

TRINIDAD AND TOBAGO.

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I ASSENT,

[L.S.]

M. FLETCHER,
Governor.

12th June, 1937.

17th June, 1937.

AN ORDINANCE to amend the Motor Vehicles and
Road Traffic Ordinance, 1934.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows :—

1. This Ordinance may be cited as the Motor Vehicles Short title.
and Road Traffic (Amendment) Ordinance, 1937, and shall
be construed as one with the Motor Vehicles and Road No. 42-1934
Traffic Ordinance, 1934, hereinafter referred to as the
Principal Ordinance.

2.—(1) Sub-section (1) of Section 3 of the Principal Sec. 3 (1) of
the Principal
Ordinance
amended.
Ordinance is hereby amended by adding at the end thereof
the following :—

The Governor may appoint any person to act in the
place of the Chairman or any other member of the
Board in 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.

(2) The following sub-sections numbered (3) and (4) shall be added to and form part of Section 3 of the Principal Ordinance :—

(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.

(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 Executive Council.

Sec. 9 (2) of
the Principal
Ordinance
replaced.
Exemption
from payment
of Registra-
tion Fee.

3. Sub-section (2) of Section 9 of the Principal Ordinance is hereby repealed and replaced by the following :—

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

- (a) Any motor vehicle or trailer which is the property of the Government or any City or Borough Council ;
- (b) The private motor car (limited to one only) of the Consular representative of a foreign country which grants a similar concession to British Consular representatives.
- (c) Any motor vehicle specially exempted by an order of the Governor in Executive Council on account of its being owned by a public body or of its being used for any charitable, philanthropic or other public purpose.

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.

Sec. 11 of the
Principal
Ordinance
amended.

4.—(1) Paragraph (a) of Section 11 (1) of the Principal Ordinance, as substituted by Section 5 of Ordinance No. 2 of 1936, is hereby amended by deleting therefrom the word " who ".

*Amended by Sec: 2 of
Ord: 37 of 1938.*

(2) Sub-section (5) of Section 11 of the Principal Ordinance, as amended by Section 5 of Ordinance No. 2 of 1936, is hereby amended by adding at the end thereof the following :—

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.

5. Section 12 of the Principal Ordinance, as amended by Section 6 of Ordinance No. 2 of 1936, is hereby repealed and replaced by the following :—

Sec. 12 of the Principal Ordinance replaced.

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

Restrictions on licensing of certain motor vehicles and trailers.

- (a) no motor vehicle or trailer exceeding the maximum gross weight of 5 tons,
- (b) no motor vehicle or trailer all the wheels of which are not fitted with pneumatic tyres,
- (c) after the 31st December, 1938, 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} 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.

Amended by Sec. 1 of Ord. 37 of 1938

(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

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 sub-section 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 sub-sections (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 on summary conviction by a Magistrate to a penalty not exceeding 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.

*Amended by Sec 4
Ord 37 of 1938*

Sec. 16 of the
Principal
Ordinance
amended.

6. Section 16 of the Principal Ordinance is hereby amended by inserting the words " or suspend " after the word " cancel " in the first line thereof, and by inserting the words " or suspended " after the word " cancelled " in the tenth line thereof.

7. Section 19 of the Principal Ordinance is hereby repealed and replaced by the following :—

Sec. 19 of the
Principal
Ordinance
replaced.

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 to this Ordinance :

Licence duties.

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.

(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 of this Ordinance so long as the condition justifying such exemption continues.

Exemptions.

(3) The Licensing Authority may in his discretion authorize 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.

Sec. 27 of the
Principal
Ordinance
replaced.

International
Certificates
and Tempo-
rary Licences
for motor
vehicles.

Repealed by Sec: 5
Ord 37 of 1938

8. Section 27 of the Principal Ordinance is hereby repealed and replaced by the following :—

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 this Colony, under any International Convention relative to the international circulation of motor vehicles to which this Colony shall have adhered may, whilst such certificate remains valid, be exempted from any requirement to register or hold a licence in respect of such motor vehicle in this Colony for a period not exceeding three months and subject to such conditions as may be prescribed.

(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, 1933.

(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.

9. Sub-section (1) of Section 28 of the Principal Ordinance is hereby amended by adding at the end thereof the following : "and liable to a penalty not exceeding 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 on summary conviction be liable to imprisonment with or without hard labour for a period not exceeding six months or to a penalty not exceeding four hundred and eighty dollars".

Sec. 28 (1) of the Principal Ordinance amended.

10. Section 41 of the Principal Ordinance is hereby amended by deleting therefrom the following words— " but may be renewed subject to the provisions of Section 31 of this Ordinance "

Sec. 41 of the Principal Ordinance amended.

11. Section 43 of the Principal Ordinance is hereby repealed and replaced by the following :—

Sec. 43 of the Principal Ordinance replaced.

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 of this Ordinance and of this Section, issue a new permit to the applicant.

Restrictions on the issue of new driving permit after expiration of former one.

(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 Sections 45 or 46 of this Ordinance 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.

Sec. 43A added
to Principal
Ordinance.

12. The following Section numbered 43A shall be inserted in and form part of the Principal Ordinance —

Temporary
Driving
Permits, and
Intercolonial
Driving
Permits

43A.—(1) It shall be lawful for the Licensing Authority to grant a temporary driving permit for any period not exceeding three months to any applicant for the same, when it is shewn to his satisfaction that the applicant is a *bona fide* visitor to the Colony. Such temporary driving permit may be granted with or without any driving test on the part of the applicant or without his being required to supply photographs, but shall be subject to such conditions as may be stipulated on the permit and to the payment of the prescribed fee.

Repealed by sec: 8
of Ord 37 of 1938

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

(3) Where a person in this 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 this Colony and that he is ordinarily resident in this 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.

(4) The Licensing Authority shall keep a register of all holders in this Colony of valid International driving permits issued elsewhere than in this Colony, and of all holders of International driving permits and temporary permits issued to him.

13. Sub-section (1) of Section 44 of the Principal Ordinance is hereby amended by adding at the end thereof the following—“ and shall be liable to a fine not exceeding 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.”

Sec. 44 (1) of the Principal Ordinance amended.

14. Sub-section (2) of Section 45 of the Principal Ordinance is hereby repealed and replaced by the following :—

Sec. 45 (2) of the Principal Ordinance replaced.

(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.

Disqualification from driving upon conviction.

Sec. 46 (2) and (3) of the Principal Ordinance replaced.

Disqualification from driving upon conviction.

Sec. 47 of the Principal Ordinance replaced.

Careless driving.

Sec. 56 of the Principal Ordinance replaced.

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

15. Sub-sections (2) and (3) of Section 46 of the Principal Ordinance are hereby repealed, sub-section (4) shall be numbered (3) and the following shall be inserted as sub-section (2) of the said section :—

(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.

16. Section 47 of the Principal Ordinance is hereby repealed and replaced by the following :—

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 guilty of an offence, and shall be liable to a fine not exceeding 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.

17. Section 56 of the Principal Ordinance is hereby repealed and replaced by the following :—

56. 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.

(2)

*Amended by see
13 of Ord 37 of 1938*

18. Section 70 of the Principal Ordinance is hereby amended by inserting at the end of the ninth line after the words "fails to do so" the following words "within four days of his being notified of such request".

Sec. 70 of the Principal Ordinance amended.

19. Sub-section (2) of Section 74 of the Principal Ordinance is hereby repealed and replaced by the following:—

Sec. 74 (2) of the Principal Ordinance replaced.

(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 on summary conviction be liable to a penalty not exceeding forty-eight dollars. The vehicle or trailer may be detained at the expense and risk of the owner and taken to a place for safekeeping 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.

20. The following sub-paragraph shall be added to paragraph (p) of Section 77 of the Principal Ordinance:—

Sec. 77 (p) of the Principal Ordinance extended.

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

21. The following Sections shall be added to and form part of the Principal Ordinance:—

Secs. 80 and 81 added to Principal Ordinance.

80.—(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.

Grant of concessions to operate motor omnibuses.

(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 Executive Council.

In the event of a conflict of laws the provisions of this Ordinance to prevail.

81.—(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 these powers.

(2) Whenever any powers conferred on the Licensing Authority or the Inspector-General of Constabulary 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.

Passed in Council this twenty-eighth day of May, in the year of Our Lord one thousand nine hundred and thirty-seven.

W. E. BOARDMAN,
Clerk of the Council.