



TRINIDAD AND TOBAGO

No. 47—1956

[L.S.]

I ASSENT,

E. B. BEETHAM,
Governor.

28th December, 1956.

AN ORDINANCE to amend the Motor Vehicles and Road
Traffic Ordinance, Ch. 16. No. 3.**[On Proclamation]**

Commencement

ENACTED by the Governor of Trinidad and Tobago with the
advice and consent of the Legislative Council thereof. Enactment

1. (1) This Ordinance may be cited as the Motor Vehicles
and Road Traffic (Amendment) Ordinance, 1956, and shall be
read as one with the Motor Vehicles and Road Traffic Ordinance,
hereinafter referred to as the Principal Ordinance.

Short title

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(2) This Ordinance shall come into operation on a day to
be fixed by the Governor by proclamation in the *Royal Gazette*.

Section 2 of
Principal
Ordinance
amended

2. Section 2 of the Principal Ordinance is hereby amended—

(a) by deleting the definitions of the expressions “at night” and “motor lorry”;

(b) by substituting for the words and colon occurring before the first proviso in the definition of the expression “owner” the following—

“ “owner” —

(a) in the case of a motor vehicle that is not registered includes the person in actual charge or possession of the vehicle in the Colony;

(b) in the case of a vehicle that is registered means the person in whose name the vehicle is registered:”;

(c) by substituting the words “goods vehicle” for the words “motor lorry” wherever they occur in the definition of the expression “tractor”;

(d) by inserting, in their appropriate alphabetical order, the following definitions—

“ “Borough of Arima” means the borough of Arima as defined in section 7 of the Arima Corporation Ordinance;

“Borough of San Fernando” means the borough of San Fernando as defined in section 7 of the San Fernando Corporation Ordinance;

“City of Port-of-Spain” means the City of Port-of-Spain as defined in section 6 of the Port-of-Spain Corporation Ordinance;

“parking” means causing or permitting a vehicle, whether occupied or not, to stand on a road, except—

(a) while the vehicle is being loaded or unloaded; or

(b) while passengers are entering or leaving the vehicle; or

(c) in compliance with the directions of a constable or of a traffic sign or with the requirements of traffic regulations; or

(d) while temporarily stopped by reason of traffic conditions; or

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(e) while stopped owing to mechanical breakdown or lack of fuel;
 and "park" and other cognate expressions shall be construed accordingly;
 "traffic sign" includes any signal (whether an electric automatic signal or otherwise), warning signpost, direction post, sign, line, direction arrow, word, mark or other device erected, placed or otherwise marked on or near a road for the guidance or direction of traffic;" and

(e) by deleting the definition of the expression "parking place".

3. Sections 44 and 44A of the Principal Ordinance are hereby repealed and in place thereof the following sections shall have effect:—

"Speed limits.
 Second
 Schedule

44. (1) Subject as hereinafter provided, it shall not be lawful for any person to drive a motor vehicle of any class or description on any road—

- (a) outside a built-up area at a speed greater than the speed specified in the Second Schedule hereto as the maximum speed in relation to a vehicle of that class or description;
- (b) within a built-up area at a speed greater than the speed specified in the Second Schedule hereto as the maximum speed in relation to a vehicle of that class or description;
- (c) whether outside or within a built-up area, in respect of which a special speed limit is imposed, at a speed exceeding the special speed limit imposed in relation to a vehicle of that class or description.

(2) It shall be lawful for the Board by order to impose a special speed limit with respect to any road, whether outside or within a built-up area, or any part of such road, in relation to motor vehicles generally or in relation to any class or description of motor vehicle.

(3) It shall be lawful for the Director of Works and Hydraulics by order to impose a special speed limit with respect to any bridge over which a road passes, whether outside or within a built-up area, in relation to motor vehicles generally or in relation to any class or description of motor vehicle.

Sections 44
 and 44A of
 Principal
 Ordinance
 repealed and
 replaced

(4) It shall be the duty of the Licensing Authority—

- (a) to erect or cause to be erected and to maintain or cause to be maintained traffic signs in such positions as may be requisite for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to the places where a length of road begins, and ceases, to be a road in respect of which a special speed limit is imposed and as to the special speed limit so imposed;
- (b) to alter or remove traffic signs as may be requisite in pursuance of any order made under subsection (2) or (3) of this section.

(5) Any person who drives a motor vehicle on any road in contravention of the provisions of subsection (1) of this section shall be liable to a fine of one hundred and twenty dollars and to be disqualified from holding or obtaining a driving permit for such period as the court shall think fit:

Provided that it shall be a good defence for any person charged with having contravened the provisions of paragraph (c) of subsection (1) of this section to prove that at the time of the alleged contravention there was a failure to comply with the provisions of subsection (4) of this section by reason of which he did not know that the length of road over which the contravention is alleged to have taken place was a length of road in respect of which the special speed limit had been imposed, and that he did not otherwise know of the imposition of the special speed limit in respect of such length of road.

(6) A person charged under this section shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving a motor vehicle at a speed greater than the maximum speed allowed.

(7) The Governor in Council may by regulations vary, amend or revoke any of the provisions of the Second Schedule hereto:

Provided that regulations under this subsection shall be of no effect unless and until they have been approved by the Legislative Council.

(8) In this section—

“built-up area” means the City of Port-of-Spain, the Borough of San Fernando, the Borough of Arima, and any other area or road or portion thereof declared by order of the Board to be a built-up area for the purposes of this section;

“special speed limit” means, in relation to the driving of any motor vehicle or a motor vehicle of any specified class or description on a road, a speed limit specifying a speed less than the speed which would be applicable in respect of that road and that class or description of motor vehicle under paragraph (a) or (b) of subsection (1) of this section, as the case may be, and which is imposed under the provisions of subsection (2) or (3) of this section.

Motor racing
and speed
trials

44A. (1) Any person who, except under and in accordance with the written permission of the Commissioner of Police, promotes or takes part in a race or trial of speed between motor vehicles on a 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.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and 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 from holding or obtaining a driving permit.”

4. The following sections are hereby inserted immediately after section 44A of the Principal Ordinance :—

“ Traffic signs

44B. (1) The Licensing Authority may cause or permit traffic signs to be placed, erected or otherwise marked on or near any road, and may authorise any traffic signs so placed, erected or otherwise marked before the commencement of the Motor Vehicles and Road Traffic (Amendment) Ordinance, 1956 to be retained :

Provided that he may not cause or permit any traffic sign to be placed, erected or otherwise marked, or authorise the retention of any traffic sign, on or

New sections
44B to 44D
added to
Principal
Ordinance

near any road in respect of which an order of the Board made under section 44C of this Ordinance is in force, where such sign relates to the subject matter of such order but is not in conformity with the provisions thereof.

(2) The size, colour and type of any traffic sign may be prescribed and in such event the traffic sign shall be of the prescribed type and substantially of the prescribed size and colour, and where the size, colour and type thereof are not prescribed, shall be of a character authorised by the Licensing Authority.

(3) Every traffic sign erected, placed, marked or retained on or near any road shall, unless the contrary is proved, be deemed—

(a) to have been lawfully so erected, placed, marked or retained; and

(b) to be of the prescribed type and substantially of the prescribed size and colour, where the size, colour and type of the same have been prescribed, and in other cases to be of a character authorised by the Licensing Authority under this section.

(4) (a) Notwithstanding anything contained in subsection (3) of this section, after the commencement of the Motor Vehicles and Road Traffic (Amendment) Ordinance, 1956, no person other than the Licensing Authority or any person acting under his directions may, except with the general or special permission in writing of the Licensing Authority—

(i) erect place or mark any traffic sign on or near any road; or

(ii) retain any traffic sign erected placed or marked, or caused to be erected placed or marked, by him on or near any road:

Provided that, without prejudice to the operation of subsection (5) of this section, nothing in this subsection shall apply to any traffic sign—

(i) which the owner of any land erects places marks or retains, or causes to be erected placed marked or retained, on or near any private road which is situate on such land; or

(ii) which any person erects places marks or retains, or causes to be erected placed marked or retained, on or near any road in pursuance of any authority conferred upon him by or under any law of the Colony other than this Ordinance.

(b) For the purposes of this subsection—

“owner” in relation to any land includes any person in lawful occupation of such land; and

“private road” means any privately owned street, road or open space to which the public are granted access conditionally.

(5) The Licensing Authority may, by notice in writing, require the owner or occupier of any land on which there is a traffic sign, or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it, and if any such person fails to comply with such a notice, the Licensing Authority may himself effect or authorise the removal, doing as little damage as may be, and may, except where such sign was erected, placed, marked or retained by the Licensing Authority, recover in a court of competent jurisdiction as a civil debt from the person so in default the expense incurred by him in so doing.

(6) The Licensing Authority or any person authorised by him in that behalf may, on any land near to or adjoining a road, cut branches of trees, or other vegetation, or remove any other thing which obscures or is likely to cause damage to a traffic sign :

Provided that the Licensing Authority or any person authorised by him shall not exercise any powers under this section until after the expiration of three days' notice in writing of his intention to exercise the relevant power given to the occupier of the land or posted up conspicuously thereon.

(7) The Licensing Authority or any person authorised by him in that behalf may enter any land near to or adjoining a road—

(a) for the purpose of exercising any power conferred by this section upon the Licensing Authority; or

- (b) for the purpose of replacing or maintaining traffic signs.

The Licensing Authority shall do as little damage as may be in executing any work authorised by this section.

(8) In any case where a constable is for the time being engaged in the regulation of traffic in a road, or where any traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed, erected, marked or retained on or near any road, then in any such case any person driving or propelling any vehicle or any person riding or driving any animal—

- (a) who neglects or refuses to stop the vehicle or animal or to make the vehicle or animal proceed in or keep to a particular line of traffic when directed or signalled so to do by the constable in the execution of his duty; or

- (b) who fails to conform to the indication given by the traffic sign,

shall be guilty of an offence.

(9) Any person who—

- (a) unlawfully places erects marks or retains, or causes to be placed erected marked or retained, any traffic sign on or near any road; or;

- (b) removes, defaces, damages, alters or obscures, or in any way interferes with any traffic sign lawfully placed, erected, marked or retained on or near any road,

shall be liable to a fine of one hundred and twenty dollars or to imprisonment for three months.

(10) Notwithstanding the provisions of section 77 of this Ordinance, "prescribed" for the purposes of this section means prescribed by order of the Board and any such order may revoke any regulations in force in respect of the size, colour and type of any traffic sign.

- (11) (a) If any person owning or having any interest in any property suffers pecuniary loss by reason of any damage to such property resulting

from the exercise by the Licensing Authority of the powers conferred upon him by subsection (1) of this section to cause traffic signs to be placed, erected or otherwise marked on or near any road, compensation shall be payable to such person in respect of such loss.

- (b) If any difference arises between any person claiming compensation under paragraph (a) of this subsection and the Licensing Authority as to whether such person is entitled to any such compensation or as to the amount of such compensation, such difference shall, on the written application of such person or of the Attorney General, be determined—

(i) if the amount of the compensation claimed does not exceed two hundred and forty dollars, by a Magistrate; and

(ii) if the amount of the compensation exceeds two hundred and forty dollars, by a Judge of the Supreme Court,

in like manner as if such Magistrate or Judge were a single arbitrator appointed pursuant to the provisions of the Arbitration Ordinance, and the provisions of the said Ordinance shall apply accordingly.

- (c) Compensation payable under this subsection shall be defrayed out of moneys provided for the purpose by the Legislative Council.

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Parking of
vehicles and
one-way roads

44C. (1) The Board may by order—

- (a) prohibit or regulate the parking of vehicles on any road; or
- (b) prohibit the driving of any vehicle on any specified road otherwise than in a specified direction.

(2) An order made under this section may prescribe in respect of any contravention thereof or

failure to comply therewith a penalty not exceeding a fine of one hundred dollars or imprisonment for three months on summary conviction and any such order may revoke any regulations in force in respect of any of the matters specified in subsection (1) of this section.

(3) Where any provision in an order made under this section conflicts with any order made to meet the exigencies of a special occasion, or directions given, under section 78 of this Ordinance, the operation of such provision shall be suspended during the continuance in force of such last mentioned order or directions, as the case may be.

Bus stops

44D. (1) The Licensing Authority may by traffic sign designate as stopping places for motor omnibuses areas on any road along which a concession has been granted for such motor omnibuses to operate, which areas are hereinafter referred to as bus stops.

(2) Any person who parks any vehicle other than a motor omnibus on a road so that any part of the vehicle or any load carried thereon is within any bus stop shall be liable to a fine of forty-eight dollars.

(3) For the purposes of this section, "parking" includes causing or permitting a vehicle, whether occupied or not, to stand on a road—

- (a) while the vehicle is being loaded or unloaded; or
- (b) while passengers are entering or leaving the vehicle."

Section 77 of
Principal
Ordinance
amended

5. Subsection (1) of section 77 of the Principal Ordinance is hereby amended—

(a) by deleting the words "and the erection of traffic signals and other notices" appearing in paragraph (j) thereof; and

(b) by repealing paragraphs (k) and (l) thereof:

Provided that any regulations made under any of the said paragraphs shall continue in force until the same are revoked under the provisions of the Principal Ordinance as amended by this Ordinance.

6. The following Schedule is hereby substituted for the Second Schedule to the Principal Ordinance :—

SECOND SCHEDULE

(Section 44)

Second
Schedule to
Principal
Ordinance
repealed and
replaced

<i>Class or description of vehicle</i>	<i>Maximum speed (miles per hour)</i>	
	<i>Outside a Built-up area</i>	<i>Within a Built-up area</i>
(a) Tractor (except a goods vehicle or private motor car with or without trailer)	20	10
(b) Motor omnibus	30	20
(c) Motor vehicle constructed to carry more than ten passengers	30	20
(d) Goods vehicle the licensed M.G.W. of which exceeds 5,600 lb. with or without trailer	30	20
(e) Goods vehicle the licensed M.G.W. of which does not exceed 5,600 lb. with trailer	30	20
(f) Private motor car with trailer	30	20
(g) Any other motor vehicle	50	30

Passed in Council this fourteenth day of December, in the year of Our Lord one thousand nine hundred and fifty-six.

G. E. L. LAFOREST

Clerk of the Council.