
1st Session First Parliament Trinidad and Tobago
12 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 11 of 1963

[L.S.]

AN ACT to amend the Motor Vehicles and Road Traffic
Ordinance, Ch. 16. No. 3.

[Assented to 29th March, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by ^{Enactment} and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Motor Vehicles and Road ^{Short title} Traffic (Amendment) Act, 1963.

Interpretation
Ch. 16. No. 3

2. In this Act, "the Ordinance" means the Motor Vehicles and Road Traffic Ordinance.

Section 2 of
Ordinance
amended

3. Section 2 of the Ordinance is amended by the deletion of the definitions of "goods vehicle" and "private motor car" and the substitution therefor of the following definitions:—

"goods vehicle" means a motor vehicle which is so constructed or adapted as to show its primary purpose is the carriage or haulage of goods, merchandise or other loads, and includes—

- (a) a motor vehicle constructed or adapted for the carriage both of persons and of goods and which is registered for use as a goods vehicle;
- (b) a motor vehicle which is registered for use as a goods vehicle and which was so registered before the 1st January, 1963;

"private motor car" means any motor vehicle, other than a goods vehicle or a public service vehicle;".

Insertion
of new
sections 9A
and 9B in
Ordinance

4. The Ordinance is amended by the insertion immediately after section 9 thereof of the following new sections:—

"Restriction
on registration
of taxis

9A. (1) Notwithstanding the provisions of section 6, during any period when there is in force an order under this section, no motor vehicle shall be registered for use as a taxi except in accordance with the provisions of such order.

(2) The Minister may, by order published in the Gazette, prohibit or restrict, subject to such conditions, if any, as may be specified in the order, the registration of motor vehicles for use as taxis.

(3) In this section "Minister" means the Minister to whom responsibility for the administration of road transport is assigned.

Registration on
change of use:

9B. (1) Where the owner of a motor vehicle which is registered for use for a particular purpose intends to use that vehicle for some other purpose he shall, before using the vehicle for that other purpose, apply to the Licensing Authority for registration of the vehicle for use for that other purpose; and the application shall, subject to subsection (2), be dealt with as if the vehicle had not previously been registered, but—

- (a) the fee payable for such registration shall be the fee prescribed for an amendment of the Register;
- (b) except as provided by subsection (2) motor vehicles tax shall not be payable before such registration.

(2) Motor vehicles tax shall be payable before the registration of a motor vehicle for a purpose other than that for which it is registered if—

- (a) the vehicle was first registered after the 31st day of December, 1962, and
- (b) the percentage of the market price used in calculating motor vehicles tax on a vehicle of the class or description in or under which the vehicle is to be registered is higher than that used in calculating such tax on a vehicle of a class or description in or under which it is registered,

and section 7A shall apply accordingly; but the tax shall be calculated on such percentage of the market price of the vehicle as is equal to the difference between the percentage used in calculating the tax on a vehicle of the class or description in or under which the vehicle is registered and that used in calculating the tax on the class or description in or under which it is to be registered.”

Section 11 of
Ordinance
amended

5. Section 11 of the Ordinance is amended by the insertion immediately after subsection (6) thereof of the following new subsections :

“(7) Where a Magistrate has made an order under subsection (6) of this section in respect of a public service vehicle, a rented car or a goods vehicle or trailer, the Magistrate shall, unless he is satisfied that any such vehicle has been inspected in accordance with any regulations made under this Ordinance, further order the owner of any such vehicle to produce such vehicle within forty-eight hours to the Licensing Authority for inspection; and the Licensing Authority shall, if he is satisfied that the amount of the licence duty has been paid and that the vehicle complies with all the provisions of this Ordinance and the regulations made thereunder, issue the appropriate licence.

(8) An owner who contravenes or fails to comply with an order made under subsection (7) of this section shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months or to both such fine and imprisonment.”

Section 13 of
Ordinance
amended

6. Section 13 of the Ordinance is repealed and replaced by the following :

“Application
for licence

13. Applications for the licensing of a motor vehicle or trailer or for subsequent renewals of a licence therefor shall be made in the prescribed form.”

New section
14A inserted

7. The Ordinance is amended by the insertion immediately after section 14 thereof of the following new section:

“Conditions
to be satis-
fied before
issue of
licence in
respect of
certain
vehicles

14A. (1) Notwithstanding the provisions of section 14, a Licensing Officer shall not issue or renew a licence for a motor vehicle to which this section applies unless the applicant produces the prescribed certificate certifying that the licence may be issued or renewed.

(2) No owner of a vehicle to which this section applies shall use or permit any person to use that vehicle on any road unless there has been issued the prescribed certificate which would

enable a licence in respect of that vehicle to be issued or renewed for the period during which the vehicle is being used.

(3) The owner of a vehicle who contravenes the provisions of subsection (2) shall be liable on summary conviction to a fine of two hundred and fifty dollars or to six month's imprisonment or to both such fine and imprisonment.

(4) The owner of a vehicle shall not be convicted of an offence against subsection (2) if he proves that such vehicle was being driven under the Authority of a dealer's general licence or for the purpose of being produced to the Licensing Authority for inspection.

(5) For the purposes of subsection (2), where a prescribed certificate has been extended in accordance with any regulations made under this Ordinance to enable a licence to be renewed, the certificate shall be deemed to have been issued for the purpose of permitting the vehicle to be licensed for the period of such extension only.

(6) This section applies to public service vehicles, rented cars, goods vehicles and trailers."

8. Section 15 of the Ordinance is amended by the substitution for all the words beginning with the words "Where the holder" and ending with the words "the holder shall apply for a new licence." of the following:—

Section 15 of
Ordinance
amended

"Where the registered owner of a vehicle or trailer makes application under section 9B for the registration of the vehicle for a purpose other than that for which it is registered, he shall, at the time of making such application, apply for the vehicle to be licensed for that other purpose; and where after the issue of a licence a vehicle is registered for a use other than that for which it is licensed or is so altered that a higher duty or a duty of a different class is required the licence shall become void, and the owner of the vehicle shall apply for a new licence."

New sections
78A, 78B and 78C
inserted in
Ordinance

9. The Ordinance is hereby amended by the insertion immediately after section 78 thereof of the following new sections:—

“Parking in
grounds, etc.
of public
offices
restricted

78A. (1) Notwithstanding any other provision of this Ordinance, no person shall park or cause any motor vehicle to be or to remain parked in or on any grounds or other open space adjoining or attached to any public building unless he has been granted permission by a person authorised in that behalf under subsection (2).

(2) The Governor-General may, by order published in the Gazette, authorise a public officer specified in the order to grant permission to any person to park a vehicle in or on any grounds or open space adjoining or attached to a public building expressed in the order to be under the control of that public officer.

(3) A public officer referred to in subsection (2) shall issue to every person to whom he grants permission to park in or on any such grounds or open space a distinguishing mark or symbol which such person shall affix to the lower left front windshield of the vehicle.

(4) Any person who contravenes the provisions of subsection (1) is liable on summary conviction to a fine of one hundred dollars or to three months imprisonment.

(5) In this section “public buildings” means any building occupied for use as offices by any Government Ministry or Department and includes a building used as a court of law; “grounds” includes forecourt, courtyard, footpath, driveway, and alleyway.

Powers of
police where
vehicles
parked in
contravention
of Ordinance or
left on road

78B. (1) Where a vehicle is parked in contravention of any provisions of this Ordinance or of any regulations or orders made thereunder, or is left on any road in such a manner that it is likely to cause any obstruction to persons lawfully using any such road, any member of the Police Force may—

- (a) require the driver or other person in control or in charge thereof to remove it or cause it to be removed, and any person who fails to comply with any such requirement is guilty of an offence and liable on summary conviction to a fine of one hundred dollars or to three months imprisonment;
- (b) if the driver or other person in control or in charge of such vehicle cannot be found or refuses to remove it when required so to do, remove such vehicle or arrange for it to be removed from the place in which it is parked to a place of safe custody either by towing or driving the vehicle or in such other manner as he may think necessary.

(2) When any member of the Police Force removes or provides for the safe custody of any motor vehicle or arranges for any person to remove it or provide for its removal under subsection (1), except upon proof of failure to exercise reasonable care neither such member of the Police Force nor any such other person shall be liable in any action or demand for any damages arising from the loss or damage to such vehicle in the course of its removal or otherwise.

Charges payable before delivery of vehicle; and sale of vehicles in custody

78C. (1) Where any motor vehicle is removed to a place of safe custody under section 78B such vehicle shall not be released to the owner thereof unless there is paid to the Commissioner of Police the sum of ten dollars by way of removal charges, and a further sum of one dollar and fifty cents for each day or part thereof during which the vehicle is kept in custody.

(2) Notwithstanding the provisions of subsection (1) where any vehicle is left in custody for any period exceeding thirty days any police officer not below the rank of superintendent may direct that such vehicle be sold by public auction and any moneys arising from the sale shall be applied in the following order :—

- (a) in defraying the expenses of sale, if any;

- (b) in settlement of any sum payable by the owner under subsection (1); and
- (c) to the credit of the registered owner of the vehicle.

(3) At least fourteen days' notice shall be given in a daily newspaper of any sale by public auction of a motor vehicle under this section.

(4) Where a vehicle is sold under this section the police officer who authorised the sale shall issue to the purchaser a certificate to that effect and such certificate shall be sufficient authority to the Licensing Authority to register the vehicle in the name of the purchaser; and any right, title or interest of the former registered owner in the vehicle shall be extinguished on the issue of such certificate.

(5) Any moneys received by the Commissioner of Police under subsection (1) shall be used in defraying any expenses incident on the removal or custody of the vehicle and the balance, if any, shall be paid to General Revenue.

Motor Vehicles
and Road
Traffic Regula-
tions amended

10. The Motor Vehicles and Road Traffic Regulations are amended to the extent specified in the Schedule hereto and the said Regulations as so amended shall continue to have effect until otherwise provided by regulations made under section 77 of the Ordinance.

SCHEDULE

1. The substitution for regulation 8 of the following:—

“8. No person shall use a motor vehicle for a purpose other than that for which it is registered.”

2. The insertion at the end of regulation 90A of the following paragraphs:—

“(5) Notwithstanding the preceding provisions of this regulation, no taxi driver's licence shall be issued after the 31st day of March, 1963, unless—

- (a) an application for such licence had been made before that date and had not been refused; or

(b) the applicant satisfies the Minister that the holder of a taxi driver's licence, being a person whose sole occupation during the twelve months immediately preceding the making of the application was that of a taxi driver, consents to the cancellation of his licence and surrenders that licence and his badge for cancellation in order to enable the applicant to obtain a licence.

(6) Where a licence is surrendered for cancellation in accordance with paragraph (5), the licence shall only be cancelled if a taxi driver's licence is issued to the applicant for whose benefit the licence is surrendered."

3. The substitution for paragraph 5 of Form 7 of the Schedule thereto of the following :

"(5) And that the said.....may be duly licensed for the year....."

Passed in the House of Representatives this 22nd day of March, 1963.

G. R. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 26th day of March, 1963.

J. P. OTTLEY
Clerk of the Senate