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3rd Session Third Parliament Trinidad and Tobago  
23 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 11 of 1974**

[L.S.]

AN ACT to facilitate the enforcement and administration of the law relating to road traffic and to vehicles on roads by providing for the punishment without prosecution of offences for which a fixed penalty is imposed, and matters incidental thereto.

*[Assented to 17th May, 1974]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment and with the advice and consent of the Senate and House

of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :—

Short title

1. This Act may be cited as the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, 1974.

Interpretation

2. In this Act—

Ch. 3. No. 4

“Clerk” and “Court” have the meanings respectively assigned to those expressions by section 2 of the Summary Courts Ordinance;

Act No. 30  
of 1965

“constable” means a police officer as defined by the Police Service Act, 1965;

“fixed penalty” means the penalty prescribed by or under section 6;

“notice” means a document offering the opportunity of the discharge of any liability to conviction of the offence specified therein by payment of a fixed penalty in accordance with this Act;

“offence” means an offence specified in the Schedule, being an offence created by or under the enactment specified therein;

“proceedings” means proceedings by complaint before a magistrate;

Ch. 16. No. 3

“driver”, “road” and “vehicle” have the meanings respectively assigned to those expressions by section 2 of the Motor Vehicles and Road Traffic Ordinance.

Constable may  
give or affix  
notice

3. (1) Subject to subsection (4), where a constable finds a person on any occasion and has reason to believe that he is committing or has committed an offence he may give that person a notice.

(2) Subject to this section, where a constable finds a vehicle on any occasion and has reason to believe that an offence is being or has been committed in respect of that vehicle, the constable may affix a notice to any part of the vehicle where the notice may easily be seen; and a notice so affixed shall, for the purposes of this Act be deemed to have been given to the person liable for the offence.

(3) Where a notice is affixed to a vehicle under subsection (2), the constable shall seek to obtain information as to the identity of the driver of the vehicle with a view to taking proceedings for the offence, but subject to section 5.

(4) Where a constable intends to proceed in accordance with subsection (1) or (2), the notice shall be given or be affixed, as the case may be, on the occasion when he had reason to believe that the offence was committed.

4. A notice given or affixed under section 3 shall be signed by the constable and shall specify—

Particulars to  
be specified  
in notice

- (a) the date on which it is given or affixed;
- (b) the time and place where it is given or affixed;
- (c) the section of the enactment creating the offence alleged, and such particulars of the offence as are necessary for giving reasonable information of the allegation;
- (d) the period during which, by virtue of section 5(1) proceedings will not be taken for the offence;
- (e) the amount of the fixed penalty; and
- (f) the Clerk to whom and the address at which the fixed penalty may be paid.

5. (1) Where a notice has been given or is deemed to have been given to a person under section 3 no proceedings for the offence shall be taken against that person before the expiration of twenty-one days from the date of the notice.

Restriction  
on taking  
proceedings

(2) Where a fixed penalty is paid in accordance with this Act before the expiration of twenty-one days from the date of the notice or before the date on which proceedings for the offence are begun, whichever event last occurs, no person who was liable to pay the fixed penalty shall then be liable to be convicted of the offence in respect of which the fixed penalty has been paid.

Amount of fixed penalty payable

6. The fixed penalty for an offence shall be the amount specified in the third column of the Schedule for that offence.

Payment of fixed penalty

7. Payment of a fixed penalty shall be made to the Clerk having jurisdiction in the district in which the offence is alleged to have been committed, and shall be dealt with in the same manner as a fine imposed for an offence under the Summary Courts Ordinance.

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Certificate of payment or non-payment of fixed penalty

8. In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Unauthorized removal or interference with notice

9. A notice affixed to a vehicle under section 3(2) shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this section is liable on summary conviction to a fine of two hundred and fifty dollars.

Restriction on reference to notice, payment or non-payment

10. In any proceedings for an offence no reference shall be made to the giving or affixing of any notice or to the payment or non-payment of a fixed penalty under this Act unless in the course of the proceedings or in some document which is before the court in connection with the

proceedings reference has been made by or on behalf of the defendant to the giving or affixing of such a notice or, as the case may be, to such payment or non-payment.

11. (1) The Governor-General may from time to time <sup>Amendment of Schedule</sup> by order—

- (a) add any offence to the Schedule; or
- (b) remove any offence from the Schedule,

and in particular may alter the fixed penalty for any offence or prescribe a new fixed penalty to an amount not exceeding fifty dollars.

(2) In subsection (1) (a) “offence” means an offence against any enactment relating to the use of vehicles on roads and punishable on summary conviction.

12. The Governor-General may by regulations <sup>Regulations</sup> make provision as to any matter incidental to the operation of this Act, and in particular—

- (a) for prescribing the form of notice; and
- (b) for prescribing the duties of Clerks and the information to be supplied to them.

13. The power of the Governor-General to make orders <sup>Orders and regulations</sup> and regulations under this Act shall be subject to <sup>subject to affirmative resolution</sup> affirmative resolution of the Senate and the House of Representatives.

14. This Act shall come into operation on a date <sup>Commencement</sup> appointed by the Governor-General by proclamation published in the *Gazette*.

## SCHEDULE

(Sections 6 and 11)

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i>
1. Using a Motor Vehicle on a Road, with the plates forming the identification mark thereof not being clean and maintained in such condition as to render each letter or figure readily distinguishable	Regulation 9 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
2. Failing to have affixed on the front and rear of a Motor Vehicle or Trailer the plates forming the identification mark thereof	Regulation 9 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
3. Motor Vehicle or Trailer being used on a Public Road at night without illumination of rear identification plate.	Regulation 10 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
4. Having affixed to the front of a Motor Vehicle or to the rear of a Motor Vehicle or Trailer any unauthorised lighted lamp	Regulation 25(9) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
5. Motor Vehicle in motion on a Road at night without two lighted lamps at the front of the Vehicle	Regulation 25(11)(a) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$15.00
6. Motor Vehicle or Trailer not attached to a Motor Vehicle stationary on a Road at night without two lights at the front of sufficient intensity to indicate the presence of the Motor Vehicle or Trailer	Regulation 25(11)(b) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$15.00
7. Motor Vehicle or Trailer on a Road at night without carrying one lamp showing a red light to the rear, of such intensity as to indicate clearly its presence on the Road	Regulation 25(11)(c) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$15.00
8. Carrying spot lights or other similar lights on a Motor Vehicle without the authority of the Licensing Authority	Regulation 25(11)(d) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
9. Failing to carry attached to a Motor Vehicle a horn or other instrument capable of giving audible and sufficient warning of its approach or position	Regulation 27(13)(a) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
10. Leaving or permitting a Motor Vehicle which has broken down to be left on any Public Road without taking requisite steps to indicate its presence and position by lighting or otherwise to other persons using the Road or failing to take immediate steps to have it removed as near to the left side of the Road as possible	Regulation 27(19) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$15.00

SCHEDULE—Continued

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i>
11. Failing to keep a Motor Vehicle on the left side of the Road without sufficient cause	Regulation 27(5)(a) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
12. Driver of Motor Vehicle failing to keep to the right or off side when overtaking other Vehicles	Regulation 27(5)(c) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
13. Driver of Motor Vehicles, when being overtaken by other Vehicles failing to drive as close to the side of the Road as possible so as to allow such other Vehicles to pass or failing to give as much space as possible for the passing of other traffic or speeding abreast any Vehicle when such Vehicle is overtaking him.	Regulation 27(5)(d) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$25.00
14. Driver of Motor Vehicle overtaking other traffic without having a clear and unobstructed view of the Road ahead or overtaking other traffic when the Road ahead is not clear for a sufficient distance to enable him to overtake and get back to his proper side before meeting any traffic coming from the opposite direction	Regulation 27(5)(e) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$25.00
15. Driver of Motor Vehicle overtaking other traffic when rounding a corner or where Road intersect or fork or where the Road passes over the brow of a hill or over a humpbacked bridge	Regulation 27(5)(f) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$20.00
16. Parking Motor Vehicle within a distance of thirty feet from any corner or Road intersection	Regulation 27(5)(j) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
17. Driver of Motor Vehicle drawing up the Motor Vehicle alongside another Motor Vehicle	Regulation 27(5)(k) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
18. Drawing up Motor Vehicle on a Road or leaving Motor Vehicle standing on a Road, within ten feet of a Fire Hydrant	Regulation 27(5)(l) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
19. Drawing up Motor Vehicle or permitting it to remain on either side of a Road within ten feet of the frontage of a Fire Brigade Station	Regulation 27(5)(m) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00

## SCHEDULE—Continued

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i>
20. Driving of Motor Vehicle negligently or wilfully preventing, hindering or interrupting the free passage of a vehicle, person or animal or allowing such Motor Vehicle and any trailer drawn thereby to stand in a Road so as to cause unnecessary obstruction thereto	Regulation 27(6) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
21. Driver of Motor Vehicle causing it to be overcrowded with persons	Regulation 27(17) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
22. Driver of Motor Vehicle standing abreast of any other Vehicle or failing to draw up close to the lefthand side of the Road and stop on the approach of any engine or other apparatus of a Fire Brigade	Regulation 27(20) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
23. Towing anything other than another Motor Vehicle without the written permission of the Licensing Authority	Regulation 27(21) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$20.00
24. Towing another Vehicle without the tow rope, chain or draw bar being so adjusted that the distance separating the nearest two points of the two Vehicles exceed fifteen feet, or the tow rope, chain or draw bar being easily distinguishable by other users of the Road	Regulation 27(22) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$15.00
25. Using a Motor Vehicle without it being equipped with a reflecting mirror, so constructed and fitted to the Motor Vehicle to enable the Driver to be or become aware of the presence in the rear thereof, of any other Vehicle, the Driver of which is desirous of passing such Motor Vehicle	Regulation 29 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
26. Goods Vehicle carrying a load which is not properly secured to prevent displacement of any portion thereof by the motion of travel	Regulation 31 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$20.00
27. Using a Motor Vehicle, the Tyres of which are not maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the Road, or danger to persons in or on the Vehicle or to any person using the Road	Regulation 33 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$15.00

SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i>
28. Driving a Motor Vehicle on a road at a speed greater than the speed so specified as the Maximum speed in relation to a Vehicle of that class or description	Section 44(1) of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$25.00
29. Driver of a Vehicle failing to comply with Traffic Directions given by a Constable in Uniform acting in the execution of his duty	Section 44D of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$20.00
30. Driver of a Vehicle failing to comply with the indication given by a Traffic Sign authorised by the Licensing Authority under section 44B of the Motor Vehicles and Road Traffic Ordinance	Section 44D of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$10.00
31. Using a Vehicle on a Road in contravention of a prohibition or restriction imposed by Order of the Commissioner of Police	Section 44F of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$10.00
32. Parking a Vehicle other than a Taxi in Public Stands appointed for Taxis	Regulation 76 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00
33. Failing to comply with a no-parking Order, a unilateral parking order or a one-way street Order made by the Transport Board	All orders made by the Transport Board under section 44c of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$10.00
34. Parking of a Motor Vehicle on any portion of Knox Street between St. Vincent and Abercromby Streets in the City of Port-of-Spain, by a person not being a member of the House of Representatives or of the Senate or his Servant or Agent	Section 44G(1) of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$10.00
35. Parking of a Motor Vehicle in contravention of a Notice given by the Minister of Communication and Works and published in the <i>Gazette</i>	Section 44G of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	\$10.00
36. Holding out a Motor Vehicle for hire to the Public by troublesome and frequent demands or by persistent following in such a manner as to constitute a nuisance or cause annoyance or inconvenience to any person	Regulation 61 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	\$10.00

Passed in the House of Representatives this 26th day  
of April, 1974.

G. R. LATOUR  
*Clerk of the House*

Passed in the Senate this 7th day of May, 1974.

J. E. CARTER  
*Clerk of the Senate*