

TRINIDAD AND TOBAGO.

[Published as a Supplement to the "Royal Gazette" issued on the
22nd day of December, 1938.]

No. 37—1938.

I ASSENT,

[L.S.]

J. HUGGINS,

Acting Governor.

21st December, 1938.

22nd December, 1938.

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 :—

Short title. **1.** This Ordinance may be cited as the Motor Vehicles and Road Traffic (Amendment) Ordinance, 1938, and shall be construed as one with the Motor Vehicles and Road Traffic Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

Sec. 9 of the Principal Ordinance amended. **2.** Sub-section (2) of Section 9 of the Principal Ordinance, as re-enacted by Section 3 of Ordinance No. 10 of 1937, is hereby amended by deleting paragraph (b) thereof.

Sec. 11 of Principal Ordinance amended **3.** Section 11 of the Principal Ordinance is hereby amended by deleting the following words appearing at the end of sub-section (1) thereof, namely—"the driver and

owner of the motor vehicle shall each be guilty of an offence and on conviction shall each be liable to a penalty not exceeding forty-eight dollars"—and substituting therefor the following—"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 on conviction be liable to a penalty not exceeding forty-eight dollars."

4. Section 12 of the Principal Ordinance, as re-enacted by Section 5 of Ordinance No. 10 of 1937, is hereby amended by inserting after the word "trailer" in the third line of sub-section (2) thereof the following—" (including a trailer running on more than two wheels)" and by adding to the said section the following sub-section :—

Sec. 12 of
Principal
Ordinance
amended.

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

5. Sub-section (1) of Section 27 of the Principal Ordinance, as enacted by Section 8 of Ordinance No. 10 of 1937, is hereby repealed and replaced by the following :—

Sec. 27 of
Principal
Ordinance
amended.

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.

International
Certificates
and temporary
licences for
motor
vehicles.

Sec. 34 of the
Principal
Ordinance
replaced.

6. Section 34 of the Principal Ordinance, as amended by Ordinance No. 2 of 1936, is hereby repealed and replaced by the following :—

Restrictions
on driving
permits for
certain
vehicles.

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.

Sec. 37 of
Principal
Ordinance
amended.

7. Section 37 of the Principal Ordinance is hereby amended by inserting therein the words "and goods vehicles" after the words "public service vehicles."

Sec. 43A of
Principal
Ordinance
replaced.

8. Section 43A of the Principal Ordinance, as enacted by Section 12 of Ordinance No. 10 of 1937, is hereby repealed and replaced by the following :—

International
driving
permits.

43A. —(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 authorization 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.

9. Sub-section (1) of Section 44 of the Principal Ordinance is hereby repealed and replaced by the following :—

Sec. 44 of
Principal
Ordinance
amended.
Speed

44.—(1) No person shall drive a motor vehicle of such class or description as is specified in the Second Schedule to this Ordinance 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 sub-section shall be guilty of an offence and shall be liable on summary conviction 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.

10. The following sub-section numbered (6) shall be added to and form part of Section 44 of the Principal Ordinance :—

Sec. 44 of
Principal
Ordinance
added to.

(6) The Trinidad Transport 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 Transport Board may vary or revoke any such notice.

Sec. 48 of the
Principal
Ordinance
amended.

11. Section 48 of the Principal Ordinance is hereby amended by deleting the words "at the time" appearing in the first line of paragraph (a) and substituting therefor the words "on the day."

Section 53 of
the Principal
Ordinance
replaced.

12. Section 53 of the Principal Ordinance is hereby repealed and replaced by the following :—

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

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—

- (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 under this Ordinance.

13. Section 56 of the Principal Ordinance, as re-enacted by Section 17 of Ordinance No. 10 of 1937, shall be numbered 56 (1) and the following sub-section shall be added thereto :—

(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 :

Sec. 56 of
Principal
Ordinance
amended.

Power of
Court to
remove dis-
qualification.

Provided that, where an application under this sub-section 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.

14. Section 73 of the Principal Ordinance is hereby amended by deleting sub-section (3) and paragraphs (a) and (b), and substituting therefor the following :—

Sec. 73 of
Principal
Ordinance
amended.

(3) 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.

Sec. 75 of
Principal
Ordinance
amended.

15. Sub-section (1) of Section 75 of the Principal Ordinance is hereby amended by deleting the words "causing the injury" at the end of the said sub-section and substituting therefor the following words—"by the use of which the offence was committed".

2nd Schedule
of Principal
Ordinance
amended.

16. Paragraphs 1, 2 and 3 of the Second Schedule to the Principal Ordinance are hereby deleted and replaced by the following :—

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 :—

<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 Gasolene	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

Trolley vehicle
included in
definition of
Motor Vehicle.

17. The definition of "Motor Vehicle" in section 2 of the Principal Ordinance is hereby amended by inserting the words "and includes a trolley vehicle" after the word "roads" in such definition.

Passed in Council this seventeenth day of December, in the year of Our Lord one thousand nine hundred and thirty-eight.

W. E. BOARDMAN,
Clerk of the Council.