

TRINIDAD AND TOBAGO.

No. ⁹ - 1924.

I ASSENT,

J. H. Wilson
Governor.

25th April, 1924.

AN ORDINANCE relating to Carts.

[25th April, 1924.]

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 Carts Ordinance, Short title.
1924.

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

“Cart” includes any cart, hand-cart, dray, van, wagon, truck, car or other vehicle or machine howsoever drawn or propelled, and used or intended to be used for the carriage or conveyance of any goods, wares or other burden, article or thing whatsoever for hire or reward, but does not include a motor vehicle;

“Owner” includes a part owner and any agent or attorney of an owner or part owner of any cart; and any person by whom the driver of any cart is employed to drive the same;

[Price 6d.]

“ Driver ” includes any person driving or in charge of any cart whenever the same is in any street or public road ;

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

“ Constable ” includes any member of the Constabulary Force, and includes also a Rural, Estate, City or Borough Constable ;

“ Magistrate ” includes a Justice of the Peace ;

“ District ” means any district to which the provisions of this Ordinance apply or any area to which they may be extended ;

“ Prescribed ” means prescribed by this Ordinance or by the Regulations ;

“ Regulations ” means Regulations made under section 25 of this Ordinance.

Application of Ordinance. **3.**—(1) This Ordinance shall apply to the following districts :—

(24-1914.)

(a) The City of Port-of-Spain as defined by or under the Port-of-Spain Corporation Ordinance, 1914.

(35-1912.)

(b) The Borough of San Fernando as defined by the Municipal Corporations (San Fernando Amendment) Ordinance, 1912.

(c) The Borough of Arima, as defined by the Charter of Incorporation thereof.

(2) The Governor in Executive Council may from time to time by proclamation extend the provisions of this Ordinance to any area named in the proclamation.

Every such proclamation shall be published in the *Royal Gazette* and shall be judicially noticed.

Inspector-General's powers and duties may be exercised and performed by senior officer of district.

4. All powers vested in and duties imposed upon the Inspector-General under this Ordinance shall, in any district or area, other than the City of Port-of-Spain, to which the provisions of this Ordinance apply or may be extended, be vested in and imposed upon the senior officer of Constabulary stationed within such district or area, and any act authorised by this Ordinance to be done by the Inspector-General may be done by such senior officer of Constabulary within his district.

Drivers' Licences and Badges.

5.—(1) The Inspector-General shall, on payment of a licence fee of two shillings and sixpence in the case of a hand cart and of five shillings in the case of any other cart, grant to any person, not being under sixteen years of age, a licence under this Ordinance: Provided that the Inspector-General shall not be bound to grant any such licence to any person who within a year before his application for a licence has been convicted on indictment or summarily of any offence.

Driver's
licence.

(2) Before any such licence is granted a requisition for the same in the prescribed form shall be made and signed by the person by whom such licence is required, and in every requisition the full name of such person and his place of abode shall be truly set forth.

(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.

6. The Inspector-General shall, with every licence, deliver to the person to whom such licence is granted a metal badge, upon which there shall be marked the word "Driver" and the number of such licence.

Badge.

7. Subject to the provisions of this Ordinance, no person shall drive or be in charge of any cart unless he has a licence and badge in force, and no driver shall, except in compliance with this Ordinance, transfer his licence or permit any other person to wear his badge.

No person to
drive without
licence and
badge.

8. No owner shall knowingly allow any person not duly licensed to drive or be in charge of any cart of which he is the owner.

Owner not to
allow
unlicensed
person to
drive.

Provided however that nothing hereinbefore contained shall subject to any penalty any owner who employs an unlicensed person to drive or be in charge of his cart for any period not exceeding twenty-four hours, or any unlicensed person so employed for such period, upon proof to the satisfaction of the magistrate that such employment was occasioned by unavoidable necessity.

Provided also that every owner who so employs such unlicensed person, and every such unlicensed person, shall be subject to all the provisions of this Ordinance for any act done by such unlicensed person during such employment, in like manner as if he had been a licensed driver.

No person to act for driver without consent of owner.

9. Every person authorised by any owner to act as driver of any cart who allows any other person to act as driver of such cart without the consent of the owner thereof, and also every person who acts as driver of any such cart without the consent of the owner thereof, shall be guilty of an offence under this Ordinance; and every driver charged with such offence who, when required by a magistrate so to do, shall not truly make known the name and place of abode of the person so allowed by him to act as driver, shall be guilty of a further offence under this Ordinance; and it shall be lawful for any constable without warrant to apprehend any person unlawfully acting as a driver and to convey him before any magistrate, and also if necessary to take charge of the cart and any animal in charge of such person and to deposit the same in some place of safe custody until the same can be applied for by the owner.

Driver's licence to be kept by owner.

10.—(1) Every owner who employs any licensed driver shall require to be delivered to him and shall retain in his possession the licence of such driver while such driver remains in his service.

(2) When any complaint is made before any magistrate against the driver of any cart in respect of an offence under this Ordinance, or any offence relating to or arising out of the driving of any cart, it shall be lawful for the magistrate to summon the owner of such cart to produce at the hearing of such complaint the licence of such driver; and if any such owner shall fail without reasonable excuse, the proof of which excuse shall be upon him, to produce such licence, he shall be guilty of an offence under this Ordinance.

Owner to return licence to driver when latter quits his service.

11. When any licensed driver leaves the service of any owner, such owner shall on demand return to such driver his licence: Provided that if such owner has any complaint against the driver it shall be lawful for him to retain such

licence for any time not exceeding twenty-four hours after the demand thereof (such period of twenty-four hours to be computed exclusive of any day on which the magistrate's Court does not sit), and within that time to apply to a magistrate for a summons against such driver, and the owner at the time of applying for such summons shall deposit the licence with the Clerk of the Peace; and in case any owner, who upon demand has refused or neglected to deliver to any driver his licence, does not within the time aforesaid apply for such summons and deposit the licence as aforesaid, or does not appear to prosecute his complaint at the time mentioned in the summons, it shall be lawful for such driver to apply to the magistrate for a summons against such owner; and the magistrate, if he thinks there was no just cause for detaining the licence or that there has been needless delay on the part of the owner in bringing the matter to a hearing, may order the owner to pay such compensation to the driver as the magistrate shall think reasonable; and the magistrate shall cause the licence to be delivered to the driver, unless any misconduct is proved against him by reason whereof the magistrate thinks that such licence should be revoked or suspended.

12. Upon the expiration of any licence the person to whom it was granted shall deliver the same and the badge relating thereto to the Inspector-General; and

Licence and badge to be delivered up on expiration.

- (1) Every such person who wilfully neglects for three days so to deliver the same, and
- (2) Every person who uses or retains any badge without having a licence in force relating to such badge,

shall be guilty of an offence under this Ordinance; and any constable may seize and take away any such badge where-soever the same may be found in order to deliver the same to the Inspector-General.

13. Every licensed driver shall at all times while acting as driver and when in attendance before any magistrate wear his badge conspicuously upon his breast or arm in such manner that the whole of the writing thereon is distinctly legible. Every driver who fails to comply with

How badges to be worn.

the provisions of this section, or who, when required by any constable in uniform, refuses to produce his badge for inspection or to permit any person to note the writing thereon, shall be guilty of an offence under this Ordinance.

Defaced
badges.

14. Whenever the number on any badge becomes obliterated or so obscured or defaced as not to be distinctly legible, the person to whom the licence relating to such badge has been granted shall, on delivery of such badge to the Inspector-General, be entitled to have a new badge upon payment of a sum of one shilling, and every person who uses or wears any badge after the number thereon is obliterated or so obscured or defaced as not to be distinctly legible, shall be guilty of an offence under this Ordinance.

Lost badge to
be replaced.

15.—(1) Whenever any badge is proved to the satisfaction of the Inspector-General to have been lost or mislaid, the person to whom the licence relating to such badge has been granted shall, on production of such licence to the Inspector-General, be entitled to have a new badge upon payment of a sum of one shilling.

(2) If any badge which has been represented to have been lost or mislaid is afterwards found, it shall forthwith be delivered to the Inspector-General, and every person having possession of any such badge who refuses or neglects for three days to deliver the same to the Inspector-General, shall be guilty of an offence under this Ordinance.

Forging or Counterfeiting Licence or Badge.

Forging or
counterfeiting
licence or
badge.

16. Every person who—

- (1) Forges or counterfeits or causes to be forged or counterfeited any licence or badge, or
- (2) Sells or exchanges or exposes for sale or utters any such forged or counterfeited licence or badge, or
- (3) Has or is possessed of any forged or counterfeited licence or badge, knowing the same to be forged or counterfeited, or
- (4) With intent to deceive, uses or wears any badge resembling or intended to resemble any badge granted under this Ordinance, or

- (5) Knowingly and wilfully aids or abets any person in committing any of the several offences aforesaid,

shall be liable to imprisonment with or without hard labour for any period not exceeding six months; and any constable may seize and take away any such licence or badge in order that the same may be produced in evidence against such offender or be disposed of as the Inspector-General thinks proper.

Cart Stands.

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

- (i) appoint stands or places where carts may stand for hire; and
- (ii) make orders fixing the number of carts to be allowed at any such stand or place, and for the enforcement of order thereat, and from time to time alter or revoke any such orders.

(2) Every such appointment and order 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 cart 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.

Fares.

18. (1) The driver of any cart shall be entitled for the Fares. hire of such cart to such fares as may from time to time be fixed by the local authority with the approval of the Governor in Executive Council.

(2) Every person who refuses or omits to pay to any driver his legal fare shall be guilty of an offence under this Ordinance.

(3) In this section and in section 19 hereof, "local authority" means

- (a) In the Port-of-Spain district, the Mayor, Aldermen and Citizens of the City of Port-of-Spain;
- (b) In the San Fernando and Arima districts, the Mayor and burgesses;
- (c) Elsewhere, the Inspector-General.

Plying for hire.

Cart if not actually hired to be deemed to be plying for hire.

19. Every cart in any street or public place shall, unless actually hired, be deemed to be plying for hire, although such cart is not at any place appointed as a stand for carts, and the driver of every such cart not actually hired shall be obliged and compellable to hire such cart and to take and carry thereon such loads and to go therewith to such places within his district as he may be required by the hirer:

Provided that no driver shall be obliged or compellable to take or carry on his cart as and for one load any heavier weight or any greater quantity of goods, wares or merchandise than may be fixed by the local authority with the approval of the Governor in Executive Council.

Fares and loads to be gazetted.

20. All fares fixed under section 18 and all loads fixed under section 19 of this Ordinance and approved by the Governor in Executive Council shall be published in the *Royal Gazette* and shall be judicially noticed.

Onus of proof upon driver.

21. Upon the hearing of any complaint against the driver of any cart for refusing to hire such cart or to take or carry thereon any such load as he may be lawfully required to take or carry, the burden of proof that such cart was hired at the time of such refusal, or that such cart was not plying for hire, shall be upon the driver.

Compensation to drivers for loss of time.

22. If the driver of any licensed cart in civil and explicit terms declares to any person desirous of hiring the cart that it is actually hired or that he is not plying for hire or gives any other reasonable excuse for refusing to hire the cart, and afterwards notwithstanding such reply is summoned to answer for his refusal to hire the cart or take

or carry thereon such loads as aforesaid, and proves that the cart was actually hired or that he was not plying for hire, or that he had other reasonable excuse for refusing to hire the cart, and it does not appear that he used uncivil language or that he improperly conducted himself towards the complainant, the magistrate shall order the complainant to pay the driver such compensation for his loss of time in attending to make his defence as the magistrate deems reasonable.

23. Every driver who either verbally or in writing contracts with any person to let or hire any cart at a time and place certain, and fails to attend with such cart at such time and place, or otherwise fails to perform such contract, without reasonable excuse, the proof of which excuse shall be upon such driver, shall be guilty of an offence under this Ordinance.

Driver bound
to keep
engagement.

24. Every driver who—

- (1) Demands more than his legal fare; or
 - (2) Loiters in any street or public road or wilfully causes any obstruction in or upon any street, road or place; or
 - (3) Is drunk while driving or in charge of his cart; or
 - (4) When standing or plying for hire, by calling out or otherwise, importunes any person to hire his cart, to the annoyance of such person or of any other person; or
 - (5) Fails to comply with the lawful directions of any constable charged with the regulation of traffic
- shall be guilty of an offence under this Ordinance.

Offences by
drivers.

General.

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

Regulations.

- (a) Providing for all such matters as are authorized by this Ordinance to be prescribed;
- (b) For the purpose of regulating the conduct of drivers of carts standing or plying for hire;
- (c) 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.

Penalties.

26. Any owner of a cart or any driver who commits any offence under this Ordinance or the Regulations for which no penalty is provided, or who contravenes or fails to comply with any of the provisions of this Ordinance or the Regulations, or who fails or neglects to perform any obligation or requirement imposed by this Ordinance or the Regulations upon them or either of them, shall upon conviction thereof be liable to a penalty not exceeding five pounds.

Revocation and suspension of licence.

27.—(1) Where any driver is convicted on indictment or summarily of any offence, the Inspector-General may, if he thinks fit, within one week from such conviction suspend or revoke the licence of such driver.

Delivery up of suspended or revoked licence.

(2) The Inspector-General may require any person having possession of the licence or badge of such driver to deliver the same respectively to him, and the Inspector-General shall cancel such licence if it is revoked, or if it is suspended shall re-deliver it at the expiration of the period of suspension, together with the badge, to the person to whom such licence was granted.

(3) Any person required under this section to deliver a licence or a badge to the Inspector-General who refuses or neglects so to do, shall be guilty of an offence under this Ordinance.

Register of licences.

28. The particulars of every licence shall be entered, in such manner and form as the Inspector-General may from time to time direct, in a book or books to be kept at the principal Constabulary Station of the district in which such licence has been granted; and in all Courts and before any magistrate and upon all occasions whatsoever a copy of any entry made in any such book, and purporting to be certified as a true copy by the person having the charge thereof, shall be received as evidence and be deemed sufficient proof of all

Evidence.

things therein registered without requiring the production of any such book or of any licence or of any requisition, notice or other document upon which any such entry may be founded. Every person shall on application at any reasonable time be furnished with a certified copy of the particulars respecting any licence or licensed person without payment of any fee.

29. In every case where there is more than one owner of ^{Joint proprietors} any cart 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.

30. All offences under this Ordinance, and also all claims, ^{By whom complaints are to be determined.} disputes or causes of complaint that may arise out of the same, shall be prosecuted, heard and determined before a magistrate, and the procedure in respect of such offences and of all matters incidental to or arising out of the prosecution of such offences shall be such as is laid down in the Summary Conviction Offences (Procedure) ^(9-1918.) Ordinance, 1918.

31.—(1) The Inspector-General shall keep a true account ^{Appropriation of fees.} of all moneys paid to him for licences and badges, and of all expenses incurred by him in carrying out his duties under this Ordinance, including in such expenses any reasonable remuneration paid for clerical assistance.

(2) In respect of licences and badges issued and expenses incurred in Port-of-Spain, San Fernando and Arima, the Inspector-General shall, on the first day of the months of January and July in every year, or within thirty days thereafter, transmit to the Town Clerk and Treasurer a transcript of such account made up to the last day of the preceding month, and shall hold the balance of such moneys upon trust to pay the same to such Town Clerk and Treasurer, after deducting thereout such expenses as aforesaid: Provided that the Inspector-General shall be entitled to be allowed any sum actually and in good faith paid in respect of the expenses aforesaid, and shall not be responsible for any loss or misapplication unless the same happened through his wilful act or omission,

(3) All moneys received in respect of licences and badges issued elsewhere than in Port-of-Spain, San Fernando and Arima, shall be paid into the Treasury.

Appropriation
of penalties.

32. All penalties or sums of money ordered or adjudged to be paid under this Ordinance, and not otherwise appropriated, shall be payable to the magistrate of the district for the use of His Majesty.

Repeal.

33. The enactments mentioned in the Schedule hereto are hereby repealed to the extent specified in the third column of the said Schedule.

Provided that licences issued under Ordinance No. 198 and in force at the commencement of this Ordinance shall be deemed to have been issued under this Ordinance.

Saving.


Provided also that the Eighteenth Schedule to Ordinance No. 36 of 1918, the schedule of fares published on page 119 of the *Royal Gazette* of 23rd February, 1922, and the table of fares and the tariff of loads for carts in Schedules III and IV of Ordinance No. 3 of 1922 shall remain in force until superseded by fares and loads fixed under sections 18 and 19 of this Ordinance.

SCHEDULE.

Enactments repealed.

No. or No. and year.	Short title.	Extent of repeal.
198	... The Streets Regulation Ordinance	Sections 1, 2 and 3 and 16 to 34 (both sections being included).
24-1914	... The Port-of-Spain Corporation Ordinance, 1914	Sections 293A to 293K (both sections being included).
36-1918	... The Port-of-Spain Corporation (Amendment) Ordinance, 1918	Section 37.
3-1922	... The San Fernando and Arima Hucksters, Pedlars, Porters and Carters Ordinance, 1922.	So much as relates to carts and carters.

Passed in Council this eleventh day of April, in the year of Our Lord one thousand nine hundred and twenty-four.


Acting Clerk of the Council.

THE CARTS ORDINANCE, 1924.

Table showing sources of the Ordinance.

ORDINANCE.	CORRESPONDING PROVISIONS OF THE EXISTING LAW.
1	Short title.
2	The definitions in this section are new.
3	Ordinance 198, section 3.
4	New. Supersedes definition of "Police Authority" in section 2 of Ordinance 198.
5(1)	Ordinance 198, section 16.
5(2)	Do. section 19.
5(3)	Do. sections 17 and 20.
6	New. Not expressly provided for in Ordinance 198.
7	Ordinance 198, section 22.
8	Do. section 23, except the provisos, which are copied from the provisos to section 9 of the Hackney Carriage Ordinance, 1924.
9	New. In force with regard to hackney carriages.
10	Ordinance 198, sections 24 and 30.
11	Do. section 26.
12	Do. section 27.
13	See section 37 (293b) of Ordinance 36—1918.
14	New.)
15	New.) In force with regard to hackney carriages.
16	Ordinance 198, section 28.
17	New.
18	Ordinance 36—1918, section 37 (293d) and Ordinance 3—1922, sections 15 and 17.
19	Ordinance 36—1918, section 37 (293c), and (293e) and Ordinance 3—1922, section 16 (2).
20	New.
21	Ordinance 36—1918, section 37 (293f).
22	Ordinance 36—1918, section 37 (293g) and Ordinance 3—1922, section 18 (1).
23	Ordinance 36—1918, section 37 (293h) and Ordinance 3—1922, section 19.
24	New.)
25	New.)
26	New.) In force with regard to hackney carriages.
27	New.)
28	Ordinance 198, section 29.
29	New. In force with regard to hackney carriages.
30	Ordinance 198, section 33.
31	Do. section 18.
32	Do. section 32.
33	Repeal and saving clauses.