

See Regs 1.5.27 p 527 R.G. 1922  
for other vehicles

vide 28/44  
vide 31/44

CHAPTER 16. No. 3.

MOTOR VEHICLES AND ROAD TRAFFIC.

no 37/49

AN ORDINANCE RELATING TO MOTOR VEHICLES AND ROAD TRAFFIC.

- Ordinances
- No. 42—1934.
- „ 2—1936.
- „ 10—1937.
- „ 37—1938.

Commencement.

[1st January, 1935.]

Short title.

1. This Ordinance may be cited as the Motor Vehicles and Road Traffic Ordinance.

PART I.

GENERAL.

Interpretation.

2. In this Ordinance—

“at night” means from half an hour after sunset until half an hour before sunrise;

“Board” means the Trinidad Transport Board;

“driver” includes any person actually driving a motor vehicle at any given time and any person in charge thereof for the purpose of driving whenever the same is stationary on any road;

“freight passenger vehicle” means a motor vehicle constructed for the purpose of carrying both passengers and goods and which is approved by the Licensing Authority as suitable for that purpose;

“goods vehicle” means a motor vehicle which is so constructed as to show that its primary purpose is the carriage or haulage of goods, merchandise or other loads;

“hiring car” or “taxi” means a public service vehicle having seating accommodation for not more than six

Misdefinition  
of agricultural  
tractors and  
agricultural  
trails  
see Ord  
33/48 2 (c)

Amended  
by Ord. 2/1936 (2) a  
s. 2. (1).

vide 28/44  
13/46  
28/46  
40/45  
2/48

passengers and which is of a type approved by the Licensing Authority as suitable for the ordinary purposes of a taxi;

“Inspector” means any person appointed under the provisions of this Ordinance to examine motor vehicles or for other purposes of this Ordinance;

“Licensing Authority” means the authority appointed in accordance with the provisions of section 4 for the registration, licensing and control of motor vehicles;

“maximum gross weight” or “M.G.W.” in reference to a goods vehicle means the tare together with the load including the weight of the driver and loaders, and in reference to a motor omnibus means the tare together with the weight of the driver, conductor and number of passengers for which the vehicle is licensed. For the purposes of this definition the weight of a driver, loader, conductor or passenger shall be taken as 126 lbs;

“motor cycle” means a motor vehicle with less than four wheels and the weight of which unladen does not exceed 800 lbs;

“motor lorry” means a goods vehicle which is, itself, constructed to carry goods, merchandise or other loads;

“motor omnibus” means a public service vehicle other than one licensed as a “hiring car,” and includes a light motor omnibus having seating accommodation for not more than ten passengers, an ordinary motor omnibus having seating accommodation for more than ten passengers, and a freight passenger vehicle;

Ord. 2—1936,  
s. 2 (1).

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads and includes a trolley vehicle, but does not include vehicles constructed exclusively for use on rails or other specially prepared tracks;

Ord. 37—1938,  
s. 17.

“overtaking” includes passing or attempting to pass any other vehicle proceeding in the same direction;

“owner” in the case of a motor vehicle that is registered means the person in whose name the vehicle is registered: Provided that in the case of a motor vehicle which is the subject of a hire purchase agreement it means the person in possession of the vehicle under that agreement: Provided further that whenever the registered owner of a motor vehicle is absent from the Colony, the person in actual

*In new  
definition of  
"Motor Car"  
See Order  
No 37/49  
(2)*

Ord. 2—1936,  
s. 2 (1).

charge or possession of the vehicle in the Colony shall be deemed to be the owner thereof;

"parking place" means a place where motor vehicles or motor vehicles of any particular class or description may wait;

"private motor car" means any motor vehicle, other than a goods vehicle the weight of which unladen exceeds 800 lbs. and which does not fall within the definition of a public service vehicle;

"public service vehicle" means a motor vehicle used for carrying passengers for hire or reward, whether at separate and distinct fares for their respective places or not;

"road" means any street, road or open space to which the public are granted access and any bridge over which a road passes, and includes any privately owned street, road or open space to which the public are granted access either generally or conditionally;

"tare" means the actual weight of a motor vehicle when unladen but inclusive of the body, accumulators, loose tools, spare wheels and other usual equipment and a full supply of water and fuel used for the purposes of propulsion;

"tractor" means any motor vehicle constructed for the purpose of hauling trailers whether or not it is itself capable of carrying passengers or goods but does not include a motor lorry so constructed except when such motor lorry is hauling a trailer;

"trailer" means any vehicle which has no independent motor power of its own and which is attached to a tractor or other motor vehicle, but does not include a side-car attached to a motor cycle;

"traffic" includes bicycles, tricycles, motor vehicles, tramcars, vehicles of every description, pedestrians, and all animals being ridden, driven or led;

"ton" means the Imperial ton of 2,240 lbs;

"vehicle" includes <sup>Motor Cars</sup> carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, hand carts, sledges, trucks, barrows and all other machines for the portage of goods or persons.

*Amended  
by Order  
No 37/49. 2 (1)*

Trinidad  
Transport  
Board.

3. (1) There shall be established a body to be called the Trinidad Transport Board (hereinafter referred to as the Board)

consisting of the Director of Works and Transport as Chairman, the Commissioner of Police, a member of the Trinidad Automobile Association and seven other members to be appointed by the Governor after consultation with such representatives or bodies, representatives of the following interests, as the Governor may think fit, that is to say, local government, commerce, industry, agriculture and labour. The Governor may appoint any person to act in the place of the Chairman or any other member of the Board in the case of his absence or inability to act as such Chairman or other member. The Board may act by any five of their members and may so act notwithstanding any vacancy in the number of members constituting the Board. The Board shall have the power to regulate their procedure.

Ord. 10-1937,  
s. 2. (1).

(2) The Board shall act in an advisory capacity and shall advise the Governor on all matters appertaining to road and railway transport and traffic and in particular as to the following matters:—

- (a) transport, rates, fares, tolls, dues or other charges;
- (b) licence duties and fees in respect of motor and other vehicles;
- (c) customs and excise duties in respect of transport vehicles and fuel therefor;
- (d) the needs of areas as a whole in relation to traffic (including the provision of adequate suitable and efficient services and the elimination of unnecessary or unremunerative services) and the co-ordination of all forms of passenger and goods transport, including transport by rail and sea;
- (e) the regulation and control of traffic;
- (f) the construction and maintenance of roads and the cost thereof; and
- (g) any other matter affecting traffic or transport that the Governor may refer to the Board.

(3) The Board shall hear and determine any appeal submitted by any aggrieved person against any order or decision of the Licensing Authority, or of a Licensing Officer, and the Board's decision thereon shall be final and conclusive.

Ord. 10-1937,  
s. 2 (2).

(4) The Board shall perform such other duties as are assigned to them by this Ordinance and the regulations made hereunder or by any order of the Governor in Council.

Ord. 10-1937,  
s. 2 (2).

Licensing  
Authority,  
Licensing  
Officers and  
Inspectors.

4. (1) The Commissioner of Police or such officer as the Governor may appoint, shall be the Licensing Authority for the registration and licensing of all motor vehicles in whom shall be vested the administration of this Ordinance and who may, subject to the approval of the Governor, appoint such Licensing Officers and Inspectors as may be necessary in certain localities for the due carrying out of the provisions of this Ordinance and of the regulations made thereunder.

(2) All such Licensing Officers and Inspectors shall be under the direction of the Licensing Authority.

(3) All licences and certificates of registration shall be issued by such Licensing Officers on behalf of the Licensing Authority.

## PART II.

### REGISTRATION OF MOTOR VEHICLES.

Motor vehicle  
registers.

5. (1) The Licensing Authority shall keep registers of motor vehicles in the prescribed forms and separate registers shall be kept by the Licensing Officer in any locality as directed by the Licensing Authority.

(2) Every Licensing Officer shall forward to the Licensing Authority a copy of every entry made in his local register.

(3) The Licensing Authority shall supply to any person applying for a copy of the entries relating to any specified vehicle a copy of these entries on payment of a prescribed fee, provided that he shows that he has a reasonable cause for requiring such a copy.

Registration  
of motor  
vehicles.  
Ord. 2—1936,  
s. 3.

6. (1) Save as hereinafter provided, no person shall drive, or, being the owner, shall permit any other person to drive a motor vehicle on a road unless such vehicle, and any trailer drawn by such vehicle, is registered under this Ordinance, and has affixed thereto in the prescribed manner the prescribed identification mark:

Provided that no person shall be liable to a penalty for a breach of this section if he proves that he has taken all reasonable steps to comply with its requirements, and that the vehicle is being driven on a road for the purpose of being registered.

(2) Application for the registration of a motor vehicle shall be made by the owner on the prescribed form, which must be duly completed by the applicant and be accompanied by the prescribed registration fee.

(3) The Licensing Officer to whom application is made shall, upon being satisfied that the provisions of this Ordinance and the Motor Vehicles Insurance (Third-party Risks) Ordinance and regulations respectively made thereunder, have been complied with, forthwith enter particulars of the vehicle in the register, and shall assign to the vehicle a registered letter or letters and number, which shall become the identification mark of such vehicle.

(4) A certified copy of the entry in the register in the prescribed form, shall be given to the owner of the vehicle, and such certificate of registration shall be regarded as *prima facie* evidence that the vehicle to which it refers has been registered.

(5) If a motor vehicle does not bear on it an identification mark as provided by this section, this fact shall be regarded as *prima facie* evidence that the vehicle has not been registered, and any constable may detain such a vehicle until enquiries have been made.

(6) The onus of proving that a vehicle has been registered rests upon the owner of the vehicle.

(7) The owner of a motor vehicle shall notify the Licensing Authority of all circumstances or events which affect the accuracy of the entries in the register, at the same time forwarding his certificate of registration for amendment. A Licensing Officer may call upon any owner of a motor vehicle at any time to furnish all information for the verification of the entries in the register relating to such vehicle.

(8) Whenever the registered owner of a motor vehicle is about to absent himself from the Colony leaving his registered vehicle in the Colony, he shall notify the Licensing Authority in writing of the name and address of the person in whose charge or possession the vehicle will be left.

(9) No person shall be registered as the owner of a motor vehicle unless he is at least seventeen years of age.

7. (1) Before registering any motor vehicle or trailer the Licensing Officer shall verify all the particulars entered in the Examination of motor vehicles.

form of application, and may, if he deems it necessary, send any vehicle to be examined by an Inspector for the purpose of ensuring that it is of such construction and in such condition as may be necessary for the purpose for which it is sought to register the vehicle.

(2) Before registering any goods vehicle, freight passenger vehicle, motor omnibus or trailer, the Licensing Officer shall ascertain, in the manner prescribed, the maximum gross weight or the maximum number of passengers which the vehicle may be authorised to carry, and such maximum gross weight or maximum number of passengers shall be entered in the register and in the certificate of registration.

(3) If any owner of a motor vehicle or trailer is aggrieved at any decision of an Inspector, he shall be permitted to appeal to the Licensing Authority, who may order that the demands of the Inspector are unreasonable, or that such demands shall be enforced.

Cancellation  
of registra-  
tion.

8. (1) The registration of a motor vehicle shall remain valid so long as the vehicle is kept in use, and shall only be cancelled if the Licensing Authority is satisfied that the vehicle has been destroyed or rendered permanently unserviceable or permanently removed from the Colony, or if it has not been re-licensed for three consecutive years.

(2) The owner of any motor vehicle which has been destroyed or rendered permanently unserviceable or has been permanently removed from the Colony shall notify the Licensing Authority of such fact within one month of the happening of such event.

Exemptions  
from need for  
registration.

*for new subjects (3). vide 24/1945.*  
9. (1) The following classes of motor vehicles shall be exempted from the need for registration:—

(a) new motor vehicles in the possession of manufacturers or dealers in motor vehicles, but subject to such provisions as to dealers' general licences as may appear hereinafter;

(b) private motor cars and motor cycles brought into the Colony by visitors for their own use for a period not exceeding three months subject to such conditions as may be prescribed;

(c) any motor vehicle the property of or used by the Governor for his official or personal duties.

(2) No fee on registration shall be charged in respect of the following:—

Exemption from payment of registration fee.

(a) any motor vehicle or trailer which is the property of the Government or any City or Borough Council;

Ord. 10—1937, s. 3.

(b) any motor vehicle specially exempted by an order of the Governor in Council on account of its being owned by a public body or of its being used for any charitable, philanthropic or other public purpose:

Provided that the exemption hereby granted from payment of the registration fee in respect of a vehicle shall cease whenever the condition justifying such exemption ceases to apply to that vehicle.

10. (1) On the change of possession of a motor vehicle otherwise than by death—

Transfer of registration.

Ord. 2—1936, s. 4.

(a) the motor vehicle shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof;

(b) the registered owner and the new owner shall within seven days after such change of possession, make application in writing signed by both of them to the Licensing Authority giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of registration and the prescribed fee. The Licensing Officer shall thereupon by endorsement of the certificate of registration and entry in the register substitute the name of the new owner for that of the registered owner and shall date and initial the substitution and from such date the new owner shall for all purposes be deemed to be the registered owner of the motor vehicle described in the relevant entry in the register and in such certificate of registration.

(2) In the case of the death of the registered owner the legal personal representative of the deceased in the Colony shall be deemed to be the owner for the purposes of such transfer, and in the absence of any legal personal representative in the Colony the person into whose possession the motor vehicle shall lawfully come shall, for the purposes of such transfer, be deemed to be the registered owner: Provided that such personal representative or other person as aforesaid shall notify the

Licensing Authority of the death of the registered owner within one month of the happening of such event.

(3) At the discretion of the Licensing Officer a new certificate of registration may be issued instead of endorsing the original certificate.

### PART III.

#### LICENSING OF MOTOR VEHICLES.

Using vehicle without prescribed licence, an offence.

Ord. 2—1936,  
s. 5.

„ 10—1937,  
s. 4.

„ 37—1938,  
s. 3.

11. (1) Save as is otherwise in this Ordinance provided, if,—

(a) the owner of any motor vehicle or trailer keeps for use or allows to be kept for use such vehicle or trailer without having obtained, or otherwise fails or omits to obtain, the relevant licence prescribed in respect of that motor vehicle or trailer; or

(b) any motor vehicle or trailer is used upon any road for a purpose which is not authorised by the licence issued in respect thereof or in contravention of any provisions of this Ordinance; or

(c) ~~any goods vehicle motor omnibus~~ <sup>Goods vehicle, public service vehicle, motor car</sup> or trailer is used upon a road being loaded so as to exceed the maximum gross weight or the number of passengers respectively covered by the licence;

the owner or the driver or other person in charge of the motor vehicle, as the case may be, who contravenes any of the provisions of the foregoing paragraphs (a), (b) and (c) shall be liable to a fine of forty-eight dollars.

(2) Where the driver of any vehicle is charged with an offence under the last preceding subsection, it shall be lawful for the Magistrate, 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.

(3) A person shall not be convicted of an offence under this section if he proves that he has not had a reasonable opportunity of obtaining a licence for the motor vehicle or

*Amended  
by 37/49  
(3)*

trailer and that such was being driven for the purpose of obtaining a licence.

(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.

(5) Upon any conviction for an offence under paragraph (a) of subsection (1) of this section, the Magistrate, in addition to any other penalty which may be inflicted, shall order the owner of the motor vehicle or trailer to pay into court to the credit of the Treasurer of the Colony the amount of the relevant licence duty which would have been payable if such licence had been taken out at the proper time, and in default of payment of such amount, the owner shall be liable to imprisonment for three months: Provided that no such order shall be made if the Magistrate is satisfied that such licence duty has been paid subsequent to the commission of the offence.

12. (1) Save as is hereinafter in this section provided—

(a) no motor vehicle or trailer exceeding the maximum gross weight of five tons,

(b) no motor vehicle or trailer all the wheels of which are not fitted with pneumatic tyres;

(c) no trailer running on more than two wheels or carrying any load other than an indivisible load,

shall be used upon any road, and no licence or permit shall be issued in respect thereof.

(2) The Director of Works and Transport may grant a special permit to the owner of a tractor, goods vehicle or trailer (including a trailer running on more than two wheels) for conveying heavy machinery or other articles in excess of the maximum gross weight of five tons, subject to such conditions as may be specified in the permit, and on payment of a special fee calculated at the rate of twelve cents per mile or part of a mile to be travelled for each ton or part of a ton of the gross weight to be transported in excess of the maximum gross weight for which such tractor, goods vehicle or trailer is licensed.

(3) The Director of Works and Transport may grant a special permit to the owner of any machine used for industrial purposes to enable such machine to be moved from one place to the other, subject to such conditions as may be specified in

Restrictions on licensing of certain motor vehicles and trailers. Ord. 10-1937, s. 5. " 37-1938, s. 4.

*In Sec 11A (1) 2, 3, 4, 5 & 6 - Deleted 10/11/49. (2)*

*Vide ref 6*

*Handwritten notes and signatures, including '33' and '3'.*

the permit, and on payment of a special fee calculated at the rate of six cents per mile or part of a mile to be travelled for each ton or part of a ton of the gross weight to be transported; Provided that the Director of Works and Transport may reduce by not more than 50 per cent. the special fees payable under this subsection when the permit is granted in respect of a machine which is fitted entirely with pneumatic tyres.

(4) Notwithstanding the issue of any permit under subsections (2) and (3) of this section, no fee shall be payable in respect of road rollers, or in respect of motor vehicles using roads which are not maintained at the public expense, nor in any case when the distance travelled along a public road does not exceed one-half of a mile.

(5) The Director of Works and Transport may grant a special permit to the owner of a six-wheeled motor vehicle of a maximum gross weight not exceeding seven tons or of a four-wheeled trailer for the use of such vehicle on public roads within the limits of a single property, subject to such conditions as may be specified in the permit, provided that the gross weight on any axle of such vehicle shall at no time exceed  $3\frac{1}{2}$  tons.

(6) Any person to whom a permit has been granted under this section who fails to observe any of the conditions specified in such permit shall be liable to a fine of forty-eight dollars, and in addition he shall be liable for any damages occasioned by his neglect or failure to observe any of such conditions.

(7) The limit of the maximum gross weight of five tons imposed by subsection (1) (a) of this section in respect of motor vehicles shall not apply to trolley buses operated by the Trinidad Electricity Board.

Application  
for licence.

13. Application for the licensing of a motor vehicle or trailer shall be made on the prescribed form, and subsequent applications for the renewal of a licence shall be made in person or by letter, the old licence being at the same time returned to the Licensing Officer.

Conditions to  
be satisfied  
before licence  
issued.

Ord. 2—1936,  
s. 7.

14. (1) A Licensing Officer shall not issue a motor vehicle or trailer licence until the motor vehicle or trailer has been duly registered or renew a motor vehicle or trailer licence unless

he is satisfied that the motor vehicle or trailer does not differ in any respect from the particulars in the register and also that the provisions of the Motor Vehicles Insurance (Third-party Risks) Ordinance, and of this Ordinance and the regulations respectively made thereunder, have been complied with.

(2) The decision of the Licensing Authority as regards the class or type to which any vehicle conforms or under which it should be registered and as regards the licence that may be issued in respect of any such vehicle shall be conclusive.

(3) The Licensing Authority may, in his discretion, grant permission to enable a vehicle licensed as a goods vehicle to be used as a private motor car for the conveyance of passengers without hire or reward; such permission shall be recorded on the relevant licence.

15. Where the holder of a motor vehicle or trailer licence desires to use the motor vehicle or trailer for a purpose not authorised by the licence, he shall apply for a new licence, and where after the issue of a licence, a motor vehicle or trailer is altered so that a higher duty or a duty of a different class is required, the licence shall become void, and the holder shall apply for a new licence. In such cases a new licence shall not be issued until the old licence has been surrendered, and there shall be deducted from the duty on the new licence a sum equal to the duty which would have been payable on the old licence if issued on the same day as the new licence, provided that the minimum duty on the new licence shall be one dollar and twenty cents: Provided also that before issuing the new licence the Licensing Officer shall be satisfied that the provisions of the Motor Vehicles Insurance (Third-party Risks) Ordinance, have been complied with in respect of such new purposes. Where a new licence is issued in the circumstances referred to in this section, the Licensing Officer shall duly amend the register and issue a new certificate of registration.

Alterations in conditions on which licence is issued.

16. A Licensing Officer may cancel or suspend or refuse to issue or renew a motor vehicle or trailer licence if an Inspector certifies in writing that the motor vehicle or trailer is so constructed or is in such a condition as to be a source of danger to any persons travelling in the vehicle or to other users of the

Cancellation or refusal of licences.  
Ord. 10-1937,  
s. 6.

road, or to be injurious to the roads themselves, or which contravenes any provisions of this Ordinance or regulations made thereunder: Provided that any owner of a motor vehicle or trailer in respect of which the licence is so cancelled or suspended or for which the issue or renewal of the licence is refused may appeal against the decision of the Licensing Officer to the Licensing Authority and the Licensing Authority may, if he thinks fit, direct the Licensing Officer in writing to withhold, grant, or issue the licence applied for.

Transfer of ownership.

17. On transfer of ownership of a motor vehicle or trailer, the Licensing Officer shall, on payment of the prescribed fee, duly amend the register, the certificate of registration, and the licence, and it shall not be necessary to issue a new licence.

Duplicate licences.

18. If a motor vehicle or trailer licence is lost, defaced, mutilated, or rendered illegible, the Licensing Officer may issue a duplicate licence on payment of the prescribed fee: Provided that if any such licence be subsequently found, the holder of the duplicate licence shall forthwith deliver up to the Licensing Officer the duplicate licence and any person knowingly retaining or having in his possession both an original and a duplicate licence shall be guilty of an offence under this Ordinance.

Licence duties.  
1st Schedule.  
Ord. 10-1937,  
s. 7.

19. (1) Every motor vehicle and trailer licence issued shall be in the prescribed form, and the duties to be paid on such licences shall be as set out in the First Schedule hereto:

Provided that if the Licensing Officer is satisfied that the motor vehicle or trailer had not been used on a road previously during the current year, the following percentage only of the full annual duty shall be payable, where a licence is issued—

(a) in the second quarter of a year, eighty per cent. of the duty;

(b) in the third quarter of a year, sixty per cent. of the duty;

(c) in the last quarter of a year, thirty per cent. of the duty.

Exemptions.

(2) No licence duty shall be payable in respect of any vehicle which is exempt from registration or from payment of

registration fee under section 9 so long as the condition justifying such exemption continues.

(3) The Licensing Authority may in his discretion authorise in regard to any motor vehicle or trailer which has not been used for a continuous period of at least three months in any year or which has been rendered permanently unserviceable or which has been permanently removed from the Colony, a rebate of such proportion of the licence duty paid in respect of such vehicle as he thinks fit but not exceeding one-twelfth of the annual licence duty for each complete month during which such vehicle was not in use, and the Treasurer shall on the certificate of the Licensing Authority refund to the person named in the certificate the amount certified for rebate.

Rebates.

*In Labor 2A - See Order 35/100*

20. A Licensing Officer may issue to a dealer in, manufacturer or repairer of, motor vehicles or trailers, who makes application in the prescribed form, a dealers' general licence which, subject to the provisions of sections 21 to 26 inclusive and to any other conditions which may from time to time be prescribed, shall authorise the use of any number of motor vehicles or trailers the property of the dealer.

Dealers' general licence.

21. A dealers' general licence in the prescribed form shall authorise the use of any motor vehicle or trailer, the property of the dealer, which is being tested by the dealer, or is being tested or used for the purpose of effecting a sale. It shall not authorise the carriage of passengers or goods for fee or reward, or any passenger not engaged in testing the vehicle, or inspecting the vehicle with a view to purchase.

Uses of dealers' general licence.

22. Motor vehicles and trailers used under the authority of a dealers' general licence shall not be registered in the manner provided by section 6 but the Licensing Officer shall keep a separate register in the prescribed form of all such licences issued by him.

Register of dealers' general licences.

23. (1) A Licensing Officer may at any time cancel a dealers' general licence for a breach of any of the provisions of this Ordinance or of any regulations made thereunder.

Cancellation of dealers' general licence.

(2) The Licensing Officer shall give notice of such cancellation to the person to whom such licence was issued, and

may at his discretion repay to him so much of the annual fee paid as is proportionate to the unexpired portion of the year in respect of which the fee was paid.

(3) Any person whose licence has been cancelled in accordance with the provisions of this section or to whom a dealers' general licence has been refused may appeal to the Licensing Authority against the decision of the Licensing Officer, and the Licensing Authority may order that the cancellation shall be confirmed or that the licence be restored to the holder.

Dealers' general licence not transferable.

24. No dealers' licence shall be used for any purpose not provided for in this Ordinance nor shall it be transferred or assigned to any other person without the authority of the Licensing Officer.

Dealer to accompany vehicle when used.

25. No motor vehicle or trailer shall be used on any road under the authority of a dealers' general licence unless the holder of the licence, or a person duly authorised by him in writing accompanies such vehicle.

Record of vehicles used under authority of dealers' general licence.

26. The holder of a dealers' general licence shall keep in the prescribed form, a record of every occasion on which a motor vehicle or trailer is used under the authority of such licence. He shall produce such record for inspection when requested by any Superintendent of Police or by any non-commissioned officer or constable authorised in writing by any Superintendent of Police.

*"Record of the Dealer's Cars - For Sec 26A - See Order 37/49 - (4)*

International certificates and temporary licences for motor vehicles.

Ord. 10-1937, s. 8.

„ 37-1938, s. 5.

27. (1) The owner of any motor vehicle in respect of which an international certificate for a motor vehicle has been issued elsewhere than in the Colony in accordance with the provisions of any International Convention relating to the international circulation of motor vehicles which shall have been applied to the Colony, shall, whilst such certificate remains valid and subject to such conditions as may be prescribed, be exempted from any requirement to register such motor vehicle, and be also exempted for ninety days (which need not be a consecutive period) in any year from any requirement to hold a licence in respect of such motor vehicle.

(2) Where a motor vehicle is brought into the Colony for the purpose of being used by the owner during a visit, and the owner of such motor vehicle does not hold an international certificate as aforesaid, the Licensing Authority may issue a temporary licence to use the motor vehicle without registration or payment of any fee for not more than three months and subject to such conditions as may be prescribed.

(3) No motor vehicle in respect of which an international certificate or temporary licence has been issued shall be used in this Colony for hire or trade purposes nor unless the owner has complied with the provisions of the Motor Vehicles Insurance (Third-party Risks) Ordinance.

(4) Where a person in this Colony desires to use a motor vehicle in any other country which shall have adhered to any International Convention as aforesaid, he shall apply to the Licensing Authority in the prescribed manner for an international certificate in respect of the motor vehicle.

(5) The Licensing Authority shall have power, subject to such conditions as may from time to time be prescribed, to issue international certificates for motor vehicles in accordance with any International Convention as aforesaid. Before issuing the certificate the applicant must satisfy the Licensing Authority that the motor vehicle complies with the requirements of the said Convention, and for such purpose the Licensing Authority may require an examining Inspector to examine the motor vehicle and report thereon.

(6) The Licensing Authority shall keep a record of all international certificates for motor vehicles and temporary licences issued by him, and of all motor vehicles being used in the Colony under the authority of international certificates issued in other countries.

#### PART IV.

##### DRIVING PERMITS.

28. (1) Save as in this section provided no person shall drive a motor vehicle on a road unless he is the holder of a driving permit, and no person shall employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a driving permit, and if any person acts in contravention of

Driving without a permit an offence.

Ord. 10-1937, s. 9.

this provision, he shall be liable to a fine of two hundred and forty dollars: Provided that if the offender has been previously refused a driving permit or is disqualified for holding or obtaining a driving permit he may be arrested forthwith without a warrant and he shall be liable to imprisonment for six months or to a fine of four hundred and eighty dollars.

(2) For the purpose of learning to drive, a person not having a driving permit may—

(a) use a motor cycle upon such road and during such times as may be authorised in writing by a Licensing Officer;

(b) drive any motor vehicle other than a taxi carrying passengers or motor omnibus upon such road and during such times as may be authorised in writing by a Licensing Officer, if accompanied for the purpose of instruction by a person holding a driving permit and sitting next to the driver. In such case both the learner and the person accompanying him shall be jointly and severally liable for any offence under this Ordinance committed during the course of such instruction.

*for SS (5) vide 40/46 (2)*

*(2) For Sec 29(1) vide Sec 28/44*

Issue of driving permits.

29. (1) Driving permits shall be issued by a Licensing Officer to applicants in accordance with the provisions of this Part of this Ordinance.

Fees. Ord. 42-1934, s. 38.

(2) On the issue of a driving permit there shall be payable such fee as may from time to time be prescribed.

Driving tests.

30. (1) A Licensing Officer in his discretion may require an applicant for a driving permit to produce a certificate of having passed a driving test signed by such association as may be approved of by the Licensing Authority.

(2) Driving tests may be conducted by such examiners as the Licensing Authority shall from time to time approve or appoint for the purpose.

(3) The nature of the driving test shall be at the discretion of the Licensing Officer or of such examiner as aforesaid but shall include a test of the applicant's knowledge of the rules of the road, road signals and road signs.

(4) If the applicant requires permission to drive a particular class of vehicle only or if the applicant is being

tested under the provisions of the proviso to the next succeeding section, then the examiner shall issue a certificate on which any appropriate restrictions are clearly set forth, after satisfying himself by means of such tests as he may deem suitable that the applicant is qualified to drive a vehicle of such particular class or of such particular construction. In such cases, the Licensing Officer shall clearly set forth the restrictions on the permit itself.

31. The Licensing Officer shall not issue a driving permit to any person unless he shall have personally satisfied himself that the vision, hearing and bodily and mental fitness of the applicant are such as to warrant the issue of a driving permit and that the applicant is of good character:

Physical fitness.

Provided that if a permit is refused under this section, other than on grounds as to character the applicant may claim to be subjected to a test as to his fitness or ability to drive a motor vehicle, or a motor vehicle of a particular class or description, or a motor vehicle of a particular form of construction, and if he passes such test and is not otherwise disqualified the permit shall not be refused by reason of the provisions of this section.

32. Applications for driving permits shall be made to the Licensing Officer on such form as may from time to time be prescribed, and shall be signed by the applicant.

Applications for driving permits.

33. (1) A driving permit shall not be valid for driving a motor omnibus unless expressly stated therein but otherwise may be expressed to be valid for all classes of vehicles (other than a motor omnibus) or to be valid only for the class or classes of vehicles specified therein but may by endorsement of the permit by a Licensing Officer be extended to any other class of vehicle.

Classes of vehicles.

(2) For the purposes of this section motor vehicles are classified as follows:—

- (a) motor cycles;
- (b) motor omnibuses;
- (c) goods vehicles;
- (d) motor vehicles other than those in classes (a), (b) and (c).

*For the purpose of s 33 (1) (d) see Order 33/48 - sec 7*

Restrictions  
on driving  
permits for  
certain  
vehicles.

Ord. 37-1938,  
s. 6.

34. No driving permit shall be issued or endorsed as valid for a public service vehicle or goods vehicle to an applicant who is under the age of twenty-one years nor for a motor omnibus or goods vehicle unless the applicant has driven a motor vehicle, other than a motor cycle, regularly during the preceding twelve months.

Age.

35. Save as provided in the last preceding section, any person not being under the age of seventeen years and not being otherwise disqualified shall be qualified to obtain a driving permit.

Driving test  
fees.

36. Every person undergoing a driving test under section 30 shall pay in respect of such test and certificate of competency such fee as may from time to time be prescribed. The fee for examination shall be paid irrespective of what the result of the test may be. If the examiner be a Government Officer, the fee for examination shall be credited to the public revenue, and if the examiner be not a Government Officer, the fee shall be appropriated to the examiner. The fee for the certificate of competency shall be appropriated to the association.

Form of  
driving  
permit.

Ord. 37-1938,  
s. 7.

37. Driving permits shall be in such form as may be decided by the Licensing Authority and the signature or thumb mark of the holder shall be affixed to the permit and in the case of permits to drive public service vehicles and goods vehicles shall have attached thereto a photograph of the holder, such photograph being supplied in duplicate by the applicant when applying for the permit.

International  
driving  
permits.

Ord. 37-1938,  
s. 8.

38. (1) The holder of an international driving permit issued, elsewhere than in the Colony, in accordance with the provisions of any International Convention relating to the international circulation of motor vehicles which shall have been applied to the Colony shall, whilst such permit remains valid, be exempted from any requirement to hold a driving permit under this Ordinance to drive in the Colony: Provided that he shall only be entitled to drive in the Colony a motor vehicle of the class for which he holds an authorisation to drive in the country in which his international driving permit was issued.

(2) Where a person in the Colony desires to drive a motor vehicle in any other country which shall have adhered

to any International Convention as aforesaid, he shall apply to the Licensing Authority in the prescribed manner for an international driving permit. The applicant must comply with the requirements of the said Convention and shall, in addition to such other particulars as may be required by the Licensing Authority, satisfy the latter that he holds a valid driving permit issued in the Colony and that he is ordinarily resident in the Colony. The Licensing Authority shall have power to issue international driving permits in accordance with any International Convention as aforesaid and on payment of the prescribed fee. Such permits shall, unless suspended by a court, remain in effect for twelve months from the date of issue.

(3) The Licensing Authority shall keep a register of all holders in the Colony of valid international driving permits issued elsewhere than in the Colony, and of all holders of international driving permits issued by him.

39. The driver of a motor vehicle shall, on being so required by any constable in uniform, produce his driving permit for examination, so as to enable such constable to ascertain the name and address of the holder of the permit, the date of issue, and the Licensing Officer by whom it was issued, and if he fails so to do, he shall be liable to a fine of twenty-four dollars:

Production of driving permit.  
Ord. 2-1936,  
s. 10.

Provided that, if within forty-eight hours after the production of his permit was so required, the holder produces the permit in person at such Police Station as may be specified by him at the time its production was required, he shall not be convicted under this section.

40. The Licensing Authority shall keep a register of all driving permits issued showing the name and address of the holder, the date of issue, the class of vehicle authorised and a record of any convictions ordered by a competent court to be endorsed on such permits.

Register of driving permits.

41. Driving permits shall, unless previously suspended, cancelled or revoked by competent authority, expire upon the 31st of December next following the date of issue.

Period of driving permit.  
Ord. 10-1937,  
s. 10.

42. If a driving permit is lost, defaced, mutilated or rendered illegible the Licensing Authority shall issue a new permit on

Re-issue of lost or defaced driving permit.

payment of the prescribed fee without further driving test: Provided that there shall be subscribed thereon any endorsements made in the register in respect of such driving permit.

Restrictions  
on the issue of  
new driving  
permit after  
expiration of  
former one.  
Ord. 10-1937,  
s. 11.

43. (1) On or after the expiration of a driving permit by effluxion of time and on application by the holder thereof for the issue of a new driving permit, the Licensing Officer shall, subject to the provisions of section 31 and of this section, issue a new permit to the applicant.

(2) It shall be lawful for the Licensing Authority to refuse to issue a driving permit to an applicant who has, within the three years preceding the application, been convicted of manslaughter arising out of the use of any motor vehicle or of any offence under section 45 or section 46 or of repeated offences under any one or more of the other sections of this Ordinance or of the regulations made under this Ordinance.

(3) Any applicant aggrieved by any act, order, or refusal of the Licensing Authority or of a Licensing Officer may appeal to the Trinidad Transport Board whose decision shall be final.

## PART V.

### DRIVING AND OTHER OFFENCES AND GENERAL CONDITIONS RELATING TO THE USE OF ROADS.

Speed.  
Ord. 37-1938,  
ss. 9  
and 10.  
2nd Schedule.

*W.D.P.  
28/4*

44. (1) No person shall drive a motor vehicle of such class or description as is specified in the Second Schedule hereto at a speed greater than the speed so specified as the maximum speed in relation to a vehicle of that class or description, on a road or any portion thereof declared by the Trinidad Transport Board to be within a speed limit area in the manner hereinafter provided, or otherwise than as specified in the said Schedule. Any person who acts in contravention of this subsection shall be liable to a fine of one hundred and twenty dollars, and to be disqualified for holding or obtaining a driving permit for such period as the court shall think fit.

(2) A person charged under this section with the offence of driving a motor vehicle of such class or description on such a road at a speed greater than the maximum speed allowed in the case of a vehicle of that class or description, shall not be

liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(3) Any person who aids, abets, counsels, or procures any person who is employed by him to drive a motor vehicle on a road, whether as registered owner or as the temporary possessor of the use of a motor vehicle under a hiring agreement, to commit an offence under this section shall be guilty of an offence.

(4) The Director of Works and <sup>By Order</sup> Transport may, by order under his hand, prohibit the driving of motor vehicles generally or of particular classes of motor vehicles over any bridge at a speed greater than that specified by him in such order. Any such order shall be published in the *Royal Gazette*, and the limit of speed to be observed shall be indicated on notice boards to be fixed at such bridge.

*Amended*  
33/48  
(9)

(5) The Governor in Council may by regulation vary, amend or revoke any of the provisions of the Second Schedule: Provided that a regulation under this subsection shall be of no effect unless and until it has been approved by the Legislative Council.

(6) The Board may by notice published in the *Royal Gazette* and in one or more newspapers circulating in the Colony declare any road or any portion thereof to be within a speed limit area: Provided that prior to the publication of such notice, the limits of such area shall be designated by conspicuous and appropriate signs on or near the road both at the commencement and at the termination of such area. The Board may vary or revoke any such notice.

*vide Section 3 of Road Act 28/44 of*  
*Section 44A.*

*mem*

45. (1) Any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable to a fine of two hundred and forty dollars or to imprisonment for six months or to both such fine and imprisonment, and in the case of a second or subsequent conviction either to a fine of four hundred and eighty dollars or to imprisonment for twelve months or to both such fine and imprisonment.

Driving when under influence of liquor.

Disqualifica-  
tion from  
driving upon  
conviction.

Ord. 10-1937,  
s. 14.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a driving permit, and on a second conviction for a like offence he shall be permanently disqualified for holding or obtaining a driving permit.

(3) Any constable may arrest without a warrant any person committing an offence under this section.

Reckless  
driving.

46. (1) Any person who drives a motor vehicle on a road recklessly, 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 the amount of traffic which is actually at the time, or which might reasonably be expected to be on the road, shall be liable to a fine of two hundred and forty dollars or to imprisonment for six months, or to both such fine and imprisonment and in the case of a second or subsequent conviction either to a fine of four hundred and eighty dollars or to imprisonment as aforesaid or to both such fine and imprisonment.

Disqualifica-  
tion from  
driving upon  
conviction.

Ord. 10-1937,  
s. 15.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of six months from the date of the conviction for holding or obtaining a driving permit, and on a third conviction for a like offence he shall be permanently disqualified for holding or obtaining a driving permit.

Ord. 42-1934,  
s. 46 (4).

(3) Any constable may arrest without warrant the driver of any motor vehicle who commits an offence under this section within his view, if he refuses to give his name and address, or if the constable has reason to believe that the name or address so given is false, or if the motor vehicle does not bear an identification plate.

Careless  
driving.

Ord. 10-1937,  
s. 16.

47. If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be liable to a fine of one hundred and twenty dollars and to be disqualified for holding or obtaining a driving permit for such period as the court shall think fit: Provided that on a second or subsequent

conviction for a like offence the period of disqualification shall be not less than one month.

48. Where a person is prosecuted for an offence under any of the preceding sections relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either—

Warning to be given of intended prosecution.

(a) he was warned on the day the offence was committed that the question of prosecuting him for an offence under some one or other of the sections aforesaid would be taken into consideration; or

Ord. 37-1938, s. 11.

(b) within fourteen days of the commission of the offence a summons for the offence was served on him; or

(c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—

(i) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

(ii) the accused by his own conduct contributed to the failure:

Provided further that the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

49. (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:

Taking motor vehicle without consent of owner.

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

*Amended by 33/48*

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 to 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 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.

Interfering  
with motor  
vehicle.

50. Any person who, without the knowledge or permission of the owner, gets on to or attempts to manipulate any of the levers, the starter, brakes, or machinery of a motor vehicle, or in any way interferes with or damages a motor vehicle while the vehicle is on a road or parking place shall be guilty of an offence: Provided that a person shall not be convicted under this section when such motor vehicle is obstructing his own or another motor vehicle.

Restrictions  
on persons  
being towed  
on bicycles.

51. (1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed for the carriage of more than one person.

(2) If any person is carried on such a bicycle in contravention of this section, each of the persons carried shall be liable

amended  
by J.A.H. S.  
33/48  
(10)

in the case of a first conviction to a fine of twenty-four dollars and in the case of a second or subsequent conviction to a fine of forty-eight dollars.

(3) In this section references to a person carried on a bicycle shall include reference to a person riding a bicycle.

52. (1) It shall not be lawful for more than two persons to ride abreast on a road either upon motor cycles, or bicycles not propelled by mechanical power, provided that a person shall not be convicted under this section in respect of the overtaking of two persons so riding and in the absence of other traffic on the road at the point of overtaking.

Restriction on cyclists riding abreast or holding on to other moving vehicles.

(2) It shall not be lawful for any person while riding a motor cycle, or a bicycle not propelled by mechanical power, on a road—

(a) to hold on to any other moving vehicle; or

(b) to ride such motor cycle or bicycle without at least one hand being on the handle bars of such motor cycle or bicycle.

(3) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat.

(4) If any person contravenes the provisions of this section he shall be liable in the case of a first conviction to a fine of ten dollars and in the case of a second or subsequent conviction to a fine of twenty-four dollars.

53. (1) Where, owing to the presence of a vehicle on a road, an accident occurs whereby injury or damage is caused to any person, animal or property, the driver of such vehicle shall immediately stop, and—

Duty to stop, give aid, and report in case of accident.

Ord. 37-1938, s. 12.

(a) if any person has been injured in the accident, the driver shall render such person aid, and if the person wishes to be taken to hospital or to a doctor, or is unconscious, convey or cause to be conveyed the injured person without delay to the nearest hospital or to a doctor;

(b) if requested by the injured person or by the owner of the damaged property or some person on such owner's behalf, the driver shall give his name and address and particulars of his driving permit and the name and address of the owner of the vehicle;

(c) unless a report is made by the driver at the time and place of the accident to a member of the Police Force, the person riding in, driving or in charge of the vehicle shall proceed with all proper despatch to the nearest Police Station or police constable in uniform and shall report the accident, and shall give his name and address and the name and address of the owner of the vehicle and the names of any persons in the vehicle at the time of the accident.

(2) Any person who fails to comply with or otherwise contravenes the provisions of this section shall be guilty of an offence.

## PART VI.

### LEGAL PROCEEDINGS, SUSPENSION, CANCELLATION AND ENDORSEMENT OF DRIVING PERMITS.

Power to  
convict for  
reckless or  
dangerous  
driving on  
trial for  
manslaughter.

54. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 46, to find him guilty of that offence, whether or not the requirements of section 48 have been satisfied as respects that offence.

Power to  
proceed on  
charge for  
careless  
driving on  
hearing of  
charges under  
s. 45 or s. 46.

55. Where a person is charged summarily before a Magistrate with an offence under section 45 or section 46 and the Magistrate is of the opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter, the Magistrate may, without prejudice to any other powers possessed by him, direct or allow a charge for an offence under section 47 to be preferred forthwith against the defendant and may thereupon proceed with that charge so however that the defendant or his solicitor or counsel shall be informed of the new charge and be given an opportunity whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall, if he considers that the

defendant is prejudiced in his defence by reason of the new charge being preferred, adjourn the hearing.

56. (1) The court before which a person is convicted of any offence in connection with the driving of a motor vehicle may, in addition to any other penalty provided for such offence, order that the offender be disqualified for a stated period or permanently for obtaining a driving permit either generally or limited to the driving of a motor vehicle of any particular class or description, and if the offender holds a driving permit the court shall endorse upon the permit particulars of the conviction and penalty, and when an order of disqualification is made such permit shall be forfeited and returned to the Licensing Authority.

Powers of court to order disqualification from obtaining a driving permit and to endorse and cancel permits.

Ord. 10-1937, s. 17.

(2) A person who by virtue of a conviction or order under this Ordinance is disqualified for holding or obtaining a licence, may, at any time after the expiration of six months from the date of the conviction or order, and from time to time apply to the court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Power of court to remove disqualification.

Ord. 37-1938, s. 13.

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within six months after the date of the refusal.

If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

57. A person who by virtue of an order of a court under the preceding section is disqualified for holding or obtaining a driving permit may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Right of appeal.

Production of driving permit for endorsement.

58. Every person who is convicted before any court of an offence in connection with the driving of a motor vehicle, shall, if he holds a driving permit, produce such permit within such time as the court may direct for the purpose of endorsement thereon of particulars of such conviction, and if he is not then the holder of a driving permit, but subsequently within six months of such conviction obtains a permit, shall within five days after so obtaining the permit produce it to the court for the purpose of endorsement.

Custody of permit while suspended or cancelled.

59. A court which suspends or cancels a driving permit, or declares a person disqualified for obtaining a driving permit shall forthwith send to the Licensing Authority every suspended or cancelled driving permit. At the expiration of the period of suspension, the Licensing Authority shall return the permit to the owner on demand:

Provided that where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description the Licensing Authority shall forthwith after the receipt of the driving permit indicate on the permit in the usual manner the class or description of vehicle which the holder of the permit is not thereby authorised to drive, and the permit shall then be returned to the holder. At the expiration of the period of disqualification, the holder shall again forward the permit to the Licensing Authority, who shall thereupon indicate on the permit that the restriction imposed during the period of disqualification has been removed.

Suspended permit to be of no effect.

60. A driving permit suspended by a court shall, during the period of suspension, be of no effect, and a person whose permit is suspended, or who is declared by the court to be disqualified for obtaining a permit, shall during the period of such suspension or disqualification, be disqualified for obtaining a driving permit.

Temporary suspension of permit pending determination of charges.

61. (1) If and when any person is charged with manslaughter arising out of the use of any motor vehicle or with contravening the provisions of section 45 or section 46 it shall be lawful for the Licensing Authority to order the suspension of the driving permit of the person so charged pending the determination of the charge.

(2) Any such permit so suspended shall on demand by any constable be surrendered to such constable who shall

forthwith forward the same to the Clerk of the court before which the person so charged is to appear.

62. If any person who under the provisions of this Part of this Ordinance is disqualified for holding or obtaining a driving permit applies for or obtains a permit while he is so disqualified, or if any person while he is so disqualified drives a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description on a road, or if any person who has been refused a permit applies for or obtains a permit without disclosing such refusal, he shall be liable to a fine of two hundred and forty dollars or to imprisonment for six months, or to both such fine and imprisonment.

Fraudulent application for driving permit.

63. On the issue of a new driving permit to any person, the particulars endorsed on any previous permit held by him shall be copied on to the new permit, unless he has previously become entitled under the provisions of section 65 of this Ordinance to have a permit issued to him free from endorsement.

Particulars of endorsement to be copied on new permit.

64. If any person whose driving permit has been ordered to be endorsed, and who has not previously become entitled under the provisions of section 65 to have a permit issued to him free from endorsement applies for or obtains a permit without giving particulars of the order, he shall be guilty of an offence, and any permit so obtained shall be of no effect.

Non-disclosure of endorsement.

65. Where a person in respect of whom an order has been made under this Part of this Ordinance requiring the endorsement of any driving permit held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, on application and subject to payment of the prescribed fee and to the surrender of any subsisting permit, at any time, to have issued to him a new permit free from endorsement:

Issue of new permit free from endorsement.

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or obtaining a permit shall be excluded.

## PART VII.

## GENERAL.

Fees and  
duties.  
1st Schedule.

66. (1) The fees and duties specified in the First Schedule hereto shall be payable to the Licensing Authority in respect of the several matters to which they are applicable.

(2) All fees and duties received by the Licensing Authority shall be paid to the Treasurer on account of the general revenue of the Colony.

(3) Such percentage or proportion of the annual licence duties in respect of motor vehicles collected under this Ordinance by the Licensing Authority which are paid by the owners of motor vehicles who are resident within any City or Municipality shall be paid to the Council of such City or Municipality by the Treasurer as may be directed by the Governor in Council.

(4) The Governor in Council may by regulation amend, vary, suspend or revoke the provisions of the First Schedule hereto: Provided that a regulation made under this subsection shall be of no effect unless and until approved by the Legislative Council.

Fraudulent  
imitation, etc.  
of documents.

67. Whoever fraudulently imitates, alters, mutilates, destroys, or uses, or fraudulently lends or allows to be used by any other person any identification mark, motor vehicle licence, certificate of registration, or driving permit issued or deemed to have been issued under this Ordinance shall be liable to a fine of two hundred and forty dollars or to imprisonment for six months, or to both such fine and imprisonment.

Offences and  
general  
penalty.

68. (1) Any person who by any act or omission contravenes or fails to comply with the provisions of this Ordinance shall, unless otherwise specifically provided, be liable to a fine of two hundred and forty dollars or to imprisonment for six months.

(2) Any person who by any act or omission contravenes or fails to comply with the provisions of any regulations made under this Ordinance shall be liable to a fine of forty-eight dollars or to imprisonment for twenty-one days.

Ord. 2-1936,  
s. 12.

(3) The driver of a motor vehicle who stands for hire at any road or place not appointed under this Ordinance for

the purpose, or who contravenes or fails to comply with any order made under this Ordinance, shall be guilty of an offence under this Ordinance.

(4) Unless otherwise expressly provided, all offences under this Ordinance may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Ordinance.

69. Nothing in this Ordinance shall affect any liability of the driver or owner of a motor vehicle by virtue of any Ordinance or at Common Law.

Liability at  
Common  
Law.

70. (1) If the driver or conductor of any motor vehicle who commits an offence under this Ordinance or any regulations made thereunder, refuses to give his name and address or gives a false name or address he shall be guilty of an offence; 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 conductor, and if the owner fails to do so within four days of his being notified of such request he shall be guilty of an offence.

Refusing to  
give name or  
address or  
giving false  
name or  
address.  
Ord. 2-1936,  
s. 13.  
,, 10-1937,  
s. 18.

(2) Any constable may arrest without a warrant the driver or conductor of any motor vehicle who within 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 permit for examination.

71. If any person in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle, or a driving permit or the endorsement of such a permit, or any change or correction in a motor vehicle licence or the registration of a motor vehicle or in giving any information lawfully demanded or required under this Ordinance or any regulation made thereunder makes any statement which to his knowledge is false, or in any material respect misleading, he shall be liable to a fine of two hundred and forty dollars, or to imprisonment for six months, or to both such fine and imprisonment.

Giving false  
information.

Duplicate  
licences,  
permits and  
certificates.

72. Any authority or person having power to issue any certificate or licence under this Ordinance shall, on proof to his satisfaction that such certificate or licence has been lost or destroyed, and on payment of the prescribed fee, issue a duplicate of the certificate or licence to the person entitled thereto.

Liability of  
driver and  
person in  
charge of  
vehicle for  
offences.

Ord. 2-1936,  
s. 14.  
„ 37-1938,  
s. 14.

73. (1) (a) If any motor vehicle is used which does not comply with or contravenes any provision of this Ordinance or of any regulation, or of any order lawfully made under this Ordinance or any regulation; or

(b) if any motor vehicle is used in such a state or condition or in such a manner as to contravene any such provision; or

(c) if anything is done or omitted in connection with a motor vehicle in contravention of any such provision;

then, unless otherwise expressly provided by this Ordinance, the driver or person in charge of the motor vehicle at the time of the offence shall be guilty of an offence unless the offence was not due to any act, omission, neglect, or default on his part.

(2) Any person authorised in writing by the Licensing Authority may, at all reasonable times, enter any premises for the purpose of ascertaining whether any vehicle is kept on such premises contrary to the provisions of this Ordinance, and for the purpose of inspecting any vehicle on such premises.

Power to  
require motor  
vehicles  
licensed  
according to  
M.G.W. to be  
weighed.

74. (1) The driver or other person in charge of a motor vehicle or trailer licensed according to its maximum gross weight may on demand by any person authorised in writing by the Licensing Authority, or by a constable, be required to satisfy such person or constable that the load which is being carried on such motor vehicle or trailer, does not contravene the provisions of the licence or this Ordinance or any regulations made thereunder, and may be required by such person or constable to drive him with such vehicle or trailer to the nearest weighbridge for the purpose of weighing such load.

Ord. 10-1937,  
s. 19.

(2) Any person who fails or omits to comply with a request to proceed to the nearest weighbridge as aforesaid shall be guilty of an offence and may be arrested forthwith

without a warrant and he shall be liable to a fine of forty-eight dollars. The vehicle or trailer may be detained at the expense and risk of the owner and taken to a place for safe keeping until such request is complied with, and any excess load found on weighing shall first be removed before the vehicle or trailer is permitted to proceed on its journey.

(3) It shall be lawful for the Licensing Authority, or any person authorised by the Licensing Authority, before granting a licence (including a renewal) in respect of a motor vehicle or trailer to require such motor vehicle or trailer to be weighed by and at the expense of the owner in the presence of a person authorised by the Licensing Authority.

Ord. 2—1936,  
s. 15.

75. (1) If by reason of an offence against this Ordinance any injury is caused to any road, or bridge, the authority responsible for the repair of the road or bridge may cause such injury to be made good, and may, either before or after the injury is made good, recover the estimated or actual cost thereof from the owner of the motor vehicle by the use of which the offence was committed.

Recovery of  
damage to  
road or  
bridge.  
Ord. 37—1938,  
s. 15.

(2) A certificate under the hand of the Director of Works and Transport, or any person authorised by him in that behalf, of the amount of the cost of making good such injury, shall, without proof of signature, be *prima facie* evidence of the amount payable by the owner of the vehicle.

amended  
by 33/48  
Dec 11

76. If in any proceedings under this Ordinance any question arises whether a motor vehicle does or does not comply with any provision of this Ordinance or any regulation made thereunder the certificate of any person appointed by the Governor by notice in the *Royal Gazette* to act as an Inspector for the purposes of this Ordinance that he has examined the vehicle and as to the result of his examination shall be admissible in evidence and shall be sufficient *prima facie* evidence of any fact or opinion stated therein relating to the matter in question, and the court shall not permit the officer to be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers cross-examination to be necessary in the interests of justice.

Certificate as  
to damage to  
be admissible  
in evidence.

Regulations.

77. The Governor in Council may make regulations in respect of all or any of the following matters, that is to say—

(a) anything which by this Ordinance may or is to be prescribed;

(b) the forms to be used under this Ordinance;

(c) the construction, fittings, dimensions and design of any motor vehicle;

(d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles and regulating their use;

(e) the number, position and kind of lights and reflectors to be carried on motor and other vehicles and the times during which they are to be exhibited;

(f) the duties and powers of Inspectors in regard to the inspection of motor and other vehicles;

(g) the inspection of motor and other vehicles and the times, places and manner of such inspection;

(h) the form of identification marks to be fixed on motor vehicles and trailers in respect of registration and licensing and the sizes and colour of the letters of and the manner of displaying such marks;

(i) the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description;

(j) the precedence of vehicles and pedestrians respectively at and in the vicinity of crossings and the erection of traffic signals and other notices;

(k) the driving of any vehicle on any specified road otherwise than in a specified direction;

(l) the appointment of parking places and regulating the use of such parking places including the imposition of charges in respect thereof;

*Vide 13/46(3)*

(m) the badges and uniforms to be worn by drivers and conductors of public service vehicles and the conduct of drivers, conductors and passengers;

*Vide 13/46(3)*

(n) passenger fares and tolls in respect of public service vehicles;

(o) the maximum hours of employment of persons as drivers of goods vehicles;

(p) as regards motor omnibuses—

(i) restricting the use of motor omnibuses using specified routes;

(ii) regulating and restricting the number of motor omnibuses using specified routes;

(iii) the time tables to be observed by drivers of motor omnibuses;

(iv) the issue of permits by the Licensing Authority and conditions of issue of such permits and conditions to be observed by the holders of such permits in respect of specified routes;

(v) the taking up and setting down of passengers;

(vi) the carriage of goods or luggage;

(vii) the maximum hours of employment of drivers and conductors;

(viii) the issue, cancellation and suspension of licences of conductors;

(ix) returns to be rendered by the owners of motor omnibuses showing the number and nature of journeys completed, the mileage covered, the times taken, the passengers carried and the operating costs;

(x) granting limited or exclusive concessions to operate motor omnibuses and the conditions under which such concessions may be granted;

Ord. 10-1937,  
s. 20.

(q) generally, for the better carrying out of the provisions of this Ordinance and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used.

3/46 (4) 77 A. *File No 77A. See Office 13/1946 (4)*

78. (1) The Commissioner of Police or the senior officer of Police stationed in any district may by notice published in the *Royal Gazette* make orders as to the line to be kept by persons driving or riding any vehicle or animal on any road and as to the manner in which vehicles of any description shall be drawn up while waiting on any road and as to the route to be observed by all vehicles, horses, and persons, and for preventing obstructions on any road, in any case where such road is liable to be thronged or obstructed; and also may give directions to constables for the purpose of regulating traffic in the neighbour-  
Special regulations may be made by Police.

hood of courts of law, public offices, churches, theatres, and other places of public resort; and any person who, after being made acquainted with any orders made or directions given under this section, shall contravene or fail to comply with such orders or directions shall be guilty of an offence.

(2) It shall be lawful for any constable to apprehend without warrant, any person who commits an offence under this section within his view, if such person refuses to give his name and address or gives a name or address which the constable has reasonable grounds for believing to be false.

Grant of concessions to operate motor omnibuses.  
Ord. 10-1937,  
s. 21.

79. (1) It shall be lawful for the Licensing Authority to grant to any person, or to two or more persons jointly, a limited concession or an exclusive concession to operate motor omnibuses in any area or on any road or route, or for any journey upon such conditions as shall be specified in the grant and subject to the provisions of this Ordinance and regulations made hereunder.

(2) Before granting any such concession the Licensing Authority shall refer the matter to the Trinidad Transport Board for their recommendations, and in the event of the Licensing Authority dissenting from any of the Board's recommendations, the matter shall be referred for the decision of the Governor in Council.

In the event of a conflict of laws the provisions of this Ordinance to prevail.  
Ord. 10-1937,  
s. 21.

80. (1) Whenever the provisions of this Ordinance or of any regulations made hereunder are in conflict with the provisions of any other law relating to the control of vehicles and road traffic the provisions of this Ordinance and the regulations made hereunder shall prevail.

Where similar powers are granted under this and any other law the Board shall decide as to the exercise of those powers.

(2) Whenever any powers conferred on the Licensing Authority or the Commissioner of Police under this Ordinance are similar to powers conferred on a Municipal or Road Authority under any other law and there shall arise any conflict or dispute as to the exercise of such powers, the matter at issue shall be referred to the Trinidad Transport Board who shall decide which authority shall exercise such powers and the manner in which such powers shall be exercised. The decision of the Board shall be final and conclusive.

81. (1)  
(2) For new section see Sec. 2. of 1948.  
(3)  
(4)

SCHEDULES.

FIRST SCHEDULE.

Fees and Duties.

(Section 19 and section 66.)  
Ord. 2—1936, ss. 16 and 17.

						\$	c.
(1) Motor cycle ...	...	...	...	...	...	4	80
with side car attached when not used for commercial purposes						7	20
with side car attached when used for commercial purposes ...						12	00
(2) Private motor car—							
not exceeding 1,600 lbs. tare	...	...	...	...	...	15	00
exceeding 1,600 do. and not exceeding 2,100 lbs. tare						21	00
do. 2,100 do. do. 2,600 do.						27	00
do. 2,600 do. do. 3,100 do.						33	00
do. 3,100 do. do. 3,600 do.						39	00
Over 3,600 do.	...	...	...	...	...	58	00
(3) Hiring car or taxi—							
not exceeding 1,600 lbs. tare	...	...	...	...	...	29	00
exceeding 1,600 do. and not exceeding 2,100 lbs. tare...						36	00
do. 2,100 do. do. 2,600 do.						43	00
do. 2,600 do. do. 3,100 do.						50	00
do. 3,100 do. do. 3,600 do.						58	00
Over 3,600 do.	...	...	...	...	...	77	00

(4) Other vehicles—

MAXIMUM GROSS WEIGHT.		MOTOR OMNIBUS.		GOODS VEHICLE.		TRAILER.
Exceeding lbs.	Not exceeding lbs.	Using petrol as fuel	Using fuel other than petrol	Using petrol as fuel	Using fuel other than petrol	
—	2,240	\$ 60	\$ 252	\$ 36	\$ 164	\$ 36
2,240	3,360	60	260	42	175	42
3,360	4,480	60	267	48	186	48
4,480	5,600	66	282	54	198	54
5,600	6,720	73	297	61	210	61
6,720	7,840	81	315	70	226	70
7,840	8,960	91	336	83	246	83
8,960	10,080	104	361	100	271	100
10,080	11,200	120	390	120	300	120

*Feb. 34/44*

(5) Any licensable mechanically propelled vehicle the motive power of which is derived from a fuel other than petrol upon which a Customs or Excise duty is levied shall be granted a rebate of the duties specified in paragraph (4) by an amount calculated by means of the following formula:—

(a) The appropriate vehicle licence duty on non-petrol-using vehicle, less (-)



TRINIDAD AND TOBAGO.

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J. HUGGINS,  
*Acting Governor.*

**THE MOTOR VEHICLES AND ROAD TRAFFIC ORDINANCE,**  
**Ch. 16. No. 3.**

In exercise of the powers conferred upon the Governor by section 77 of the Motor Vehicles and Road Traffic Ordinance, the following regulations are, with the advice of the Executive Council, hereby made :—

1. (1) These regulations may be cited as the Motor Vehicles and Road Traffic (Amendment) Regulations, 1942, and shall be read as one with the Motor Vehicles and Road Traffic Regulations, 1939, hereinafter referred to as the Principal Regulations.

Short title and commencement.

(2) These regulations shall be deemed to have come into force on the 1st of January, 1942.

2. Part III of the Principal Regulations is hereby revoked and replaced by the following—

Part III of the Principal Regulations replaced.

PART III.

*Licensing.*

12. (1) The owner of a registered motor vehicle or trailer who desires to licence it shall apply to the Licensing Authority and shall furnish him with the particulars set out in the appropriate form in the First Schedule.

Licences.

(2) On receipt of such application the Licensing Authority, if satisfied that the provisions of the Ordinance and these Regulations have been complied with, shall issue a licence in the form in the First Schedule.

(3) The Licensing Authority shall not issue a licence for any public service vehicle or goods vehicle, until he has a valid certificate from the Inspector in the Form in the First Schedule.

(4) Whenever the licence in respect of a motor vehicle or trailer has been cancelled or suspended, the owner shall, within seven days of such cancellation or suspension, return the relative licence to the Licensing Authority or otherwise satisfy the Licensing Authority of his inability to return the same.

Index marks.

13. The licence shall be overprinted with an index mark, indicating the class of vehicle licensed. The index mark shall be the letter or letters shown opposite to the appropriate class of vehicle given below:—

	Index mark.
Private motor car ... ..	P
Goods vehicle ... ..	G
Motor omnibus and freight passenger vehicle ...	O
Hiring car or taxi ... ..	H
Trailer ... ..	T
Motor cycle ... ..	C
Motor vehicle exempt from licence duty under section 19 (2) ... ..	E

A duplicate licence issued under section 18 shall be overprinted with a St. Andrew's Cross, and the index mark shall be written on the licence.

Licence holder, fixing of.

14. The licence shall, on every occasion when the motor vehicle is used on a road, be carried on the motor vehicle in a waterproof holder of a type approved by the Licensing Authority, so that the front of the licence is displayed and can be read without removing it from the holder. The licence holder shall be fixed to the motor vehicle on the left or near side of the vehicle and in such a position that the licence is upright and can be easily seen and read by a person standing on the left or near side of the vehicle; but in the case of a motor vehicle fitted with a wind screen screening the driver's seat, the licence holder shall be fixed on or close to such windscreen: Provided that if the Licensing Authority is satisfied that waterproof holders are not available in the Colony, and a notice to this effect has been published in the *Royal Gazette*, the licence, if not carried as in this regulation provided shall be either pasted on the inside of the glass windshield screening the driver's seat and on the lower left hand side thereof, or carried by the driver. In the latter case, the licence shall be produced on demand to any constable.

Number of persons to be carried.

15. The owner of every public service vehicle shall keep distinctly painted on the outside of such vehicle the number of persons which, under the terms of the licence, may be carried in such vehicle. Such number shall be painted in conspicuous figures and shall ordinarily be placed in the following positions:—

- (a) in the case of a taxi, on the outside of the right front door;
- (b) in the case of a motor omnibus, on the outside of the driver's seat.

3. Form 3 of the First Schedule to the Principal Regulations is hereby deleted and replaced by the following :—

Form 3 of the First Schedule to the Principal Regulations replaced.

FIRST SCHEDULE.

Form 3, Reg. 12.

LICENCE FOR MOTOR VEHICLE.

Front.

GOVERNMENT OF TRINIDAD AND TOBAGO

Licence No. ....

Reg. No. ....

Amount paid \$.....

Weight.....lbs

No. of passengers .....

19 .....\*

Year \*

Back.

Name of owner :

.....

Address :

.....

.....

.....

Second Sched-  
ule to Princi-  
pal Regu-  
lations  
amended.

4. The specification for licence plates for motor vehicles (including motor cycles) and trailers is hereby deleted.

Made by the Governor in Council this 5th day of May, 1942.

W. J. BOOS,  
*Clerk, Executive Council.*

1942.  
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**SECOND SCHEDULE.**

(Section 44.)

**Speed Limits.**

1. The maximum speed on any road or portion thereof declared by the Trinidad Transport Board to be within a speed limit area, shall be as follows:— Ord. 37-1938,  
s. 16.

<i>Class of Vehicle.</i>	<i>Miles per hour.</i>
(a) Tractor, with or without trailer ... ..	15
(b) Motor omnibus and goods vehicles ... ..	20
(c) Other motor vehicles ... ..	30

2. The maximum speed on any road not within a speed limit area shall be as follows:—

<i>Class of Vehicle.</i>	<i>Miles per hour.</i>
(a) Tractor, with or without trailer ... ..	20
(b) Motor omnibus ... ..	25
(c) Goods vehicles carrying loads of petrol or gasoline ... ..	20
(d) Goods vehicles, the licensed M.G.W. of which exceeds 4,480 lbs. ... ..	25
(e) Goods vehicles, the licensed M.G.W. of which does not exceed 4,480 lbs. ... ..	30

*Amended by Ord. No. 210  
12/11/49*