

GOVERNMENT NOTICE No. 45

REPUBLIC OF TRINIDAD AND TOBAGO

THE MOTOR VEHICLES AND ROAD TRAFFIC (ENFORCEMENT AND  
ADMINISTRATION) ACT, 1978

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 12 OF THE MOTOR VEHICLES AND  
ROAD TRAFFIC (ENFORCEMENT AND ADMINISTRATION) ACT, 1978

THE MOTOR VEHICLES AND ROAD TRAFFIC (FIXED PENALTY)  
REGULATIONS, 1979

1. These Regulations may be cited as the Motor Vehicles and Road Traffic (Fixed Penalty) Regulations, 1979. Citation
2. In these Regulations "the Act" means the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, 1978. Definition
3. A notice under the Act shall be in the form set out in Part I of the Schedule and shall be completed by the constable in quadruplicate at the time of the affixing of the notice. Form of notice
4. (1) Where a constable affixes a notice on a motor vehicle he shall also place on its windshield a sticker in the form set out in Part II of the Schedule and such sticker shall bear the serial number of the notice, the date of the commission of the alleged offence and the amount of the fixed penalty. Affixing of notice  
(2) Where a person is in doubt as to whether or not a notice had been affixed to his motor vehicle, he may seek to ascertain the true position by consulting the police station nearest to the area in which the offence is alleged to have been committed, or any other police station in the vicinity of the said area.
5. Where a notice is given or affixed under the Act the constable shall— Copies of notice to be transmitted
  - (a) as soon as practicable thereafter but in any case not later than the date prescribed in the notice for the payment of the fixed penalty, submit a copy thereof to the Clerk as required by section 3(4) of the Act; and
  - (b) immediately after his return to the police station off patrol duty, submit a copy thereof to the police officer in charge of the police station to which he is attached, to be kept there for the purpose of record,and the remaining copy shall be retained in the notice book from which the notice was issued.
6. Except where the notice book issued to him for the purposes of these Regulations contains a notice that relates to proceedings that have not yet been determined, a police officer of the rank of at least Inspector may after the expiration of two years from the date of the issue, destroy the notice book. Destruction of completed notice books

Payment  
of fixed  
penalty

7. (1) Payment of a fixed penalty may be made personally or through an agent except that in every case it shall be accompanied by the notice.

(2) The Clerk shall as soon as practicable after receipt of payment return to the sender the amount remitted in every case where—

(a) the notice does not accompany the payment of the fixed penalty as required by section 7(2) of the Act and the Clerk is unable to identify the notice;

(b) payment is remitted otherwise than by certified cheque, bankers draft, postal order or money order; or

(c) the amount paid or remitted is less than the amount of the fixed penalty.

(3) Where the sum remitted is in excess of the fixed penalty the Clerk shall, as soon as practicable after receipt of the remittance, return to the sender the amount paid in excess of the fixed penalty.

(4) Where an affixed notice has been lawfully removed as a result of which, or for any other reason, paragraph (1) cannot be fully complied with, the person liable to pay the fixed penalty shall appear personally to make the payment.

Receipt to  
be issued

8. Subject to these Regulations, the Clerk shall, as soon as practicable after payment of the fixed penalty has been received, cause to be issued to the payer a receipt in respect of the payment.

Where fixed  
penalty is  
not paid

9. Where payment of the fixed penalty is not received by the Clerk during the period specified for payment the Clerk shall so inform—

(a) in respect of offences committed in Trinidad, the First Division Police Officer in Trinidad designated for the purpose by the Commissioner of Police; and

(b) in respect of offences committed in Tobago, the First Division Police Officer in Tobago designated for the purpose by the Commissioner of Police.

Attendance  
in the  
Magistrate's  
Court

10. (1) The person liable to pay the fixed penalty shall in default of payment attend the Magistrate's Court on the date and at the time specified in Part I of the Schedule, as a defendant in the matter in respect of which the notice was issued.

(2) A summons to initiate proceedings under the Summary Courts Ordinance as provided by section 9 of the Act shall be returnable on the same date as that which appears on the notice for attendance in the Magistrate's Court and where such a summons is not served, another summons returnable on a date to be fixed by the court shall be issued.

SCHEDULE

PART I

REPUBLIC OF TRINIDAD AND TOBAGO

(Regulation 3)

(Note: It is an offence for anyone other than the person liable for the under-mentioned offence to remove or interfere with this notice without authority)

THE MOTOR VEHICLES AND ROAD TRAFFIC (ENFORCEMENT AND ADMINISTRATION) ACT, 1978

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

TAKE NOTICE that I, ..... (Number, Rank and Name of Constable)

have reason to believe that an offence, particulars of which are given overleaf, has been committed in respect of motor vehicle registration number

..... (Registration Number)

The fixed penalty for the offence is ..... (Penalty in words and figures)

If this amount is paid to the Clerk of the Peace within ten (10) days from the date of this notice no proceedings will be taken and any liability to conviction of the offence will be discharged.

In paying the fixed penalty the following conditions shall be observed:

- (1) The fixed penalty shall be accompanied by this notice on which shall be inserted in the space provided, the serial number of the driving permit of the person liable for the offence.
(2) Where payment of the fixed penalty is made otherwise than in conformity with these Regulations, the Clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall begin.
(3) Payment of the fixed penalty be made or remitted to "The Clerk of the Peace" at the following address:

.....
.....

Should you fail to pay the fixed penalty you are hereby required to attend the magistrate's court on the \* day of , 19 at 9.00 o'clock in the forenoon at the undermentioned address as the defendant in the matter in respect of which this notice was issued:

..... (State name and address of court)
.....

This notice was given/affixed at .....  
(State location)

on ..... 19....., at ..... a.m./p.m.  
(State date) (State time)

\*The date for attendance in the magistrate's court is to be twenty-one days after the last day for payment of the fixed penalty.

PARTICULARS OF OFFENCE

At ..... a.m./p.m. on the ..... day of  
..... 19..... at .....  
you ..... contrary to .....  
(State provision contravened)

.....  
Signature of Constable

PART II

(Regulation 4)

MOTOR VEHICLES AND ROAD TRAFFIC (FIXED PENALTY) REGULATIONS, 1979

Registration No. of Vehicle .....

Serial No. of Notice .....

Date of Offence .....

Amount of Penalty \$.....

A notice was affixed to this vehicle by

No. .... Rank ..... Name .....

of ..... Police Station.

.....  
Signature of Constable

Made by the President this 30th day of March, 1979.

K. BOSWELL-INNISS  
Secretary to Cabinet

Laid in the House of Representatives this 2nd day of April, 1979.

J. E. CARTER  
Clerk of the House

Laid in the Senate this 3rd day of April, 1979.

R. L. GRIFFITH  
Clerk of the Senate