeding 5 tons maximum gross weight	40	0	0
do. do.		for each additional half ton exceeding 5 tons maximum gross weight	20	0	0
Motor Omnibus, all four wheels of which are fitted with pneumatic tyres					
		not exceeding 2 tons maximum gross weight	12	10	0
do. do.		for each additional half ton up to 4 tons maximum gross weight	1	11	3
do. do.		exceeding 4 tons but not exceeding 5 tons maximum gross weight	25	0	0
do. do.		for each additional half ton exceeding 5 tons maximum gross weight	12	10	0
Motor Omnibus, all four wheels of which are not fitted with pneumatic tyres,					
		not exceeding 2 tons maximum gross weight	25	0	0
do. do.		for each additional half ton up to 4 tons maximum gross weight	3	0	0
do. do.		exceeding 4 tons but not exceeding 5 tons maximum gross weight	50	0	0
do. do.		for each additional half ton exceeding 5 tons maximum gross weight	25	0	0

No. 23.

*Licensing of Vehicles.*

1923.

	£	s.	d.
Tram Car	12	10	0
Hand Cart		12	6
Cart drawn by one donkey		15	0
Agricultural Cart	1	5	0
Cart (other than hand cart or cart drawn by one donkey, or Agricultural Cart)	2	10	0
Bicycle or Tricycle		5	0

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

G. D. OWEN,  
*Clerk of the Council.*