
Second Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 18 of 1978

[L.S.]

AN ACT to provide for the punishment of motor vehicle
and road traffic offenders without the necessity for
a court appearance, and matters incidental thereto.

[Assented to 27th June, 1978]

ENACTED by Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Motor Vehicles and Short title
Road Traffic (Enforcement and Administration) Act,
1978.

Interpretation

2. In this Act—

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“Clerk” and “Court” have the meanings respectively assigned to those expressions by section 2 of the Summary Courts Ordinance;

No. 30 of 1965

“constable” means a police officer as defined by the Police Service Act, 1965;

Ch. 16. No. 3

“driver”, “road” and “vehicle”, have the meanings respectively assigned to those expressions by section 2 of the Motor Vehicles and Road Traffic Ordinance;

“fixed penalty” means the penalty prescribed under section 6;

“notice” means a document offering the opportunity for the discharge of any liability to conviction for the offence specified therein by payment of a fixed penalty in accordance with this Act;

“offence” means an offence listed in the Schedule, being an offence created by or under the enactment specified therein;

“proceedings” means proceedings by complaint before a magistrate.

Constable may
give or affix
notice

3. (1) Where a constable has reason to believe that an offence has been or is being committed, it shall be lawful for him to give to the driver a notice charging him with the commission of such offence, and notifying him that a complaint will be made against him in respect thereof and requiring him either to pay the fixed penalty within the time specified in the notice to appear at the court specified in the notice on the day and at the hour stated therein to answer the said complaint.

(2) Subject to this section, where a constable finds a vehicle on any occasion and has reason to believe that an offence is being or has been committed in respect of that vehicle, the constable may affix a notice to any part of the vehicle where the notice may easily be seen; and a notice so affixed shall for the purposes of this Act be deemed to have been given to the

person liable for the offence, and notwithstanding any law to the contrary, the registered owner of such vehicle shall for the purposes of the proceedings instituted by the notice, be presumed to be the person liable for the offence.

(3) Where a constable intends to proceed under subsection (1) or (2), the notice shall be given or affixed on the occasion when he had reason to believe that the offence was committed.

(4) The constable shall send to the Clerk in the district in which the offence is alleged to have been committed, a duplicate of the notice, which duplicate shall be deemed to be a complaint laid before the Magistrate.

4. A notice given or affixed under section 3 shall be signed by the constable and shall specify—

Particulars to be specified in notice

- (a) the date, time and place of the giving or affixing of the notice;
- (b) the section of the enactment creating the offence alleged, and such particulars of the offence as are required for proceedings under the Summary Courts Ordinance;
- (c) the time within which the fixed penalty may be paid in accordance with section 5(2);
- (d) the amount of the fixed penalty;
- (e) the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;
- (f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of such appearance.

5. (1) Where a notice has been given under section 3, the driver or the registered owner of the vehicle as the case may be, may pay the fixed penalty in accordance with the notice.

Payment of fixed penalty precludes prosecution

(2) The time within which the fixed penalty is payable shall be ten days from the date of the notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the sender.

(3) Where the fixed penalty is duly paid in accordance with the notice, no person shall then be liable to be convicted of the offence in respect of which the notice was given and the proceedings instituted by the notice shall be deemed to have been dismissed.

Amount of fixed penalty payable

6. The fixed penalty for an offence shall be the amount specified in the third column of the Schedule for that offence.

Payment of fixed penalty

7. (1) Payment of the fixed penalty shall be made to the Clerk having jurisdiction in the district in which the offence is alleged to have been committed, and shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Ordinance.

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(2) Payment of the fixed penalty shall be accompanied by the notice which shall be completed by the driver or the registered owner as the case may be, in the manner prescribed.

Certificate of payment or non-payment of fixed penalty

8. In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Consequence of failure to pay or to appear

9. Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Summary Courts Ordinance.

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Unauthorised removal of or interference with notice

10. A notice affixed to a vehicle under section 3(2) shall not be removed or interfered with except by or under the authority of the driver of the vehicle or the person liable for the offence in question; and any person contravening this section is liable on summary conviction to a fine of one thousand dollars.

11. (1) The President may from time to time by order— Amendment of Schedule

(a) add any offence to the Schedule; or

(b) remove any offence from the Schedule,

and in particular he may alter the fixed penalty for any offence or prescribe a new fixed penalty in an amount not exceeding two hundred dollars.

(2) In subsection 1(a) "offence" means an offence against any enactment relating to the use of vehicles on roads and punishable on summary conviction.

12. The President may by regulations make provision as to any matter incidental to the operation of this Act, and in particular— Regulations

(a) for prescribing the form of notice; and

(b) for prescribing the duties of Clerks and the information to be supplied to them.

13. Regulations and orders made under this Act shall be subject to negative resolution of the Senate and the House of Representatives. Regulations and orders subject to negative resolution

14. The Motor Vehicles and Road Traffic (Enforcement and Administration) Act, 1974, is repealed. Act No. 11 of 1974 repealed

15. This Act shall come into operation on a date appointed by the President by proclamation published in the *Gazette*. Commencement

SCHEDULE

(Sections 6 and 11)

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i> \$
1. Using a Motor Vehicle on a Road, with the plates forming the identification mark thereof not being clean and maintained in such condition as to render each letter or figure readily distinguishable.	Regulation 9 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
2. Failing to have affixed on the front and rear of a Motor Vehicle or Trailer the plates forming the identification mark thereof.	Regulation 9 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
3. Motor Vehicle or Trailer being used on a Public Road at night without illumination of rear identification plate.	Regulation 10 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
4. Having affixed to the front of a Motor Vehicle or to the rear of a Motor Vehicle or Trailer any unauthorised lighted lamp.	Regulation 25(9) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
5. Motor Vehicle in motion on a Road at night without two lighted lamps at the front of the Vehicle.	Regulation 25(11)(a) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	60.00
6. Motor Vehicle or Trailer not attached to a Motor Vehicle stationary on a Road at night without two lights at the front of sufficient intensity to indicate the presence of the Motor Vehicle or Trailer.	Regulation 25(11)(b) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	60.00
7. Motor Vehicle or Trailer on a Road at night without carrying one lamp showing a red light to the rear, of such intensity as to indicate clearly its presence on the Road.	Regulation 25(11)(c) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	60.00
8. Carrying spot lights or other similar lights on a Motor Vehicle without the authority of the Licensing Authority.	Regulation 25(11)(d) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
9. Failing to carry attached to a Motor Vehicle a horn or other instrument capable of giving audible and sufficient warning of its approach or position.	Regulation 27(13)(a) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
10. Leaving or permitting a Motor Vehicle which has broken down to be left on any Public Road without taking requisite steps to indicate its presence and position by lighting or otherwise to other persons using the Road or failing to take immediate steps to have it removed as near to the left side of the Road as possible.	Regulation 27(19) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	100.00
11. Failing to keep a Motor Vehicle on the left side of the Road without sufficient cause.	Regulation 27(5)(a) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
12. Driver of Motor Vehicle failing to keep to the right or off side when overtaking other Vehicles.	Regulation 27(5)(c) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
13. Driver of Motor Vehicles, when being overtaken by other Vehicles failing to drive as close to the side of the Road as possible so as to allow such other Vehicles to pass or failing to give as much space as possible for the passing of other traffic or speeding abreast any Vehicle when such Vehicle is overtaking him.	Regulation 27(5)(d) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	100.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
14. Driver of Motor Vehicle overtaking other traffic without having a clear and unobstructed view of the Road ahead or overtaking other traffic when the Road ahead is not clear for a sufficient distance to enable him to overtake and get back to his proper side before meeting any traffic coming from the opposite direction.	Regulation 27(5)(e) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	100.00
15. Driver of Motor Vehicle overtaking other traffic when rounding a corner or where Road intersect or fork or where the Road passes over the brow of a hill or over a hump back bridge.	Regulation 27(5)(f) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	100.00
16. Parking Motor Vehicle within a distance of thirty feet from any corner or Road intersection.	Regulation 27(5)(j) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
17. Driver of Motor Vehicle drawing up the Motor Vehicle alongside another Motor Vehicle.	Regulation 27(5)(k) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
18. Drawing up Motor Vehicle on a Road or leaving Motor Vehicle standing on a Road, within ten feet of a Fire Hydrant.	Regulation 27(5)(l) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
19. Drawing up Motor Vehicle or permitting it to remain on either side of a Road within ten feet of the frontage of a Fire Brigade Station.	Regulation 27(5)(m) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
20. Driving of Motor Vehicle negligently or wilfully preventing, hindering or interrupting the free passage of a vehicle, person or animal or allowing such Motor Vehicle and any trailer drawn thereby to stand in a Road so as to cause unnecessary obstruction thereto.	Regulation 27(6) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	80.00
21. Driver of Motor Vehicle causing it to be overcrowded with persons.	Regulation 27(17) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
22. Driver of Motor Vehicle standing abreast of any other Vehicle or failing to draw up close to the left-hand side of the Road and stop on the approach of any engine or other apparatus of a Fire Brigade.	Regulation 27(20) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
23. Towing anything other than another Motor Vehicle without the written permission of the Licensing Authority.	Regulation 27(21) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	80.00
24. Towing another Vehicle without the tow rope, chain or draw bar being so adjusted that the distance separating the nearest two points of the two Vehicles exceed fifteen feet, or the tow rope, chain or draw bar being easily distinguishable by other users of the Road.	Regulation 27(22) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	60.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
25. Using a Motor Vehicle without it being equipped with a reflecting mirror, so constructed and fitted to the Motor Vehicle to enable the Driver to be or become aware of the presence in the rear thereof, of any other Vehicle, the Driver of which is desirous of passing such Motor Vehicle.	Regulation 29 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
26. Goods Vehicle carrying a load which is not properly secured to prevent displacement of any portion thereof by the motion of travel.	Regulation 31 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	100.00
27. Using a Motor Vehicle, the Tyres of which are not maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the Road, or danger to persons in or on the Vehicle or to any person using the Road.	Regulation 33 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	60.00
28. Driving a Motor Vehicle on a road at a speed greater than the speed so specified as the Maximum speed in relation to a Vehicle of that class or description.	Section 44(1) of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	100.00
29. Driver of a Vehicle failing to comply with Traffic Directions given by a Constable in Uniform acting in the execution of his duty.	Section 44D of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	80.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
30. Driver of a Vehicle failing to comply with the indication given by a Traffic Sign authorised by the Licensing Authority under section 44B of the Motor Vehicles and Road Traffic Ordinance.	Section 44D of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	40.00
31. Using a Vehicle on a Road in contravention of a prohibition or restriction imposed by Order of the Commissioner of Police.	Section 44F of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	40.00
32. Parking a Vehicle other than a Taxi in Public Stands appointed for Taxis.	Regulation 76 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00
33. Failing to comply with a no-parking order, a unilateral parking order or a one-way street order made by the Transport Board.	All orders made by the Transport Board under section 44c of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	40.00
34. Parking of a Motor Vehicle on any portion of Knox Street between St. Vincent and Abercromby Streets in the City of Port-of-Spain, by a person not being a member of the House of Representatives or of the Senate or his Servant or Agent.	Section 44G of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	40.00
35. Parking of a Motor Vehicle in contravention of a Notice given by the Minister of Works, Transport and Communications and published in the <i>Gazette</i> .	Section 44G of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3	40.00

SCHEDULE—CONTINUED

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>
36. Holding out a Motor Vehicle for hire to the Public by troublesome and frequent demands or by persistent following in such a manner as to constitute a nuisance or cause annoyance or inconvenience to any person.	Regulation 61 of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3	40.00

Passed in the House of Representatives this 21st day of April, 1978.

J. E. CARTER
Clerk of the House

Passed in the Senate this 9th day of May, 1978.

R. GRIFFITH
Clerk of the Senate