

ARRANGEMENT OF SECTIONS

Cap. 346 | Laws 23 of 1953 | 31 of 1953 | 5 of 1954 | 16 of 1956 | 30 of 1956 | 23 of 1957 | 6 of 1959 | 15 of 1960 | 20 of 1960 | 11 of 1961 | 14 of 1962 | 11 of 1961 | 14 of 1962 | Acts 7 of 1963 | 17 of 1963 | 5 of 1964 | 20 of 1964 | 15 of 1967 | 26 of 1968 | 41 of 1969 | 14 of 1970 | 27 of 1971 | 21 of 1972 | 22 of 1974 | 34 of 1976 | 11 of 1981 | 12 of 1984 | 16 of 1984 | 1 of 1986 | 13 of 1987 | 22 of 1987 | 1 of 1993 | 6 of 1995 | 18 of 1996 | 2 of 1997 | 9 of 1998 2nd Sch. | 13 of 1999 | 21 of 1999 | 38 of 2002 | 25 of 2004 | 20 of 2005

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1. Short title.

1. This Act may be cited as the Road Traffic Act.

2. Interpretation.

2. (1) In this Act -

"area" means the area from time to time prescribed as a traffic, or as a licensing area, and the expressions "traffic area" and "licensing area" shall be construed accordingly;

"chauffeur" means a person who drives a motor vehicle and receives compensation therefor;

"child" includes any person whose size, height or build is such that the person experiences or is likely to experience problems or difficulty with the upper anchorage point of a seat belt;

"child restraint system" means a seat belt, restraint system or other device or combination of devices, designed to diminish the risk of injury to a child, in the event of collision or of abrupt deceleration of a vehicle, by limiting the mobility of the body of the child, being a device or combination of devices which-

(a) is designed either to be fixed directly to a suitable anchorage or to be used in conjunction with an adult seat belt and held in place by the restraining action of that belt; or

(b) is fitted in the vehicle by the manufacturer and is of a type which complies with such standards as may be prescribed by the Minister by regulations in respect of the shape, quality, construction, installation and assembly of seat belts and other safety belt assemblies and anchorage and child restraint systems;

"driver" where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression "drive" shall be construed accordingly;

"fares" includes sums payable in respect of a contract ticket or a season ticket;

"Licensing Authority", in relation to any licensing area, means the Transport Authority established under the Transport Authority Act;

"front seat" in relation to a motor vehicle, means a seat which is wholly or partially in the front of the vehicle;

"local authority" means, in relation to the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation, and, in relation to any other parish, the Parish Council for that parish;

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on roads;

"owner" means the person for the time being in whose name any motor vehicle or trailer is registered;

"prescribed" means prescribed by regulations;

"rear seat" in relation to a motor vehicle, means a seat which is wholly or partially in the rear of the vehicle;

"restraint system" means a system combining a seat fixed to the structure of a motor vehicle by appropriate means and a seat belt for which at least one anchorage point is located on the structure of the seat;

"Road Authority" in relation to any road means the authority (being the Chief Technical Director or the Council of the Kingston and St. Andrew Corporation or a Superintendent of Parochial Roads and Works or any other person declared to be a Road Authority pursuant to the provisions of subsection (2)) responsible for the maintenance of the road;

"road" means any main or parochial road and includes bridges over which a road passes, and any roadway to which the public are granted access and any roadway declared to be a road pursuant to the provisions of subsection (2);

"seat belt" means any arrangement or assembly of straps with a securing buckle, adjusting devices and an attachment which is anchored at a point to the structure of the seat of a motor vehicle by appropriate means and is designed to diminish the risk of injury to its wearer, in the event of collision or of abrupt deceleration of the vehicle, by limiting the mobility of the body of the wearer;

"trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

(2) The Minister may by order declare any roadway to be a road for the purposes of this Act, and such order may declare any person to be the Road Authority for the purposes of this Act in relation to the roadway specified in the order.

(3) Every motor vehicle shall be deemed for any purpose, to be a carriage within the meaning of any Act of this Island and of any rules, regulations or by-laws made under any Act of this Island, and if used as a carriage of any particular class shall be deemed to be a carriage of that class, and the Act relating to carriages of that class shall apply accordingly.

3. Establishment of Road Traffic Control Authority and branches thereof.

3. (1) There shall be established at Kingston a Road Traffic Control Authority (in this Act referred to as the "Island Traffic Authority").

(2) The Island Traffic Authority shall be the Chief Technical Director, the Commissioner of Police and one other member appointed by the Minister, two to form a quorum, and there shall be attached to the Authority such officers and servants as the Governor-General shall from time to time appoint.

(3) The Island Traffic Authority shall have the general control of road traffic in the Island and shall be also the Traffic Area Authority for the traffic area in which is included the Corporate Area as defined by the Kingston and St. Andrew Corporation Act.

(4) A person appointed an officer or servant by virtue of subsection (2) shall receive such salary as may be provided in the estimates of the Island and shall perform such duties as the Island Traffic Authority shall assign.

(5) There shall be established, in such traffic of the Island as may be prescribed, a branch of the Island Traffic Authority (in this Act referred to as the "Traffic Area Authority") under a Superintendent of Public Works, a Superintendent or Assistant Superintendent of Police and one other member appointed by the Minister, two to form a quorum, and there shall be attached to the Traffic Area Authority such officers and servants as the Governor-General shall from time to time appoint.

(6) A Traffic Area Authority shall in relation to road traffic control within its area be subject to the general or special directions of the Island Traffic Authority, and a person appointed an officer or servant by virtue of subsection (5) shall receive such salary as may be provided in the estimates of the Island and shall perform such duties as the Island Traffic Authority shall assign.

4. Delegation of functions by Traffic Authorities.

4. (1) The Island Traffic or any Traffic Area Authority may for the purpose of the due discharge of its functions under this Act, delegate any of those functions to any officer or servant of or attached to either of these Authorities.

(2) A delegation under this section may be made in respect of any particular matter or class of matters or generally or may be limited to any part of the Island and may be made subject to such terms and conditions as the delegating Authority thinks fit.

(3) A delegation under this section -

(a) may at any time be revoked by the delegating Authority;

(b) while in force shall not prevent the discharge by the delegating Authority of any function thereby delegated.

5. Duties of Island Traffic and Traffic Area Authorities.

5. It shall be the duty of the Island Traffic Authority and, subject to the provisions of subsection (6) of section 3, of a Traffic Area Authority, in accordance with the provisions of this Act -

- (a) to regulate and control traffic on roads;
- (b) to inspect from time to time all motor vehicles;
- (c) to test applicants for drivers' licences as to their competence to drive and, in the case of chauffeurs, as to their mechanical knowledge and to grant the necessary certificates of competence;
- (d) to grant certificates of fitness referred to in section 10;
- (e) to keep records of endorsements on drivers' licences;
- (f) to keep records of all accidents on roads;
- (g) to furnish annually to the Minister a report of all accidents on roads which result in death or injury to persons, and as far as practicable the causes attributed to such accidents;
- (h) to keep a Drivers' Offences Book;
- (i) to enforce the provisions of this Act and of regulations made thereunder.

6. [Repealed by Act 13 of 1987] Cases

6. *[Repealed by Act 13 of 1987]*

7. Delegation of functions by Licensing Authority.

7. (1) A Licensing Authority may for the purpose of the due discharge of its functions under this Act delegate any of those functions to a Collector of Taxes or any other public officer.

(2) A delegation under this section may be made in generally or may be limited to any part of the licensing area of the delegating Authority and may be made subject to such terms and conditions as the delegating Authority thinks fit.

(3) A delegation under this section

- (a) may at any time be revoked by the delegating Authority;
- (b) while in force shall not prevent the discharge by the delegating Authority of any function thereby delegated.

8. Validity of proceedings of Island Traffic Authority, Traffic Area, Authorities and Licensing Authorities.

8. The validity of any proceedings of the Island Traffic Authority, any Traffic Area Authority or any Licensing Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. Application of this Part.

9. This Part shall apply to all motor vehicles and to vehicles (in this Act referred to as "trailers") drawn by motor vehicles:

Provided that the provisions of this Part, other than sections 16 to 25, both inclusive, and sections 27, 32, 34 and 39 shall not apply to trolley vehicles, the use of which is authorized or regulated by a special Act, unless the special Act so provides.

10. Certificate of fitness.Cases

10. (1) A motor vehicle shall not be used on a road unless there has been issued in respect of the vehicle, and prior to the licensing of the vehicle, by a Traffic Area Authority, a certificate (in this Act referred to as a "certificate of fitness") that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, and such certificate is in force in respect of the vehicle:

Provided that the prescribed fee shall be payable for a certificate of fitness.

(2) A motor vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force in respect of the vehicle.

(3) A Traffic Area Authority may at any time revoke a certificate of fitness issued by the Authority, and if on the inspection of a motor vehicle it appears to any such Authority that the vehicle does not comply with the prescribed conditions as to fitness that Authority may revoke the certificate of fitness, and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of fitness is in force any licence granted in respect of that vehicle shall cease to have effect unless and until a new certificate of fitness is obtained.

(4) Any person driving or using a motor vehicle in contravention of the provisions of this section shall be guilty of an offence.

11. Classification of motor vehicles.

11. (1) Motor vehicles shall, for the purposes of this Act and regulations made thereunder be divided into the following classes -

(a) motor tractors; that is to say, motor vehicles which are not constructed themselves to carry any load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment;

(b) trucks; that is to say, motor vehicles (not being classified under this section as motor cars) which are constructed themselves to carry a load or passengers or both;

(c) motor cars; that is to say, motor vehicles (not being classified under this section as motor cycles or invalid carriages) which are -

(i) constructed solely for the carriage of passengers exclusive of the driver;

(ii) adapted to carry not more than seven passengers exclusive of the driver,

(d) private motor cars; that is to say, motor vehicles whether "trucks" or "motor cars", within the meaning of this section, (not being vehicles classified as "commercial motor cars") constructed solely for the carriage of passengers and their effects and used exclusively for personal purposes;

(e) motor cycles; that is to say, motor vehicles (not being classified under this section as "invalid carriages") with less than four wheels and the unladen weight of which does not exceed eight hundredweight;

(f) invalid carriages; that is to say, motor vehicles, the weight of which unladen does not exceed five hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from simple physical defect or disability and are solely used by such persons;

(g) trailers; that is to say, vehicles without motive power designed or used for carrying goods or freight or persons wholly on their own structure and for being drawn by a motor vehicle.

(2) For the purposes of this Part -

(a) in any case in which a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load; and

(b) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus, which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load but shall be deemed to form part of the vehicle; and

(c) a side-car attached to a motor cycle shall be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

12. Licence duties on motor vehicles.

12. (1) There shall be charged, levied and paid to the Licensing Authority of the area in which any motor vehicle or trailer is kept for use on a road, annual licence duties at the rates specified in the First Schedule. Such duties shall, save as may hereinafter be provided, be payable in accordance with the provisions of section 13, and, subject thereto, be collectable, recoverable and enforceable under the provisions of any Act for the time being in force regulating the payment, collection, recovery and enforcement of taxes or duties:

Provided that a licence to use a motor vehicle shall not be granted unless the applicant for the licence produces to the Licensing Authority a certificate of fitness in respect of the vehicle:

Provided further that in the case of motor vehicles brought into Jamaica by persons making only a temporary stay in Jamaica or by dealers in motor vehicles, the regulations made under this Act may provide for the issue of licences and registration plates and for the kind of licences and registration plates to be issued to such persons, and as to the conditions under which such licences and registration plates shall be issued and the duty payable.

(2) The Minister responsible for finance may by order -

(a) revoke, increase, reduce or alter any licence duty specified in the First Schedule and may add any licence duty thereto; and

(b) revoke, increase, reduce or alter any fee imposed by subsection (3) of section 17, subsection (1) of section 18, subsection (5) of section 25, subsection (3) of section 66 or subsection (1) of section 70.

(3) An order made under subsection (2) may contain such consequential, supplemental or ancillary provisions as appear to the said Minister to be necessary or expedient for the purpose of giving due effect to the order.

(4) An order made under subsection (2) shall be subject to affirmative resolution of the House of Representatives.

(5) *[Deleted by Act 25 of 2004]*

(6) The duties charged under this section shall be paid upon a licence to be taken out by the owner or person in charge of the motor vehicle or trailer and which shall be issued and be subject to such conditions and regulations as may be prescribed.

(7) Every person applying for the first licence in respect of any motor vehicle or trailer under this section shall make application to the Licensing Authority of the area in which the motor vehicle or trailer is kept for use on a road, and shall make a declaration and

furnish such particulars with respect to the motor vehicle, or trailer for which the licence is to be taken out, as may be prescribed. On the expiration of the period covered by the first or any subsequent licence a fresh licence shall be issued by the Licensing Authority in the name of the owner for the time being, upon application, production of a certificate of fitness and payment of the duty.

(8) Every licence issued under this section shall be issued in respect of the vehicle specified in the application for the first or original licence or in the new licence granted under subsection (7) and shall not entitle the person to whom it is issued to use any other motor vehicle or trailer.

(9) When any motor vehicle or trailer in respect of which any licence has been issued is used or altered and used after the licence has been issued in such manner as to cause the vehicle to become a vehicle in respect of which a licence at a higher rate of duty is required, the licence shall become void, but the holder of the licence shall, on surrendering the same and furnishing the prescribed particulars, be entitled to receive a new licence in respect of the motor vehicle to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force, on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence.

(10) No duty shall be payable under this section in respect of fire engines, ambulances and road rollers nor upon tractors used exclusively within the limits of the estate or pen to which they belong or upon any public road running through such estate or pen and within the limits of the same.

(11) Regulations made under this Part may provide for the total or partial exemption for a limited period from the duty payable under this section on any motor vehicle brought into Jamaica by persons making only a temporary stay in Jamaica, and for refunds of duty or partial exemption from duty in respect of vehicles no longer in use on a road.

(12) Any licence issued under this section may be transferred in the prescribed manner.

(13) If any person knowingly makes a false statement in any declaration required to be made under this Act such person shall be liable on conviction to a penalty of five thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding three months.

13. Duration of licences.

13. (1) A licence under section 12 may be taken out for -

(a) a period of twelve months; or

(b) a period of six months, commencing from the beginning of the month in which the licence first has effect.

(2) The duty payable under section 12 on a licence for any vehicle shall -

(a) if the licence is taken out for a period of twelve months, be paid at the annual rate of duty applicable to that vehicle;

(b) if the licence is taken out for a period of six months, be an amount equal to one-half of the annual rate of duty applicable to that vehicle.

(3) For the purposes of this Act -

(a) issue of a licence under section 12 to take effect upon the expiry of an earlier licence may be made not earlier than thirty days before the date of expiry of the earlier licence; and

(b) without prejudice to paragraph (a) or to collection when the licence duty is actually being paid, enforcement of any provision for the collection or recovery of licence duty payable under section 12 shall not be undertaken during the month of grace and the earlier licence shall, during the month of grace or until renewed during that month, be regarded as still in force.

(4) For the purposes of subsection (3) "the month of grace", in relation to any licence, means the period of one month after the expiration of the licence.

(5) Except in such circumstances as may be prescribed, every application for a licence shall be deemed to be an application for a licence to take effect immediately after the date of expiry of the previous licence, and licence duty shall be payable accordingly.

(6) The provisions of sections 15 and 18 of the Tax Collection Act (which relate to payment of taxes in moieties or quarterly) shall not apply to any licence duty payable in accordance with this section.

14. Motor Vehicles Register.

14. (1) Every motor vehicle or trailer kept for use on a road shall be registered in a book to be called the "Motor Vehicles Register" and shall carry registration plates in the prescribed manner and such registration shall be effective for the whole period during which such motor vehicle or trailer is so used, subject to such alterations through loss of registration plates or otherwise, as may be effected in accordance with regulations made under this Act.

(2) The Motor Vehicles Register shall be kept by the Licensing Authority of the area in which the licence for the motor vehicle or trailer is issued, and in such Register shall be entered the letter and number of the registration plate, the name and address of the person for the time being in whose name the vehicle is registered, the number of any licence issued and the cause of discontinuance of the issue of the licence.

(3) If a motor vehicle or trailer is used on a road without being registered or licensed, or in contravention of the terms of the licence or if any registration plate or licence to be affixed and kept affixed in accordance with regulations made under this Act is not so affixed and kept affixed or if being so affixed is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving or using the motor vehicle or trailer shall be guilty of an offence and the motor vehicle or trailer shall be liable to be seized and kept in the possession of the Police until the requirements of this Act and regulations thereunder have been complied with.

(4) A person shall not be convicted of an offence under this section if he proves that he has had no reasonable opportunity of registering or licensing the motor vehicle or trailer and that the vehicle is being driven or drawn on the road for the purpose of being registered or licensed.

15. Payment of licence duties and fees into consolidated Fund and Parochial revenue Fund and the road Maintenance Fund;

15. (1) All licence duties and fees paid or payable under this Act or the regulations thereunder, other than the proportion of licence duties on motor vehicles specified in subsection (2) and (3), shall be paid into or accrue to the Consolidated Fund.

(2) An amount equivalent to $66 \frac{2}{3}$ per cent of licence duties on motor vehicles shall be paid into and accrue to the Parochial Revenue Fund established under the Parochial Rates and Finance Act.

(3) An amount equivalent to $33 \frac{1}{3}$ per cent of licence duties on motor vehicles shall be paid into or accrue to the Road Maintenance Fund established under the Road Maintenance Fund Act.

16. Drivers' licences required.

16. (1) A person shall not drive a motor vehicle on a road unless he is the holder of a licence for the purpose (in this Act referred to as a "driver's licence") and a person shall not employ any person to drive a motor vehicle on a road unless that person so employed is the holder of such a driver's licence. If any person acts in contravention of the provisions of this subsection he shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars, and the burden of proving that such person holds such a driver's licence shall be upon the person charged:

Provided that this subsection shall not apply to a person who is being taught to drive (in this Act referred to as a learner) by the holder of such a driver's licence who is directing the learner or who is in responsible control:

Provided further that -

(a) such vehicle -

(i) shall have displayed at the back and front thereof such distinguishing mark as may be prescribed; and

(ii) shall be operated subject to such restrictions relating to the carrying of passengers or freight as may be prescribed; and

(b) the learner is either the holder of a provisional licence issued under this section or, although not the holder of a driver's licence authorizing him to drive the class or description of vehicle in respect of which he is a learner, is nevertheless the holder of a driver's licence in respect of some other class or description of motor vehicle.

(2) A driver's licence issued under this Act shall, subject to the provisions of this Act, continue in force for the prescribed period and the licence duty in respect thereof shall be paid in full at the time of the issue of the licence.

(3) Application for a driver's licence shall be made to the Licensing Authority of the area in which the applicant resides.

(4) Drivers' licences shall be of three classes, that is to say -

(a) "a private driver's licence", which shall entitle the holder thereof to drive, not for reward, "trucks", "motor cars", (not being public passenger vehicles or commercial motor cars) and "invalid carriages";

(b) "a general driver's licence", which shall entitle the holder thereof to drive, whether for reward or otherwise, such class or classes of motor vehicles as may be specified in the licence and which his examination test or tests prove him competent to drive;

(c) "a motor cycle driver's licence", which shall entitle the holder thereof to drive a motor cycle.

(5) Drivers' licences shall be in the prescribed form and where the holder of the licence is subject to any restriction (whether with respect to the class of licence or with respect to the description, design, construction, weight or any other feature of the vehicle which, as shown in the certificate of competence under section 18, he is competent to drive) the extent of such restriction shall be specified in the prescribed manner on the licence.

(6) The Licensing Authority on application by a person of at least seventeen years of age desiring to learn to drive a motor vehicle with a view to passing a driver's test under section 18, may grant to such person a provisional licence to be in force for a period of twelve months which licence shall be in the prescribed form and granted subject to the prescribed conditions. If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted he shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four thousand dollars.

17. Licensing of drivers. Cases

17. (1) A Licensing Authority shall, subject to the provisions of this Part, grant a driver's licence of the appropriate class to any person resident in the area of the Licensing Authority who applies for it in the prescribed manner and produces to the Licensing Authority a certificate of competence mentioned in section 18.

(2) A Licensing Authority shall enter in a book to be called the "Drivers' Licences Book" the particular of -

(a) all drivers' licences granted by the Authority including the name, address and description of the person licensed and the date of such licence;

(b) all drivers' licences refused, suspended or revoked by the Authority and the reason for such refusal suspension or revocation.

(3) In the event of any licence issued as aforesaid being lost the Licensing Authority who issued the lost licence may issue a new licence in place of the licence so lost on payment of the prescribed fee.

(4) Any person who -

(a) maliciously removes, defaces or destroys any record; or

(b) with intent to deceive or defraud alters or erases any record,

kept by the Licensing Authority, shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

18. Prerequisites to the grant of a driver's licence.

18. (1) A Licensing Authority shall not grant a driver's licence unless the applicant for the licence pays to the Licensing Authority the prescribed fee which may include a prescribed service charge and unless the applicant produces to the Authority a certificate (in this Act referred to as a "certificate of competence") in the prescribed form, from the Traffic Area Authority in whose traffic area is situated the licensing area, certifying that the applicant -

(i) is able to read and write in English;

(ii) has complied with the provisions of this Act and the regulations made thereunder and paid the fees prescribed for a driver's test and, has passed or has been exempted from, such test and, where the applicant is a chauffeur has passed, or has been exempted from, a test of his mechanical knowledge;

(iii) is at least seventeen years of age, or in the case of an applicant for a motor cycle driver's licence that he is at least of that age;

(iv) in the case of an applicant for a general driver's licence to drive a public passenger vehicle, has attained the age prescribed for the holding of such a licence;

(v) has produced to the Traffic Area Authority, a certificate from a Justice or a Superintendent or Assistant Superintendent of Police in the area in which the applicant resides, in the prescribed form certifying that he is a fit and proper person to be the holder of a driver's licence;

(vi) in the case of an applicant for a private driver's licence, or for a motor cycle driver's licence, has made a declaration in the prescribed form that he is not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such class or description as he would be authorized by the licence to drive, to be a source of danger to the public;

(vii) in the case of an applicant for a general driver's licence has produced to the Traffic Area Authority a medical certificate from a registered medical practitioner, in the prescribed form, certifying that he is not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being of such class or description as he would be authorized by the licence to drive, to be a source of danger to the public:

Provided that the provisions of this subsection (other than the provision for the payment of the licensing fee) shall not apply to a person making only a temporary stay in Jamaica if he produces to the Traffic Area Authority a driver's licence issued to him not longer than twelve months before by the competent Authority in the country from which he comes:

Provided further that the Licensing Authority may in any case require the holder of such a licence to comply with all or any of the provisions of this subsection.

(2) If any person for the purpose of obtaining the grant of any licence to himself or any other person, or for the purpose of obtaining a certificate of competence, knowingly makes any false statement or withholds any material information, he shall be guilty of an offence and shall be liable to a penalty not exceeding twenty thousand dollars, and in default of payment thereof to imprisonment, with or without hard labour, for any period, not exceeding three months, or, in the discretion of the court, to imprisonment, with or without hard labour, for any period not exceeding three months.

(3) Notwithstanding anything in this Act to the contrary, where the applicant for a driver's licence is a member of the Jamaica Defence Force who is required to drive vehicles belonging to the Force the certificate of competence required pursuant to subsection (1)

may be furnished by a person authorized in that behalf by the Chief of Staff of the Force, and for that purpose -

(a) any function which, pursuant to that subsection, is vested in a Traffic Area Authority may be performed by the person authorized as aforesaid; and

(b) any reference therein to a Traffic Area Authority shall be construed to include a reference to a person so authorized.

19. Disqualifications for obtaining a driver's licence.

19. (1) A person shall be disqualified for obtaining a drivers licence -

(1) (a) while another licence of the same class granted to him is in force, whether the licence is suspended or not;

(1) (b) if he is by a conviction under this Part or by an order of a court under this Part disqualified for holding or obtaining a driver's licence;

(1) (c) if he is disqualified by virtue of any of the provisions of paragraph (a), (b) or (c) of subsection (4) of section 59A.

(2) In any proceedings the fact that a driver's licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration or produced a medical certificate, as the case may be, that he was not disqualified for holding or obtaining the licence.

(3) For the purposes of subsection (1) (a) two or more licences shall, unless the contrary is proved by the licensee, be regarded as having been granted to the same person if his photograph appears thereon notwithstanding that the licences are in different names.

19A. Grounds for refusal or cancellation of driver's licences.

19A. (1) A Licensing Authority shall refuse to grant or renew a driver's licence in respect of any person if -

(a) the applicant is, for any reason, not entitled to be granted a licence; or

(b) the applicant is, pursuant to section 19, disqualified for holding or obtaining a driver's licence.

(2) Where it appears to the Licensing Authority that there is reason to believe that subsection (1) applies to any person who is the holder of a driver's licence or a provisional licence, as the case may be, the Licensing Authority shall revoke or suspend as the case may require the licence held by such person.

(3) Where, pursuant to this section, the Licensing Authority refuses to renew a licence or revokes or suspends a licence held by any person, the Licensing Authority shall give

notice of such refusal, suspension or revocation, as the case may be, and the reasons therefor to the holder of the licence who shall, on receipt of such notice, without prejudice to any appeal to the Road Traffic Appeal Tribunal, surrender the licence forthwith to the Licensing Authority.

(4) Any person who fails to surrender a licence as required under subsection (3) shall be guilty of an offence and shall be liable on first conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three months and in the case of a second or subsequent conviction to a fine not exceeding fifteen thousand dollars or to imprisonment for a term not exceeding six months.

20. Provisions as to physical fitness of applicants for drivers' licences.

20. (1) Where a Licensing Authority refuses to grant a driver's licence of any class on the ground that the applicant is suffering from any such disease or disability as is mentioned in paragraphs (vi) and (vii) of subsection (1) of section 18 -

(a) the Licensing Authority may grant to the applicant a licence limited to drive an invalid carriage if the Traffic Area Authority in whose traffic area is situated the licensing area certifies to the Licensing Authority that the applicant is fit to drive such a carriage;

(b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorized by the licence to drive and if the Traffic Area Authority in whose traffic area the licensing area is situated certifies to the Licensing Authority that the applicant has passed the prescribed test and is not otherwise disqualified, the grant of the licence shall not be refused by reason only of the provisions of paragraphs (vi) and (vii) of subsection (1) of section 18, so, however, that if the Traffic Area Authority certifies to the Licensing Authority that the test of the applicant proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;

(c) if on the first application for the grant of a driver's licence by a person who at the commencement of this Act is the holder of a driver's licence under any Law now repealed, an applicant who is suffering from a disease or disability, other than a disease or disability prescribed as aforesaid, makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorized by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of such disease or disability being a disease or disability other than a disease or disability prescribed as aforesaid;

(d) if on the application for the grant of a licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as is mentioned in paragraph (b), or on making such a declaration as is

mentioned in paragraph (c), a further test will not be required unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the Licensing Authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(2) If it appears to a Traffic Area Authority that there is reason to believe that any person who holds a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorized by the licence to drive, to be a source of danger to the public, and on enquiry into the matter the Authority is satisfied that the licence holder is suffering from such a disease or disability as aforesaid the Authority shall certify accordingly in the prescribed form to the Licensing Authority who granted the licence, and such Licensing Authority shall, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, after giving to the licence holder notice of the intention of the Authority so to do, revoke the licence and the licence holder shall on receipt of such notice deliver the licence to the Licensing Authority for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

21. Constitution of Road Traffic Appeal Tribunal.

21. (1) There shall be constituted a Road Traffic Appeal Tribunal which shall consist of a chairman and two other members to be appointed by the Minister.

(2) The members of the Road Traffic Appeal Tribunal shall, subject to the provisions of subsection (6), hold office for such period, not exceeding two years, as the Minister may determine, but shall be eligible for reappointment.

(3) The Minister may appoint any person to act in the place of the chairman or any other member of the Road Traffic Appeal Tribunal in case of the absence or inability to act of the chairman or other member.

(4) Any member of the Road Traffic Appeal Tribunal may at any time resign his office by instrument in writing addressed to the chairman thereof, who shall forthwith cause it to be forwarded to the Minister, and from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Road Traffic Appeal Tribunal.

(5) The appointment, removal, death, departure from the Island or resignation of any member of the Road Traffic Appeal Tribunal shall be notified in the Gazette.

(6) The Minister may make rules prescribing the procedure to be followed upon appeal to the Road Traffic Appeal Tribunal.

(7) Where any person is aggrieved -

(a) by refusal of the Transport Authority to grant or renew a licence; or

(b) by the revocation or suspension of a licence; or

(c) by the refusal of the Transport Authority to hear any person who makes an objection to the grant of the application for a licence in respect of a stage or express carriage service pursuant to section 63 (7),

he may, after giving notice to the Transport Authority of his intention so to do, appeal to the Road Traffic Appeal Tribunal, which may make such orders as it thinks fit, and, as regards an appeal pursuant to paragraph (c), the Tribunal may, regardless of the merits of the decision of the Transport Authority on the matter order the Authority to hear any person who has made an objection if the Tribunal in its discretion, thinks it desirable, in all the circumstances, for that person to be heard by the Authority.

(8) Any order made pursuant to subsection (7) shall be final and conclusive and shall bind the Transport Authority.

22. Production of driver's licence to constable on request.

22. Any person driving a motor vehicle on a road or accompanying a learner in a motor vehicle on a road or a learner in a motor vehicle on a road shall, on being so required by a constable, produce his driver's licence for examination so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue and the Licensing Authority by which it was issued, and if he fails to do so he shall be guilty of an offence:

Provided that subject to section 116 (1) where a person aforesaid is unable to produce his driver's licence when so required but is able to satisfy the constable by other means as to his name, address and identity, that constable shall, if otherwise satisfied as to the credentials of that person, permit him to produce such licence in person within five days thereafter at such Police Station as may be specified by that person at the time its production was required, and if the licence is so produced that person shall not be convicted of an offence under this section.

23. Disqualification for offences.

23. (1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle and any court before which a person is convicted of any offence whatsoever under this Act or the regulations made thereunder, in addition to any penalty for such offence -

(a) may in any case, except where otherwise expressly provided by this Part, and shall, where so required by this Part, order him to be disqualified for holding or obtaining a driver's licence for such period as the court thinks fit; and

(b) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made or where so required by this Part, order that the particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

(2) A person who by virtue of an order of a court under this Part is disqualified for holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction and the court making the order may if it thinks fit, pending the appeal, suspend the operation of the order.

24. Provisions as to disqualifications and suspensions.

24. (1) Where a person who is disqualified by virtue of a conviction or order under this Part is the holder of a driver's licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this Part shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this Part is disqualified for holding or obtaining a driver's 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:

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three 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.

(4) If any person who, under the provisions of this Part, is disqualified for holding or obtaining a driver's licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or

description, a motor vehicle of that class or description, on a road, that person shall be guilty of an offence and shall be liable on conviction thereof to imprisonment, with or without hard labour, for a term not exceeding six months or if the court thinks that, having regard to the special circumstances of the case, a pecuniary penalty would be an adequate punishment for the offence, to a penalty not exceeding ten thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months or to both such imprisonment and such penalty, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

(5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction proceedings for an offence under subsection (4) may be brought -

(a) within a period of six months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(6) For the purposes of this section, references to orders under this Part include references to orders under the corresponding provisions of any enactment now repealed.

25. Provisions as to endorsements.

25. (1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any driver's licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

(2) Where an order is made requiring any driver's licence held by an offender to be endorsed, then -

(a) if the offender is at the time the holder of a driver's licence, he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and

(b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement,

and if he fails so to do, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new driver's licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.

(4) If any person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and shall be liable on conviction thereof to imprisonment, with or without hard labour, for a term not exceeding three months or to a penalty not exceeding ten thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under this Part, or the corresponding provisions of any enactment now repealed requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, either on applying for the grant of a licence under this Part or subject to payment of a fee of ten dollars, and subject to surrender of any subsisting licence, at any time, to have issued to him a new licence free from endorsements:

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or Obtaining a driver's licence shall be excluded.

(6) Where a court orders particulars to be endorsed on a driver's licence held by any person, or where by a conviction or order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the order to the Traffic Authority in whose traffic area that person resides, and in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to such Traffic Authority, and that Authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Traffic Authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof cause the appropriate Licensing Authority to issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorized to drive, and the licence so

issued shall remain in force either for the unexpired period of the original licence or for the period of disqualification, whichever is the shorter.

(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed the court by which the appeal is allowed or the conviction is quashed, shall send notice thereof to the Traffic Authority in whose traffic area the person affected by the order or conviction resides and to the Licensing Authority who issued the licence.

26. Rate of speed on prescribed roads.

26. (1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a prescribed road or on a road within a prescribed area at a speed greater than the speed prescribed as the maximum speed in relation to a vehicle of that class or description and if any person acts in contravention of this section he shall be guilty of an offence and shall be liable on conviction to the following penalties -

(a) where the maximum speed is exceeded by 10 to 20 miles per hour, to a penalty not exceeding two thousand dollars;

(b) where the maximum speed is exceeded by 21 to 30 miles per hour to a penalty not exceeding four thousand dollars; or

(c) where the maximum speed is exceeded by 31 miles per hour or more, to a penalty not exceeding six thousand dollars.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

(3) A person charged under this section with the offence of driving a motor vehicle of any class or description at a speed greater than the maximum speed prescribed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(4) If a person who employs other persons to drive motor vehicles on roads publishes or issues any timetable or schedule, or gives any directions, under which any journey, or any stage or any part of any journey, is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey, or that stage or part of the journey, to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule, or the giving of the directions, may be produced as prima facie evidence that the employer procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

27. Reckless or dangerous driving.

27. (1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable

(a) on conviction, to a penalty not exceeding twenty thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding six months, or to imprisonment with or without hard labour for a term not exceeding six months, and, in the case of a second or subsequent conviction, either to a penalty not exceeding thirty thousand dollars, and in default of payment to imprisonment with or without hard labour for a term not exceeding twelve months, or to imprisonment with or without hard labour for a term not exceeding twelve months or to both such penalty and imprisonment;

(b) on conviction on indictment, to imprisonment with or without hard labour for a term not exceeding two years or to a fine or to both such imprisonment and fine.

(2) The court shall order particulars of any such conviction to be endorsed on any driver's licence held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this Part of ordering that the offender shall be disqualified for holding or obtaining a driver's licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction, or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Part relating to disqualification for holding or obtaining drivers' licences, be deemed to be an offence within the meaning of section 23.

28. Power to convict for reckless or dangerous driving on trial for manslaughter.

28. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 27 (which relates to reckless or dangerous driving), to find him guilty of that offence, whether or not the requirements of section 38 (which relates to notice of prosecution) have been satisfied as respects that offence.

29. Power to proceed on charge for careless driving on hearing of charge for reckless or dangerous driving.

29. (1) Where a person is charged before a court of summary jurisdiction with an offence under section 27 and the court is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter, the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under section 32 (which relates to careless driving) to be preferred forthwith against the defendant and may thereupon proceed with that charge, so, however, that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

(2) A defendant in whose case the requirements of section 38 (which relates to notice of prosecution) have been satisfied or do not apply, as respects the alleged offence under section 27, may be convicted on a charge preferred under subsection (1), notwithstanding that such requirements have not been satisfied as respects the alleged offence under section 32.

30. Causing death by reckless or dangerous driving.

30. (1) A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment with or without hard labour for a term not exceeding five years.

(2) Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under subsection (1) to find him guilty of that offence, and upon the trial of a person for an offence under subsection (1) it shall be lawful for the jury, if they are satisfied that he is guilty, of an offence under section 27, to find him guilty of that offence, whether or not the requirements of section 38 have been satisfied as respects that offence.

31. Disqualification for offences causing death.

31. (1) A person convicted of manslaughter in connection with the driving of a motor vehicle by him or of an offence under section 30 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 for holding or obtaining a driver's licence.

(2) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence mentioned in subsection (1), and it is proved that he was present in the vehicle at the time of the commission of the offence, the provisions of that

subsection shall apply in relation to the offence of which he is convicted as if it were mentioned in that subsection.

32. Careless driving.

32. (1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five thousand dollars.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a driver's licence.

33. Racing and speed trials.

33. (1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall be guilty of an offence.

(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 for holding or obtaining a driver's licence.

34. Driving motor vehicles under influence of drink or drugs.

34. (1) Any person who when driving or attempting to drive or when in charge of a motor vehicle on a road or other public place is under the influence of drink or a drug to such extent as to be incapable of having proper control of the vehicle, shall be liable -

(a) on conviction to a penalty not exceeding twenty thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding four months or to imprisonment, with or without hard labour, for a term not exceeding four months, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months;

(b) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding six months.

(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 for holding or obtaining a licence.

(3) A constable may arrest without warrant any person committing an offence this section.

34A. Driving or being in charge of vehicle while blood-alcohol levels exceed prescribed limit.

34A. (1) A person shall not drive or attempt to drive or be in charge of a motor vehicle on a road or other public place if he has consumed alcohol in such a quantity that the proportion thereof in his breath or blood exceeds the prescribed limit.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable -

(a) in the case of a first conviction, to a fine not exceeding ten thousand dollars or in default of payment thereof to imprisonment for a term not exceeding six months; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding twenty thousand dollars or in default of payment thereof, to imprisonment for a term not exceeding twelve months.

(3) No person shall be convicted under this section of being in charge of a motor vehicle as mentioned in subsection (1) if he proves that at the material time the circumstances were such that there was no likelihood of his driving the motor vehicle so long as there was any probability of his having alcohol in his breath or blood in a proportion exceeding the prescribed limit.

34B. Breath test

34B. (1) Where a constable in uniform or on showing his authority as a member of the Constabulary Force has reasonable cause to suspect -

(a) that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has an alcohol level in his breath exceeding the prescribed limit or is in breach of section 34; or

(b) that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with an alcohol level in his breath exceeding the prescribed limit and that the person still has alcohol in his breath; or

(c) that a person has been driving, attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed an offence against this Act,

he may, subject to subsection (4), require him to provide a specimen of breath for a breath test.

(2) No requirement may be made by virtue of paragraph (b) or (c) of subsection (1) unless it is made as soon as reasonably practicable after the commission of the offence.

(3) If an accident occurs owing to the presence of a motor vehicle on a road, a constable in uniform or on showing his authority as a member of the Constabulary Force may, subject to subsection (4), require any person whom he has reasonable cause to believe

was driving or attempting to drive (hereinafter in this section referred to as the driver) the vehicle at the time of the accident to provide a specimen of breath for a breath test either at or near the place where the requirement is made or, if the constable thinks fit, at a police station specified by him being a police station in reasonable proximity to that place.

(4) If a driver is at a hospital as a patient he may be required by the constable to give a specimen of breath at the hospital but no such requirement may be made unless the medical practitioner in charge of his case -

(a) is given prior notice of the proposal to make the requirement; and

(b) does not object to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(5) A driver who, without reasonable excuse, fails to provide a specimen of breath under subsection (1), (3) or (4) is guilty of an offence and shall be liable on conviction to a fine not exceeding six thousand dollars or, in default of payment, to imprisonment for a term not exceeding six months.

(6) A constable may arrest without warrant any person who, as a consequence of a breath test, is found to have a proportion of alcohol in his breath exceeding the prescribed limit but no such arrest may be made while the person is at a hospital as a patient.

(7) If a person required by a constable under subsection (1) or (3) to provide a specimen of breath for a breath test fails to do so and the constable has reasonable cause to suspect that the person has alcohol in his breath or blood above the prescribed limit the constable may, without prejudice to section 34 (3), arrest the person without warrant but no such arrest may be made if the person is at a hospital as a patient.

(8) A person arrested under this section or under section 34 (3) shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test at the police station.

34C. Breath analysis

34C. (1) Subject to subsections (2) and (3) where -

(a) any person required by a constable under section 34B to undergo a breath test fails to undergo that test; or

(b) in consequence of a breath test carried out under section 34B, it is indicated that there may be present in that person's breath a concentration of alcohol in excess of the prescribed limit,

the constable may require that person to submit, in accordance with the directions of the constable, to a breath analysis.

(2) The breath analysis referred to in subsection (1) shall be carried out at a police station by a member of the Constabulary Force authorized in that behalf by the Minister.

(3) A member of the Constabulary Force shall not require any person to undergo a breath test or to submit to a breath analysis -

(a) if that person has been admitted to hospital for medical treatment and the medical practitioner in immediate charge of his treatment has not been notified of the intention to make the requisition or objects on the ground that compliance therewith would be prejudicial to the proper care or treatment of that person;

(b) if it appears to that member that it would, by reason of injuries sustained by that person, be dangerous to that person's medical condition to undergo a breath test or submit to a breath analysis; or

(c) at that person's usual place of abode.

Provided that a person may be required to submit to a breath test at that person's usual place of abode -

(a) if the member has reasonable cause to believe that -

(i) the person was involved in an accident on a road or other public place within the preceding two hours resulting in death or serious injury; and

(ii) at the time when the accident occurred the person had an alcohol level in his breath exceeding the prescribed limit; and

(b) it was not feasible for a constable to require the person to submit to a breath test at the scene of the accident.

(4) Any person who -

(a) upon being required under subsection (1) to submit to a breath analysis fails to do so in accordance with the directions of a member of the Constabulary Force; or

(b) wilfully does anything to alter the concentration of alcohol in his breath or blood between the time of the event referred to in section 34B (in respect of which he has been required to undergo a breath test) and the time when he undergoes that test or, if he is required to submit to a breath analysis, the time when he submits to that analysis,

shall be guilty of an offence and shall be liable -

(c) in the case of a first conviction, to a fine not exceeding six thousand dollars or in default of payment thereof to imprisonment for a term not exceeding six months; and

(d) in the case of a second or subsequent conviction, to a fine not exceeding ten thousand dollars or in default of payment thereof to imprisonment for a term not exceeding twelve months.

(5) It shall be a defence to a prosecution for an offence under subsection (4) (a) if the defendant satisfies the court that he was unable on medical grounds at the time he was required to do so to undergo a breath test or to submit to a breath analysis, as the case may be.

(6) As soon as practicable after a person has submitted to a breath analysis, the member of the Constabulary Force operating the breath analysing instrument shall deliver to that person a statement in writing signed by that member specifying -

(a) the concentration of alcohol determined by the analysis to be present in that person's breath and expressed in microgrammes of alcohol in 100 millilitres of breath; and

(b) the time of day and the day on which the breath analysis was completed.

(7) In proceedings for an offence under section 34, 34A or 34B -

(a) evidence may be given of the concentration of alcohol present in the breath of the accused as determined by the breath analysing instrument operated by the member of the Constabulary Force authorized in that behalf under section 34C (2); and

(b) the concentration of alcohol so determined shall be deemed to be the concentration of alcohol in the breath of the accused at the time of the occurrence of the event mentioned in section 34B (1) (a) unless the accused proves that the concentration of alcohol in his breath at that time did not exceed the prescribed limit.

(8) In proceedings for an offence under section 34B, a certificate purporting to be signed by a member of the Constabulary Force certifying that -

(a) he is authorized by the Minister to operate breath analysing instruments;

(b) a person named therein submitted to a breath analysis;

(c) the apparatus used by him to make the breath analysis was a breath analysing instrument approved by the Minister;

(d) the analysis was made on the day and completed at the time stated in the certificate;

(e) a concentration of alcohol determined by that breath analysing instrument and expressed in microgrammes of alcohol in 100 millilitres of breath was present in the breath of that person on the day and at the time stated in the certificate; and

(f) a statement in writing required by subsection (6) was delivered in accordance with that subsection,

shall be *prima facie* evidence of the particulars certified in and by the certificate.

(9) In proceedings for an offence under this section a certificate purporting to be signed by the Minister that the member of the Constabulary Force named therein is authorized by the Minister to operate breath analysing instruments shall be *prima facie* evidence of the particulars certified in and by the certificate.

(10) In any proceedings for an offence under this section, evidence of the condition of a breath analysing instrument or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.

34D. Laboratory tests

34D. (1) Subject to subsections (2) and (3), in the course of an investigation as to whether a person has committed an offence under section 34 or 34A a constable may require a person under investigation to provide a sample of blood for a laboratory test if the person is unable, by reason of his physical condition to provide a sample of breath for a breath test.

(2) A person shall not be required to provide a specimen of blood for a laboratory test under subsection (1) if he is at a hospital as a patient and the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that the requirement to provide such specimen could be prejudicial to the proper care or treatment of that person.

(3) A constable shall not require a person to submit a specimen of blood for a blood analysis if a breath analysis has been carried out in respect of that person and the result is available.

(4) Nothing in the foregoing provisions of this section shall affect the provisions of section 34F.

(5) For the purposes of this section and sections 34A, 34E and 34F, where any person is required to provide a specimen of blood, such specimen shall be taken only -

(a) with the consent of that person;

(b) at a hospital; and

(c) by a medical practitioner or qualified laboratory technician.

35E. Refusal to consent to taking of or providing of specimen.

34E. (1) Where any person who is under investigation in relation to an offence under section 34 refuses to provide a sample of blood for a blood test when required to do so under section 34D (1), his refusal may, unless reasonable cause therefor is shown, be

treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at the time when the offence was committed.

(2) For the purposes of subsection (1), a person shall not be treated as failing to provide a specimen unless he is first requested to provide a specimen but refuses to do so.

34F. Ancillary provisions as to evidence in proceedings for an offence under section 34A or 34B

34F. (1) For the purposes of any proceedings for an offence under section 34A, a certificate signed by an authorized analyst, certifying the proportion of alcohol found in a specimen identified by the certificate shall, subject to subsection (3), be evidence of the matters so certified and of the qualifications of the analyst.

(2) For the purposes of any proceedings for an offence under section 34A, a certificate purporting to be signed by the medical practitioner that he took a specimen of blood from a person with that person's consent shall, subject to subsection (3), be evidence of the matters so certified and of the qualifications of the medical practitioner.

(3) Subsections (1) and (2) shall not apply to a certificate tendered on behalf of the prosecution -

(a) unless a copy has been served personally on the accused or his counsel not less than seven days before the hearing or trial; or

(b) if the accused, not less than seven days before the hearing or trial, or within such further time as the court may in the circumstances of the case allow, has served notice on the prosecution requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(4) Where in proceedings for an offence under section 34A the accused, at the time a specimen of blood was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol found in the specimen shall not be admissible on behalf of the prosecution unless -

(a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and

(b) the other specimen or part was supplied to the accused.

34G. Interpretation of sections 34A to 34F

34G. (1) In section 34A to 34F, except so far as the context requires -

"authorized analyst" means a person designated as such by the Minister responsible for health by order published in the *Gazette*;

"breath analysis" means the quantitative measuring of the proportion of alcohol in a person's breath, carried out by means of a device approved for the purpose by the Minister;

"breath test" means a test for the purpose of obtaining an indication of the proportion of alcohol in the person's breath carried out by means of a device of a type approved for the purpose of such a test by the Minister, on a specimen of breath provided by such person;

"constable" means a member of the Jamaica Constabulary Force or the Island Special Constabulary Force;

"Constabulary Force" means the Jamaica Constabulary Force or the Island Special Constabulary Force;

"fail", in relation to providing a specimen, includes refuse;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients and includes any place recognized by the Minister responsible for health as a place where laboratory test are carried out;

"laboratory test" means the analysis of a specimen provided for the purpose;

"the prescribed limit" means, in respect of -

(a) breath alcohol concentration, 35 microgrammes of alcohol in 100 millilitres of breath; and

(b) blood alcohol concentration, 80 milligrammes of alcohol in 100 millilitres of blood,

or such other proportion as may be prescribed.

(2) References in section 34B to providing a specimen of breath shall be construed as references to providing a specimen thereof in sufficient quantity to enable a breath test to be carried out.

35. Restriction on pillion riding.Cases

35. (1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If any such person is carried on any such cycle in contravention of the provisions of this section, the driver of the cycle shall be guilty of an offence and shall be liable in the case of the first conviction to a penalty not exceeding two thousand dollars, and in the

ease of a second or subsequent conviction to a penalty not exceeding four thousand dollars.

36. Restriction on number of trailers drawn.

36. (1) The number of trailers, if any, which may be drawn by a motor vehicle on a road shall not exceed such number as may be prescribed in relation to motor vehicles of any particular class.

(2) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence..

37. Duty to give name and address and to stop, and power of arrest in certain cases.

37. (1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his name and address, or gives a false name and address, he shall be guilty of an offence.

(2) Any constable in uniform or on showing his authority as a member of the Police Force of the Island may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his driver's licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a constable in uniform, and if he fails so to do shall be guilty of an offence.

38. Restrictions on prosecutions.

38. Where a person is prosecuted for an offence under section 26, 27, or 32 he shall not be convicted unless either -

(a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or

(b) within fourteen days of the commission of the offence a summons for the offence was served on him; or

(c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that -

(a) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that -

(1) neither the name and address of the accused nor the name and address of the registered owner of the vehicle, could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

(2) the accused by his own conduct contributed to the failure; and

(b) the requirement of this section shall in every case be deemed to have been complied with unless the contrary is proved.

39. Duty to stop in case of accident.

39. (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) In this section the expression "animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(4) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

40. Lights on motor vehicles.

40. (1) During the period specified in this section, every motor vehicle, save as in this section mentioned, shall carry attached thereto -

(a) two similar head-lamps only (in this Act referred to as obligatory head-lamps) one on each side, so constructed and placed as to cast, when lighted, in the direction in which it is proceeding a white light only, sufficiently clear and strong as to afford adequate means of signalling the approach and position of such vehicle; and

(b) a lamp on the back and on the right side thereof or the back and right side of the last vehicle attached thereto, so constructed and placed as to exhibit when lighted a red light visible from behind and also a white light sufficiently clear and strong to illuminate the letter and number of the registration plate.

(2) On every motor cycle when in use on a road within the period specified in this section, one head-lamp shall be carried, so affixed thereto as to exhibit when lighted a white light only, adequate to signal the approach and position of such motor cycle and a tail-lamp so placed and in such position as to exhibit when lighted a red light visible in the reverse direction at a reasonable distance.

Where a side-car is attached to or used with such motor cycle an additional similar head-light shall be affixed to such side-car.

(3) Every such lamp shall be lighted when the motor vehicle or motor cycle is in use on any road during the period between one half hour after sunset and one half before sunrise.

(4) Notwithstanding anything in this section contained, when a motor vehicle is stationary it shall be sufficient for the same to be fitted with such parking lights as may be prescribed.

(5) If any person fails to comply with the provisions of this section he shall be guilty of an offence.

41. Elimination of glare.

41. (1) No head lamp shall be used on any motor vehicle unless such lamp is so constructed, fitted and maintained that the beam of light emitted therefrom -

(a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than twenty-five feet from the lamp whose eye level is not less than three feet six inches above that plane; or

(b) can be deflected downwards or both downwards and to the left at the will of the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid; or

(c) can be extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with paragraph (a); or

(d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or brings into or leaves in operation a lamp or lamps (other than the obligatory head lamps) which complies or comply with paragraph (a).

(2) This section shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars.

42. Reflectors on carriages and motor vehicles.

42. (1) Notwithstanding anything to the contrary carriages and motor vehicles shall carry such reflectors affixed in such manner as may be prescribed and different types of reflectors may be prescribed for different classes of carriages or motor vehicles.'

(2) If any person fails to comply with the provisions of this section he shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars.

(3) For the purposes of this section "carriages" includes carts, waggons, drays, wheeled carriages of every description, bicycles, tricycles and other similar machines.

43. Warning device and prohibition of unreasonable noise and smoke. Cases

43. (1) Every motor vehicle shall have attached thereto a horn or other instrument of a type approved by the Island Traffic Authority capable of giving audible and sufficient warning of the approach and position of the vehicle and such horn or other instrument shall be sounded only whenever it shall be reasonably necessary to notify pedestrians or others of the approach of the vehicle.

(2) A person having the control or charge of a motor vehicle shall not sound any horn or such other instrument so as to make an unreasonable noise and any such person shall not permit any unreasonable amount of smoke to escape from the said vehicle nor shall any such person at any time by cutting out the muffler or otherwise cause such motor vehicle to make any unnecessary noise:

Provided that this subsection shall not apply to a motor vehicle of the Constabulary, or an ambulance, or a motor vehicle of any Fire Brigade whilst proceeding to a fire or answering a fire alarm.

(3) No motor vehicle other than an ambulance or one operated by or on behalf of the Constabulary or Fire Brigade shall be equipped with a siren horn or a device, producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

(4) Every motor vehicle shall be equipped with a noise muffler and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

(5) Any person who -

(a) contravenes subsection (1), (3) or (4) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding three thousand dollars;

(b) contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction thereof -

(i) in respect of the offence of sounding a horn or such other instrument so as to make an unreasonable noise, to a fine not exceeding four thousand dollars; and

(ii) in respect of the offence of permitting an unreasonable amount of smoke to escape from a vehicle, to a fine not exceeding four thousand dollars.

Seat Belts and Protective Helmets

43A. Vehicles to be equipped with seat belts.

43A. (1) Subject to subsections (2) and (3), a motor vehicle shall not be used on a road unless it is equipped with seat belts-

(a) in the case of trucks which are constructed to carry passengers as specified in paragraph (b) of section 11 (1), on the front seat only;

(b) in the case of motor cars, private motor cars and invalid carriages as specified in paragraphs (c), (d) and (f) respectively of section 11 (1), on the front seat and rear seat;

(c) in the case of public passenger vehicles as specified in section 60 (1), that is to say-

(i) stage carriages as specified in paragraph (a), on the front seat only;

(ii) express carriages as specified in paragraph (b), on the front seat only;

(iii) contract carriages (except trucks) as specified in paragraph (c), on the front seat and rear seat;

(iv) hackney carriages as specified in paragraph (d), on the front seat and rear seat.

(2) The seat belts mentioned in subsection (1) shall be of such shape, quality, construction, installation or assembly as may be prescribed.

(3) Where a motor vehicle specified in paragraph (c), (d) or (f) of section 11 (1) is constructed with a front seat, a rear seat and any other seat, all the seats shall be equipped with seat belts.

A person who uses a motor vehicle on any road in contravention of subsection (1) or (3) commits an offence and is liable on summary conviction before a Resident Magistrate-

(a) in the case of a first offence, to a fine not exceeding two thousand dollars;

(b) in the case of a second or subsequent offence, to a fine not exceeding five thousand dollars.

43B. Drivers, etc. of motor vehicles to wear seat belt.

43B. (1) Subject to subsection (2), every person who, on any road-

(a) drives a motor vehicle specified in paragraph (b), (c), (d) or (f) of section 11 (1);

(b) rides in a motor vehicle specified in paragraph (c), (d) or (f) of section 11 (1);

(c) rides in the front seat of-

(i) a truck specified in paragraph (b) of section 11 (1);

(ii) a stage carriage as specified in paragraph (a) of section 60 (1);

(iii) an express carriage as specified in paragraph (b) of section 60 (1).

shall wear a seat belt.

(2) Subsection (1) shall not apply to-

(a) a child who wears or is conveyed in a child restraint system;

(b) a driver of a motor vehicle while performing a manoeuvre which includes reversing;

(c) any person who holds a valid certificate of exemption prescribed by the Minister and signed by a registered medical practitioner as defined under section 2 of the Medical Act;

(d) a person riding in a vehicle while it is being used for fire brigade or police purposes;

(e) a person driving or riding in a vehicle constructed or adapted for the delivery of goods or mail to consumers or premises, as the case may be, while engaged in the delivery to, or collection, of such goods or mail from, consumers or premises, not further than sixty metres from each other.

(3) A person who drives or rides in a motor vehicle in contravention of the provisions of this section commits an offence and is liable on summary conviction before a Resident Magistrate-

(a) in the case of a first offence, to a fine not exceeding two thousand dollars;

(b) in the case of a second or subsequent offence, to a fine not exceeding five thousand dollars.

43C. Child in motor vehicles to wear child restraint system.

43C. (1) Every driver of a motor vehicle which conveys a child shall cause such child to wear or be conveyed in an appropriate child restraint system.

(2) A driver who contravenes subsection (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars.

43D. Protective helmets.

43D. (1) Every person shall, at all times while driving, or riding on, a motor cycle, wear a protective helmet of the prescribed shape, quality, construction or standard.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on summary conviction before a Resident Magistrate-

(a) in the case of a first offence, to a fine not exceeding two thousand dollars;

(b) in the case of a second or subsequent offence, to a fine not exceeding five thousand dollars.

44. Silence zones.

44. The Island Traffic Authority may by notice published in the Gazette and in one newspaper of the Island declare that from and after a date to be fixed by such notice no horn or other warning device shall be sounded during such hours, or at or within such place or area of any urban area as may be specified in the notice and any person who acts in contravention of any such notice shall be guilty of an offence shall be liable on conviction thereof to a penalty not exceeding four thousand dollars.

45. Unlawful user of motor vehicle.

45. (1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be guilty of an offence and shall be liable -

(a) on summary conviction -

(i) in the case of a first conviction under this section to imprisonment with or without hard labour, for a term not exceeding six months or to a penalty not exceeding one hundred thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months; and

(ii) in the case of a second or subsequent conviction under this section to imprisonment, with or without hard labour, for a term not exceeding twelve months or to a penalty not exceeding two hundred thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding twelve months;

(b) on conviction on indictment -

(i) before a Resident Magistrate to imprisonment, with or without hard labour, for a term not exceeding twelve months or to a penalty not exceeding two hundred thousand dollars or to both such imprisonment and penalty;

(ii) before the Supreme Court to imprisonment with hard labour for a term not exceeding three years or a fine or to both such imprisonment and fine:

Provided that, if on summary proceedings, or on proceedings on indictment before a Resident Magistrate under this section the court, or on proceedings under this section in the Supreme Court the jury, are satisfied that the accused acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(2) If on the trial on any indictment for stealing a motor vehicle the Resident Magistrate is of opinion, or where the trial is in the Supreme Court, the jury are of opinion, that the offender is not guilty of stealing the motor vehicle but was guilty of an offence under this section, the Resident Magistrate or the jury, as the case may be, may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Any constable may arrest without warrant any person reasonably suspected by him of having committed or attempted to commit an offence under this section.

46. Offences.

46. (1) Any person who -

(a) forges or with fraudulent intent alters or uses or allows to be used by any other person, any licence or any licensing or registration marks or plates issued under this Act; or

(b) with intent to enable any other person to use a licence or licensing or registration marks or plates issued under this Act, gives or lends the same to any other person; or

(c) without the permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing; or

(d) having the care of a motor vehicle for the owner or person in charge thereof, receives directly or indirectly any consideration for the purchase from any other person of supplies or parts for such motor vehicle or for work performed thereon by any other person and any person furnishing such supplies or parts or doing any work in connection therewith, who gives or offers to give such person having such care of such motor vehicle directly or indirectly any valuable consideration; or

(e) throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned; or

(f) uses any spotlight on a motor vehicle on a road or public place in any town or village, or when another approaching vehicle is in sight, except for providing light for effecting repairs; or

(g) uses or drives or permits to be used or driven any motor vehicle on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public; or

(h) neglects when engaging or permitting any person to drive a motor vehicle to ascertain the correct name and place of residence of such person, at the time of such engagement or the granting of such permission and to keep a record thereof; or

(i) being the owner of a motor vehicle refuses on the request of any constable –

(i) to give the name and address of the driver thereof, such driver having been authorized by such owner to drive the said motor vehicle, and

(ii) to give all such information in his possession as would assist in the discovery or identity of the driver; or

(j) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being duly licensed as a public passenger vehicle in its appropriate class, on being so required by a constable refuses to give a statement as respects his presence in such vehicle and as to whether he is being conveyed for hire or reward; or

(k) holds on to a moving motor vehicle for the purpose of being towed; or

(1) operates a motor vehicle or trailer or any part of the vehicle or trailer that is transmitting to the road, weight in excess of the prescribed maximum laden weight,

shall be guilty of an offence.

(2) Any person who contravenes the provisions of subsection (1) shall be liable on conviction before a Resident Magistrate -

(a) in respect of an offence under paragraph (a) or (b) of that subsection, to imprisonment for a term not exceeding six months or to a penalty not exceeding one hundred thousand dollars or to both such imprisonment and penalty; and

(b) in respect of an offence under paragraph (e) of that subsection, to a penalty not exceeding twenty-five thousand dollars;

(c) in respect of an offence under paragraph (1) of that subsection, to the penalty prescribed in the Third Schedule in relation to the weight in excess of the prescribed maximum laden weight of the vehicle or trailer concerned.

47. Particulars of convictions to be furnished to Traffic Authorities and entered in Drivers' Offences Book.

47. The particulars of every conviction for an offence under this Act shall be furnished by the Registrar of the Supreme Court, if the conviction is recorded in the Supreme Court at Kingston, by the Clerk of the Circuit Court, if the conviction is recorded in a Circuit Court, or by the Clerk of the Courts for the parish if the conviction is recorded in a court of summary jurisdiction, to the Island Traffic Authority and to the Traffic Area Authority in whose traffic area the offender is convicted, who shall enter the particulars of such conviction in a book to be called the "Drivers' Offences Book". Such entry shall contain the name of the offender, the number of his licence and the licensing area in which such offender was granted his licence and shall be duly indexed.

48. Motor Vehicles Register, Drivers' Offences Book and Drivers' Licences Book to be prima facie evidence.

48. The contents of the "Motor Vehicles Register", the "Drivers' Licences Book" and the "Drivers' Offences Book" shall respectively be prima facie evidence of all the facts contained therein in all proceedings under this Act and shall be at all reasonable times available for inspection and use by the Police.

49. Method of calculating weight.

49. For the purposes of this Act, the weight unladen of any motor vehicle shall be taken to be the weight of the vehicle inclusive of body and all parts which are necessary to or ordinarily used with the vehicle when in use on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

50. Weighing of motor vehicles.

50. (1) Subject to any regulations, it shall be lawful for any person authorized by a Traffic Area Authority or for any constable authorized on behalf of any such Authority by a Police authority, on production of his authority, to require the person in charge of any motor tractor or truck to allow the vehicle or any trailer drawn thereby to be weighed, either laden, or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose shall proceed to a machine for weighing vehicles, and if any person in charge of a motor tractor or truck refuses or neglects to comply with any such requirements, he shall be guilty of an offence:

Provided that it shall not be lawful for any person or constable so authorized to require the person in charge of the vehicle to unload the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen:

Provided further that the person in charge of the vehicle shall not be required to proceed more than such distance as may be prescribed by order for the parish concerned.

(2) Where a vehicle or trailer or any part of the vehicle or trailer is found to be transmitting to the road, weight in excess of the prescribed maximum laden weight, it shall be lawful for a person authorized by the Island Traffic Authority or for any constable authorized in that behalf to remove or cause to be removed any goods from the vehicle or trailer, in order to ensure that the weight transmitted to the road is within the prescribed limit.

(3) Where a motor tractor, truck or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(4) It shall be lawful for a Traffic Area Authority within its area to provide and maintain machines for weighing vehicles, such machines being of a fixed or a portable construction.

(5) Any expenses to be incurred by an Authority under this section shall be defrayed out of such moneys as may be voted for the purpose by the House of Representatives.

(6) Any person convicted of an offence under subsection (1) shall be liable to imprisonment for a term not exceeding six months or to a penalty not exceeding twenty-five thousand dollars or to both such imprisonment and penalty.

50A. Further provisions re weighing of vehicles.

50A. (1) The Island Traffic Authority and any person authorized by the Authority shall not be liable for any loss of earnings or loss of goods where a person or constable authorized under section 50-

(a) requires the person in charge of a vehicle to allow the vehicle or any trailer drawn thereby to be weighed;

(b) requires that goods be removed from the vehicle or trailer under subsection (2); and

(c) in accordance with the provisions of this section, stores, sells or otherwise disposes of any goods removed from a vehicle or trailer under subsection (2).

(2) Where the weight of a vehicle or trailer or any part of the vehicle or trailer weighed under section 50 is found to be above the prescribed maximum laden weight, and goods

are accordingly required to be removed therefrom, the person in charge of the vehicle shall ensure that-

(a) the goods are not placed or allowed to remain in a manner that causes or is likely to cause an obstruction to traffic or danger to any person on any road;

(b) the goods are removed from the road within twenty-four hours after the vehicle or trailer is found to have exceeded the prescribed maximum laden weight; and

(c) before the continuation of any journey, the weight of the vehicle or trailer is within the prescribed limit.

(3) The Island Traffic Authority shall remove and store, in such manner as may be prescribed, any goods which are not the removal, storage or disposal of any goods by the Island Traffic Authority.

(4) The owner of a vehicle from which goods are required to be removed shall be liable for any costs incurred in the removal, storage or disposal of any goods by the Island Traffic Authority.

(5) Subject to subsection (6), the Island Traffic Authority may, seven days after goods are removed and stored under subsection (3), dispose of the goods by sale or such other manner as it thinks fit.

(6) Where the goods removed are perishable, the Island Traffic Authority may sell or otherwise dispose of them before seven days.

(7) Where the person or constable authorized under section 50 orders that goods be removed from a vehicle or any trailer drawn thereby, he shall give to the person in charge of the vehicle or trailer a certificate of weighing in the prescribed form indicating-

(a) the date and time by which the goods must be removed from the road;

(b) the location of the storage area to which the goods will be taken in the event that the goods remain on the road beyond twelve hours;

(c) the weight and description of the goods removed from the vehicle or trailer;

(d) the current rates for the removal, storage and disposal of goods;

(e) that the vehicle or trailer is within the prescribed maximum laden weight;

(f) that he is satisfied that the removed goods are so placed that they are unlikely to obstruct traffic or be a danger to any person.

(8) Where the person in charge of the vehicle or trailer is not the owner of the goods removed, he shall provide the name of the owner of the goods to the person or constable authorized to require the removal of the goods.

(9) The person in charge of a vehicle who is found to be in breach of section 50 shall not proceed on the journey unless he has been issued with the certificate of weighing.

(10) In this section "goods" includes materials, produce, livestock, equipment or any other article.

50B. Disposal of goods, payment of proceeds, etc.

50B. -(1) The owner of any goods removed from a vehicle or trailer under section 50A-

(a) may, within seven days of the removal, claim the goods from the storage area specified in the certificate; and

(b) shall be given the goods upon payment of the removal and storage fees (if any).

(2) Where goods are sold in accordance with this Act, the Island Traffic Authority shall pay to the owner of the goods the proceeds of the sale of the goods less the respective costs of removal, storage or disposal.

(3) The Island Traffic Authority may recover in any court of competent jurisdiction, by way of an action for debt, any money owing to it in respect of removal, storage and disposal of the goods.

(4) Where funds are not recovered by the owner within 28 days of disposal of the goods, the Island Traffic Authority shall cause to be published in the Gazette and a daily newspaper, the name of the owner of the goods, the purpose for which the name is published and how the funds may be recovered.

(5) Any funds not recovered by the owner from the Island Traffic Authority under this section shall be held in trust for the owner of the goods.

51. Rules of the road. Cases

51. (1) The driver of a motor vehicle shall observe the following rules-a motor vehicle

(a) meeting or being overtaken by other traffic shall be kept to the near side of the road. When overtaking other traffic the vehicle shall be kept on the right or off-side of such other traffic:

Provided that an animal being led or driven, may be passed or overtaken on whichever side is the safer;

(b) being overtaken by other traffic shall be driven so as to allow such other traffic to pass;

(c) shall not be driven alongside of, or overlapping, or so as to overtake other traffic proceeding in the same direction if by so doing it obstructs any traffic proceeding in the opposite direction;

(d) shall not be driven so as to cross or commence to cross or be turned in a road if by so doing it obstructs any traffic;

(e) proceeding from one road to another shall not be driven so as to obstruct any traffic on such other road;

(f) proceeding from a place which is not a road into a road or from a road into a place which is not a road, shall not be driven so as to obstruct any traffic on the road;

(g) shall not be driven so as to overtake other traffic unless the driver has a clear and unobstructed view of the road ahead;

(h) shall not be permitted to travel backwards further than may be necessary for turning or other reasonable purpose

(2) Notwithstanding anything contained in this section it shall be the duty of a driver of a motor vehicle to take such action as may be necessary to avoid an accident, and the breach by a driver of any motor vehicle of any of the provisions of this section shall not exonerate the driver of any other motor vehicle from the duty imposed on him by this subsection.

(3) For the purposes of this section -

(a) a motor vehicle obstructs other traffic if it causes risk of accidents thereto;

(b) "traffic" includes bicycles, tricycles, motor vehicles, tram-cars, vehicles of every description, processions, bodies of troops and all animals being ridden, driven or led;

(c) "overtaking" includes passing or intending to pass any other vehicle proceeding in the same direction.

(4) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate -

(a) in respect of an offence under paragraph (a) of subsection (1), to a fine not exceeding five thousand dollars;

(b) in respect of an offence under paragraph (b) of subsection (1), to a fine not exceeding five thousand dollars;

(c) in respect of an offence (c) of subsection (1), to a fine not exceeding five thousand dollars;

(d) in respect of an offence under paragraph (d) of subsection (1), to a fine not exceeding five thousand dollars;

(e) in respect of an offence under paragraph (e) of subsection (1), to a fine not exceeding five thousand dollars;

(f) in respect of an offence under paragraph (f) of subsection (1), to a fine not exceeding five thousand dollars;

(g) in respect of an offence under paragraph (h) of subsection (1), to a fine not exceeding five thousand dollars.

52. Riding on outside of motor vehicle.

52. (1) No person shall ride on the running board, wings or fenders of a motor vehicle or on the outside of the vehicle except in a properly constructed seat.

Cases

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars.

53. Stationary motor vehicles.

53. (1) A motor vehicle when not in motion -

(a) shall be placed with its near side as close to the left of the roadway as possible or in such position as may be indicated by any constable or by notice exhibited by a Traffic Area Authority;

(b) shall not be placed or allowed to remain in such a position as to obstruct or be likely to obstruct traffic.

(2) The driver of a motor vehicle shall not leave the motor vehicle unattended without having stopped the engine and taken due precautions against its being moved or moving in his absence.

(3) It shall not be lawful to pour any petrol or other fuel into any tank of a motor vehicle or into an, receptacle in or on a motor vehicle while the engine is running, or when any light, other than an electric light is alight in or on the motor vehicle.

(4) Any person who -

(a) acts in contravention of paragraph (a) of subsection (1) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding two thousand dollars;

(b) acts in contravention of paragraph (b) of subsection (1) or subsection (3), shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five thousand dollars;

(c) acts in contravention of subsection (2), shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding two thousand dollars.

54. Parking of motor vehicles.

54. (1) Rules may be made by the Kingston and St. Andrew Corporation or a Parish Council, at the request of the Island Traffic Authority, prohibiting, restricting or regulating the parking of motor vehicles in any road, street or public place and, without prejudice to the generality of the foregoing, such rules may, subject to approval by the Minister responsible for local government, provide for the imposition of charges in respect of vehicles left in any such road, street or public place, and may prescribe the method of collection of such charges whether by the insertion of coins in an apparatus provided for the purpose (hereinafter referred to as a parking meter) or otherwise.

(2) The exercise by a local authority of their functions under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(3) Where provision is made for the use of parking meters, it shall be the duty of the local authority to take the prescribed steps for the periodical inspection of the meters and for dealing with any found to be out of order, and for securing the testing of the meters (both before they are brought into use and not less frequently thereafter than may be prescribed or on other prescribed occasions) and for recording in the prescribed manner the date on which, and the person by whom, a meter has been tested.

55. Offences relating to parking places on highways where charges made.

55. (1) A person who -

(a) being the driver of a vehicle, leaves the vehicle in a parking place designated by rules under section 54, otherwise than as authorized by such rules or fails duly to pay any charge payable pursuant to such rules or contravenes or fails to comply with any provision of such rules relating to the parking place as to the manner in which vehicles shall stand in, or be driven into or out of, the parking place; or

(b) whether being the driver of a vehicle or not, otherwise contravenes or fails to comply with the provisions of such rules,

shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five hundred dollars.

(2) In relation to an offence under paragraph (a) of subsection (1) of failing duly to pay any charge payable pursuant to rules made under section 54, the reference in the said paragraph (a) to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) Where, in any proceedings for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and, in default of payment, imprisonment for a period not exceeding two months.

(5) In any proceedings for an offence under this section it shall be presumed, unless the contrary is shown, that any apparatus provided for the purposes of a parking place, being an apparatus operated by the insertion of coins, is of a type and design prescribed by the rules under section 54.

(6) A local authority may institute proceedings for an offence under this section in connection with a parking place for which they are the local authority.

56. When motor vehicle is to be stopped.

56. (1) On the request of any constable or of any person in command of a body of troops or having charge of any animal, or if such constable or person shall raise his hand as a signal to stop, the motor vehicle shall be immediately stopped and kept stationary so long as may be reasonably necessary.

(2) No person shall drive or attempt to drive a motor vehicle across a funeral procession.

(3) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding two thousand dollars.

57. Signals by drivers. Cases

57. (1) The driver of a motor vehicle constructed to be steered on the right or off-side thereof, shall, before commencing to turn to, or change direction towards, the right, give the appropriate signal so as to indicate that direction.

(2) *[Deleted by Act 21 of 1999 Sch.]*.

(3) When approaching a constable on duty at a road junction, the driver of a motor vehicle shall give the appropriate signal so as to indicate the direction in which he wishes to proceed so as to be visible to the constable.

(4) The use of additional signals may be prescribed or permitted by regulations and all or any of the signals prescribed or permitted by this section or by regulations may be given by any mechanical or illuminated device of a type approved by the Island Traffic Authority.

(5) Every motor vehicle constructed so as to be steered from the left or near side thereof shall be fitted on the right or off-side of the vehicle with a mechanical or illuminated device approved by the Island Traffic Authority, and such device shall be employed by the driver of the motor vehicle to indicate in a manner approved by the Island Traffic Authority the intention of the driver to turn to or change direction towards the right or of his intention to stop the vehicle and may be employed to signal to an overtaking motor vehicle to pass, or not to pass, as the case may be.

(6) Any person who acts in contravention of or fails to comply with any of the provisions of subsections (1), (3) and (5), or with regulations made under subsection (4), shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars.

58. Signals by Police to be obeyed.

58. The driver of a motor vehicle shall obey all directions whether verbal or by signal given by a constable in the execution of his duty to stop the vehicle or to make it slow down or to pass on any indicated side of the constable or to keep to any indicated line of traffic and any person who fails to obey any such direction shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars.

59. Minister may make regulations.

59. (1) The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally as to the use of motor vehicles and trailers on roads, their construction and equipment, and the conditions under which they may be so used and otherwise for the purpose of carrying this Part into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations in respect to any of the following matters -

- (a) appointing and defining the limits of traffic areas and licensing areas;
- (b) the width, height and length of motor vehicles and trailers and the load carried thereby, the overhang of body over chassis, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (c) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;
- (d) excessive noise owing to the design or condition of the vehicle or the loading thereof;

(e) the maximum weight unladen of motor tractors and trucks and the maximum weight laden of all motor vehicles and trailers and the maximum weight to be transmitted to the road by a motor vehicle or trailer of any class or description or by any part or parts of such a motor vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested;

(f) prohibiting the use of a motor vehicle or trailer of any class or description on any road or part of a road or on any bridge or culvert;

(g) restricting the use of a motor vehicle or trailer of any class or description on any road or part of a road, bridge or culvert, the weight either laden or unladen, the type of tyres and fittings to be used and dimensions measured over all including the load, and may vary such restrictions from time to time according to the season of the year or with reference to wet or dry periods;

(h) the preparation of framing and placing of notices on or in connection with, or with respect to, any road, bridge or culvert, by the road authority dealing with the type of tyre to be used on any such road, bridge or culvert, or the total weight and dimensions measured over all with load, of the motor vehicle or trailer or of the motor vehicle or trailer using such road, culvert or bridge, or preventing or restricting permanently or temporarily, any particular class or kind of motor vehicle from using or proceeding along such road, culvert or bridge;

(i) the particulars to be marked on motor vehicles and trailers;

(j) the towing of or drawing of vehicles by motor vehicles;

(k) the number and nature of brakes and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering any officer or servant of a Traffic Area Authority to stop, test and inspect, on a road or, subject to the consent of the owner of the premises to test and inspect on any premises where the vehicle is, any such brakes, silencers, or steering gear;

(l) the forms to be used for the purposes of this Part;

(m) applications for licences or registration and the licensing or registration of motor vehicles and trailers and for the examination thereof either for licensing or registration purposes, or as to mechanical fitness or fitness to be driven on a road and the issue of documents of registration and title and certificates of fitness and for determining and regulating generally the size, shape and character of such documents, certificates, licences, licence holders and registration plates to be used and any fee payable therefor and the manner in which they are to be displayed and rendered easily distinguishable either by night or day;

(n) the keeping of a record or register showing particulars of ownership and the class and description of each motor vehicle or trailer licensed, together with the letter and number

issued to each and for making any particulars or description contained in such record or register available to the Police at all times;

(o) the speed at which motor vehicles may be driven on any specified road or part of a road, or on any road within any specified area of the Island;

(p) the length, height and width of a motor vehicle or trailer of any class or description measured over all including the load or otherwise, the maximum weight of load, the number of persons to be in charge thereof, and where they are to be placed, the position passengers may occupy in relation to the seats, sides or floor of the motor vehicle, the methods of loading and the distribution of weights in relation to the floor, sides or roof of a motor vehicle, the conditions under which they may be used or ply for hire and the devices, mechanical or otherwise, to be attached to motor vehicles for the purpose of government, safety or control;

(q) the qualifications, examination and licensing of drivers of motor vehicles, the fees to be paid for such examination or any other requirements or conditions to the grant of a licence to drive;

(r) the granting of a licence and registration plates to dealers in motor vehicles and the conditions on which such licence and registration plates may be granted and the amount to be paid therefor, the returns to be made by them, and for assigning a general identification mark to such dealers:

(s) the fees to be payable under this Part and the persons liable to pay the same;

(t) the custody, production and cancellation on revocation of licences and certificates of fitness and the return to the Licensing Authority of licences which have become void or revoked;

(u) the limitations of time during which drivers of public passenger vehicles and commercial vehicles may remain continuously on duty;

(v) prohibiting the driving of vehicles, or of vehicles of any specified class or description, on any specified road otherwise than in a specified direction;

(w) the fees to be paid in respect of the grant of any permit, special permit or licence by the Minister in accordance with the provisions of this Act or of any regulations made thereunder including fees to be paid annually in respect of any such permit, special permit or licence, under which any motor vehicle or trailer is used or operated on any public road;

(x) calculating the weight unladen of any motor vehicle or the unit of horse-power or the cylinder capacity of any engine or any other basis which may be prescribed for the purpose of any rate of duty specified in the First Schedule;

(y) the prior right of passage along all roads of motor vehicles used -

(i) in consequence of an alarm of fire or for the purpose of proceeding to a fire by any constable or any officer, sub-officer or fireman of the Fire Brigade constituted under the Fire Brigade Act;

(ii) for the purpose of collecting or transporting a person in immediate need of medical attention;

(iii) in such other circumstances as he may prescribe.

(2) Where, pursuant to subsection (1), regulations are made with respect to sections 34A to 34D, those regulations shall be subject to affirmative resolution.

59A. Assignment of points on conviction for certain offences.

59A. (1) Subject to subsection (2), where any person is convicted of an offence specified in the Second Schedule, the court before which that person is convicted shall, in addition to any penalty for that offence, order -

(a) that the demerit points specified in that Schedule in relation to that offence be recorded against any licence held by that person; and

(b) that the person be disqualified in accordance with subsection (4).

(2) Subsection (1) shall not apply if the penalty imposed by the court on the person convicted of the offence referred to in that subsection includes an order disqualifying that person for holding or obtaining a driver's licence.

(3) Where a person is served with a prescribed notice under section 116 in respect of an offence to which that section relates and pays a fixed penalty in accordance with that section -

(a) the number of demerit points specified in the Second Schedule shall be recorded against any licence held by that person; and

(b) the officer in charge of the Police Traffic Division shall record in respect of that person -

(i) details of the offence committed;

(ii) the date on which the fixed penalty was paid;

(iii) the number of demerit points specified in the Second Schedule in relation to that offence; and

(iv) as of that date, the total number of demerit points recorded against the licence of that person, and thereafter shall forward the information recorded to the Island Traffic Authority.

(4) Where the demerit points accumulated by a person total -

(a) ten or more but less than fourteen, that person shall be disqualified for holding or obtaining a driver's licence for a period of six months;

(b) fourteen or more but less than twenty, that person shall be disqualified for holding or obtaining a driver's licence for a period of one year;

(c) twenty or more, that person shall be disqualified for holding or obtaining a driver's licence for a period of two years.

(5) The Island Traffic Authority shall certify to the Licensing Authority the number of demerit points recorded against a person's licence.

59B. Expungement of demerit points after three years.

59B. Where demerit points have been recorded against a person's licence under section 59A, and for a period of three years after the date of the latest recording of such demerit points no further demerit points are recorded against his licence, then upon the expiration of the period of three years as aforesaid, the demerit points recorded against that person's licence shall be expunged from the records:

Provided that in calculating the period of three years, no account shall be taken of any period of disqualification pursuant to section 59A (4), of the licence of that person or any period of disqualification by virtue of an order of the court under any other provision of this Act.

59C. Changes in the demerit point system by the Minister.

59C. (1) The Minister may from time to time by order amend the Second Schedule when, in his discretion, it is desirable so to do.

(2) Every order under subsection (1) shall be published -

(a) in the Gazette; and

(b) in a daily newspaper printed and circulated in Jamaica, for a period of not less than seven days before the coming into force of the order.

(3) Every order under this section shall be subject to negative resolution.

60. Classification of public passenger vehicles.

60. (1) Public passenger vehicles shall, for the purposes of this Part and the regulations made thereunder, be divided into the following classes -

(a) stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than ten cents for a single journey or such sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages or hackney carriages as hereinafter defined;

(b) express carriages; that is to say, motor vehicles not being hackney carriages as hereinafter defined carrying passengers for hire or reward at separate fares (none of which is less than ten cents for a single journey or such sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying appropriate fares for the journey or journeys in question;

(c) contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;

(d) hackney carriages; that is to say, motor vehicles carrying passengers for reward or hire used in standing or plying for hire on any thoroughfare or place frequented by the public and which have seating accommodation for not more than four persons;

(e) route taxis; that is to say, motor vehicles, adapted for carrying no more than ten passengers for hire or reward at separate fares along a designated route not exceeding thirty kilometres, and stopping to pick up and set down passengers along that route:

Provided that subject to section 21 of the Public Passenger Transport (Corporate Area) Act, a public passenger vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of race meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

(2) Contract carriages shall not stand or ply for hire on any road or in any place whatsoever in public view and to which the public may have access:

Provided that a Traffic Area Authority shall by order from time to time and subject to such restrictions and conditions as may be specified in any such order authorize within the area of the Authority the use of certain sections of any road, or any other place whatsoever to which the public may have access as stands for contract carriages and any person who fails to comply with any such restriction or condition of any such order, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars.

(3) It is hereby declared that where persons are carried in a motor vehicle for any journey for consideration of separate payments made by them whether to the owner of the vehicle

or to any other person, the vehicle in which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares whether the payments are solely in respect of the journey or not:

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

(4) For the purposes of this section a motor vehicle shall be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise (that is to say) -

(a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party must have been made by some person, not being the holder of the licence in respect of the vehicle or a person acting on behalf of the holder of such a licence or a person who receives any remuneration in respect of those arrangements;

(b) the journey must be made without previous advertisement to the public of the arrangements therefor;

(c) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;

(d) no differentiation of fares for the journey on the basis of distance or of time must be made;

(e) in the case of a journey to a particular destination the passengers must not include any person who, frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to that destination from a place from or through which the journey is made.

61. Road licences for public passenger vehicles.

61. (1) Subject to the provisions of subsection (6), no person shall use or cause or permit a motor vehicle to be used on any road as a public passenger vehicle unless he is the holder of a licence (in this Act referred to as a "road licence" or "an emergency road licence") to use it as a vehicle of that class in accordance with the provisions of this Part: Provided that -

(a) a person who is the holder of a road licence to use a vehicle as a stage carriage or route taxi may use it as a contract carriage or, as an express carriage, and a person who is the holder of a road licence to use a vehicle as an express carriage may use it as a contract carriage subject to any conditions attached to the licence; and

(b) in the case of a service of stage carriages a vehicle licensed under a road licence as an express carriage may be used on the service if the Traffic Area Authority of each of the traffic areas in which the vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.

(2) Application for a road licence or an emergency road licence -

(a) shall be made to the Licensing Authority in the licensing area within or from which the vehicle is intended to be ordinarily operated;

(b) if the application is for a licence to operate a stage carriage or an express carriage on a route which lies in more than one licensing area -

(i) shall be made to the Licensing Authority for the licensing area in which the route is, under sub-paragraph (ii), certified to originate; and

(ii) shall be accompanied by a certificate from the Island Traffic Authority certifying, for the purposes of the application, the licensing area in which the route, in the opinion of the Island Traffic Authority, originates.

(3) A road licence issued under this Act shall, subject to the provisions of this Act, continue in force -

(a) in the case of a road licence to use a vehicle as a stage carriage or as an express carriage, from the date thereof until the third anniversary of the next succeeding 31st day of March; and

(b) in the case of any other road licence, from the date thereof until the next succeeding 31st day of March,

and there shall be charged, levied and paid in full at the time of the issue of any road licence the relevant duty at the rate specified in the First Schedule:

Provided that every road licence issued under the provisions of this Act immediately preceding the 1st day of April in any year shall bear date the 1st day of April next ensuing.

(4) A road licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the Licensing Authority by whom it was granted if that Licensing Authority is satisfied that having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used, he is not a fit person to hold such a licence.

(4A) Where a constable or an Inspector designated under section 12(1) of the Transport Authority Act has reasonable cause to believe that a person has used or caused or

permitted a vehicle to be used in contravention of this section, the constable or Inspector may seize the vehicle; and

(4B) Subject to subsection (7)(b), a vehicle shall be kept in the possession of the Police or the Transport Authority, as the case maybe, until the licence required under this Part is obtained and produced to the Police or the Transport Authority.

(5) A person who uses or causes or permits a vehicle to be used in contravention of this section, shall be guilty of an offence and shall be liable on conviction thereof-

(a) on a first conviction, to a fine which shall not be less than twenty thousand dollars nor more than forty thousand dollars and in default of payment to imprisonment for a term not exceeding six months;

(b) on a second conviction, to a fine which shall not be less than forty thousand dollars nor more than seventy-five thousand dollars and in default of payment to imprisonment for a term not exceeding six months;

(c) on a third and subsequent conviction, to a fine of not less than seventy-five thousand dollars nor more than one hundred and twenty-five thousand dollars and in default of payment to imprisonment for a term not exceeding twelve months, and shall be disqualified from holding or obtaining a driver's licence for a period of one year from the date of conviction.

(6) Whenever it appears to the Minister that existing public passenger transport services outside the Corporate Area will be inadequate to meet the needs of the public on any special occasion, the Minister may by order permit motor vehicles of the classes or description specified in the order to be used, subject to the conditions (if any) prescribed in the order, and to the provisions of the Public Passenger Transport (Corporate Area) Act, for the carrying of passengers for hire or reward on the occasion in question notwithstanding that the vehicles are not licensed as public passenger vehicles, and the provisions of subsection (1) shall not apply in relation to such use of such vehicles on the said occasion.

In this subsection "Corporate Area" means the Corporate Area as defined in the Kingston and St. Andrew Corporation Act.

(7) Where a vehicle is seized pursuant to this section -

(a) storage fees shall become payable to such persons at such rates and in accordance with such conditions as may be prescribed; and

(b) if the vehicle remains in the possession of the Police or the Transport Authority for more than six months the vehicle may, subject to such conditions as may be prescribed, be sold by the Police or the Transport Authority, as the case may be; to recover the cost of storage.

62. Classes of road licences.

62. (1) Road licences may be granted in respect of the following classes of vehicles -

- (a) stage carriages;
- (b) express carriages;
- (c) contract carriages;
- (d) hackney carriages;
- (e) route taxis.

(2) A road licence for a stage carriage, an express carriage, a contract carriage, a hackney carriage or a route taxi, shall entitle the holders thereof respectively to use the vehicle licensed as such respectively in the manner mentioned in paragraphs (a), (b), (c), (d) and (e) respectively of subsection (1) of section 60.

(3) An emergency road licence may be granted in respect of the following classes of vehicles and no others -

- (a) stage carriages;
- (b) express carriages;
- (c) contract carriages.

63. Conditions to grant of road licences and conditions attached to road licences.

63. (1) Subject to the provisions of this Part the Transport Authority may grant to any person applying therefor a road licence of any of the classes specified in section 62.

(2) The Transport Authority shall not grant a road licence if it is made to appear to the Transport Authority by a Traffic Area Authority that from the particulars furnished in pursuance of subsection (9) the provisions of Part II relating to the speed of motor vehicles are likely to be contravened; and the Transport Authority, in exercising discretion to grant or to refuse any such licence, or to grant or to refuse any such licence for a stage or express carriage in respect of any routes, and discretion to attach conditions to any such licences, shall have regard to the following matters -

- (a) in the case of an application for a licence in respect of a stage or express carriage, the suitability of the routes and the condition of the roads on which the service may be provided under the licence;
- (b) in the case of an application for a licence in respect of a stage or express carriage, the extent, if any, to which the needs of the proposed routes are already adequately served;

(c) in the case of an application for a licence other than in respect of a contract carriage, the extent to which the proposed service is necessary or desirable in the public interest;

(d) in the case of any application for a licence other than in respect of a contract carriage, the routes of the traffic area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services, the elimination of unnecessary services and the prevention of unremunerative services), and the co-ordination of all forms of passenger transport, including transport by rail; and

(e) the result of any technical survey conducted pursuant to subsection (4), and, in the case of an application for a licence in respect of a stage or express carriage, take into consideration any representations which may be made by any Traffic Area Authority, or local authority, in whose area any of the routes or any part of any of the routes is situated and any objection made by an existing operator pursuant to subsection (5) so, however, that the Transport Authority shall not be obliged to allow an existing operator to make oral submissions to the Transport Authority but may, if it thinks fit having regard to any recommendations made by a person conducting the technical survey, select from among such operators any one or more of them to make such submissions.

(3) Where the Transport Authority decides not to hear oral submissions from an existing operator pursuant to subsection (2) the existing operator may, on such terms as to costs as may be specified by the Transport Authority, appeal to the Road Traffic Appeal Tribunal but any such appeal shall not preclude the grant to the applicant, on such terms and conditions as the Transport Authority in its discretion may think appropriate, of a road licence if, in the opinion of the Transport Authority, such grant is desirable in the interest of the travelling public.

(4) For the purposes of subsection (2) (e) the Transport Authority shall arrange to have technical surveys carried out either by officers in the service of the Transport Authority or by other persons appearing to the Authority to be competent in that regard in order to determine the population to be served, the likely destinations and the likely commencement of journeys, the desired time of travel, the number of seats required for passengers at different times of a day or on different days and the service being supplied to those passengers.

(5) A person conducting a survey pursuant to sub. section (4) shall, in the case of an application for a licence in respect of a stage or express carriage, take into account any representations which may be made -

(a) by any person pursuant to subsection (7); and

(b) by the Traffic Area Authority, or local authority, in whose area any of the routes or part thereof is situated.

(6) Every representation under subsection (5) shall be made in writing to the Transport Authority but at the request of the person making the representation, the person or persons conducting the technical survey may hear oral submissions by or on behalf of the existing operator.

(7) Any person, in this section referred to as an "existing operator"-

(a) who is already providing stage or express carriage service along or near to the route in respect of which an application is made for a licence to operate a stage or express carriage service; and

(b) who satisfies the Authority that the stage or express carriage service already so provided is being maintained in a satisfactory manner and that it is likely that the service so maintained may be materially prejudiced by the grant of the application, may object to the grant of the application on the ground that there is no need for any additional service on the route as the transportation needs of the passengers using the route are adequately served.

(8) Subject to the provisions of this section and to representations made under this Act, the Transport Authority may attach to a road licence such conditions as the Authority may think fit with respect to the matters in which the Authority is required to have regard under subsection (2) and in particular for securing that -

(a) in the case of a licence in respect of a stage, express, contract or hackney carriage or a route taxi, the fares shall not be unreasonable;

(b) in the case of a licence in respect of a stage or express carriage or a route taxi, where desirable in the public interest, the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the routes or any part thereof, or in proximity thereto;

(c) in the case of a licence in respect of a stage or express carriage or a route taxi, copies of the timetable and fare table shall be carried and be available for inspection in vehicles used on the service;

(d) in the case of a licence in respect of a stage or express carriage or a route taxi, passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;

(e) in the case of a contract or hackney carriage or a route taxi, a copy of the fare table shall be carried and be available for inspection in vehicles used as such,

and generally for securing the safety and convenience of the public, and the Transport Authority may from time to time vary in such manner as the Authority may think fit the conditions attached to a road licence.

(9) Every person applying for a road licence of any class shall submit to the Transport Authority -

(a) particulars of the types or type of vehicle to be used accompanied by the certificate of fitness issued in respect of the vehicle;

(b) in the case of an application for a road licence: respect of a stage carriage or express carriage, to proposed route, the timetables and fare tables of the services proposed to be provided, the frequency the services and the times to be taken on to journeys included in those services, a statement to the need for the proposed services and such other information as the Transport Authority may require, and the Transport Authority shall transmit to the Traffic Area Authority in whose area application for the license is made a copy of such particulars.

(10) Applications for licences under this section, and representations submitted for consideration pursuant subsection (5), (other than representations made by Traffic Area Authority or local authority) and any objection made pursuant to subsection (7) shall be accompanied by the respective fees prescribed by regulations made under section 76, so, however, that until other fees are so prescribed the fee on each application, representation or objection shall be one hundred dollars.

(11) Each representation referred to in subsection (10) shall state the grounds of any objection proposed to be made in respect of the application for the licence and a copy thereof shall be served on the applicant.

(12) The Transport Authority or any person conducting a survey pursuant to subsection (4) may, in its or his discretion, where the Authority is determining the grant or refusal of an application, invite any person who has made a representation under subsection (5) to give oral evidence, or any other person as a witness in the cause.

(13) Any person who pursuant to subsection (5), makes a representation in relation to an application for a stage or express carriage licence shall, upon application to the Transport Authority and upon payment to the Transport Authority of the prescribed fee, be given a copy of the findings of any technical survey referred to in subsection (4).

(14) The Transport Authority on granting a road licence in respect of a stage or express carriage shall send notice thereof, including particulars of the services to be provided thereunder to -

(a) the Traffic Authority; and

(b) the local authority,
in whose area or any part thereof any such service is to be provided.

(15) If any person uses a public passenger vehicle or causes or permits it to be used in contravention of this section or, being the holder of a road licence of any class, wilfully or without reasonable cause fails to comply with any of the conditions attached to that

licence he, subject to subsection (16), is guilty of an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment and in respect of a second or subsequent conviction the court may, upon application by the Transport Authority, revoke the road licence.

(16) The failure in any case to comply with any condition referred to in subsection (15) shall not be an offence if the alleged offender proves that the Traffic Area Authority for the traffic area in which the offence is alleged to have been committed had dispensed with compliance in that case.

(17) In -

(a) this Part "local authority" means the Parish Council of any parish or the Kingston and St. Andrew Corporation;

(b) this section "Transport Authority" means the Transport Authority established under the Transport Authority Act.

64. Power of Minister to limit number of road licences.

64. (1) A Licensing Authority may, by instrument in writing addressed to the Minister, from time to time, recommend that the Minister make an order under this section limiting the number of road licences in respect of any specified class of vehicle which may be granted in, or in relation to, any specified licensing area during any specified period

(2) Where a recommendation has been made by a Licensing Authority under subsection (1) the Minister may, in his discretion, by order declare the maximum number of road licences in respect of any specified class of vehicle which may, in or in relation to, any specified licensing area during any specified period be granted by a Licensing Authority whether or not it is the Licensing Authority making the recommendation.

(3) When an order has been made by the Minister under subsection (2) a Licensing Authority -

(a) shall, in relation to any application for a road licence, have regard to such order;

(b) shall deal with applications for licences which are affected by such order in its discretion but in such a manner as to ensure that any limitation on the number of licences to be granted is, as far as possible, equitably applied to such applications; and

(c) may, in exercising any discretion vested in it under subsections (2) and (6) of section 63, attach to any licence such conditions as may be necessary to give effect to such order and, notwithstanding any other provisions of this Act, such conditions may include restrictions on the operations of any class of vehicle.

65. Specially constituted Licensing Authorities.

65. (1) This section applies to an application made in accordance with subsection (2) of section 61 for a licence to operate a stage carriage or an express carriage on a proposed route which lies in more than one licensing area.

(2) An application to which this section applies shall be considered and determined by the Licensing Authority to which the application is made, which, however, shall be constituted for such purposes by the addition of one member of the Licensing Authority for each other licensing area in which any part of the proposed route lies, nominated in accordance with subsection (3).

(3) A Licensing Authority which receives an application to which this section applies (hereinafter referred to in this subsection as the appropriate Licensing Authority) shall give notice of the application to the Licensing Authority for each other licensing area in which any part of the proposed routes lies, and the chairman of each such Licensing Authority upon receipt of such notice shall nominate one of the members of that Licensing Authority to be a member of the appropriate Licensing Authority for the purpose of hearing and determining the application.

(4) A Licensing Authority constituted under this section shall, in relation to an application to which this section applies and to any licence granted pursuant to such application, be deemed for all purposes to be the Transport Authority established under the Transport Authority Act.

(5) Where a licence has been granted by a Licensing Authority constituted in accordance with this section, the powers conferred by this Act upon a Licensing Authority to suspend or revoke a licence shall, in relation to any licence so granted be exercised by a Licensing Authority constituted in accordance with this section, and accordingly any question as to the exercise of such powers shall be referred to the Licensing Authority which receives the application for the licence and the provisions of subsection (3) shall apply mutatis mutandis as if such reference of that question were the receipt of an application by that Licensing Authority.

66. Emergency road licences.

66. (1) Subject to the provisions of this section, where the Minister is satisfied in relation to any licensing area that -

(a) the holder of any road licence in respect of a stage carriage or an express carriage (whether voluntarily or by reason of causes beyond his control) wholly or in part either -

(i) has failed or neglected to provide; or

(ii) has discontinued or suspended the provision of; or

(iii) is likely to discontinue or suspend the provision of, the service authorized to be provided under such licence; or

(b) any road licence in respect of a stage carriage or express carriage has been revoked or suspended under the provisions of this Act.

(i) by order empower the Licensing Authority for the relevant area to grant so many emergency road licences in relation to such routes and for such periods (not being in excess of twelve months) as may be specified in such order: and

(ii) by the same or any other order revoke all existing road licences in force in relation to such routes.

(2) Every emergency road licence shall take effect from such day as may be specified in such licence and unless sooner revoked or suspended shall continue in force until such day (not being more than twelve months next after the date upon which such licence takes effect) as may be specified in such licence.

(3) There shall be paid in respect of the grant of any emergency road licence a fee of two dollars.

(4) The provisions of section 63 other than so much of the provisions of subsection (2) as require the Licensing Authority to take into consideration representations made by the persons referred to in such subsection, and the provisions of section 67 and of section 68 shall apply to emergency road licences as they apply to road licences under section 63.

(5) For the avoidance of doubt it is expressly declared that nothing in this Act or in any regulation made thereunder requiring any application for the grant of a road licence to be advertised or notice of such application to be given to any person other than the Licensing Authority or providing for any right of appeal against the decision of any Licensing Authority to grant or revoke any application for a road licence shall apply to any emergency road licence.

(6) Notwithstanding anything to the contrary, any emergency road licence may be revoked at any time by the Minister without any cause assigned.

(7) Notwithstanding anything to the contrary, no compensation shall be payable in respect of the revocation of any emergency road licence under this section.

(8) When any existing road licence is revoked in accordance with the provisions of this section there shall be refunded to the holder of that licence such sum as bears to sixteen dollars the same proportion as is borne by the number of months between the date of revocation and the date on which the licence would normally have expired to forty-eight.

(9) At any time before the expiration of an emergency road licence the Minister may by order empower the Licensing Authority for the relevant area to renew such licence for such period (not being more than twelve months from the date of the expiration of the licence) as may be specified in the order, and if the licence is renewed in pursuance of

such order, it shall, subject to the succeeding provisions of this subsection, continue in force until the expiration of the period specified in the order.

The provisions of subsections (3), (4) and (5) shall have effect in relation to the renewal of an emergency road licence as they have effect in relation to the grant of such a licence and the provisions of subsections (6) and (7) shall have effect in relation to an emergency road licence in respect of any period for which it has been renewed as they have effect in relation to such licence in respect of the period for which it was first granted.

67. Validity of road licences in other licensing areas.

67. (1) Subject to subsection (2), a road licence in respect of a stage carriage, an express carriage, a hackney carriage or route taxi granted by the Licensing Authority of any licensing area shall not be valid in any other licensing area.

(2) A road licence in respect of a stage carriage or an express carriage granted under section 65 shall be valid in every licensing area in which is situated any part of the route authorized by the licence.

(3) Except as provided in subsections (1) and (2), any licence issued under this Part by the Licensing Authority of any licensing area shall be valid in any other licensing area.

68. Revocation or suspension of licences for non-compliance with conditions.

68. (1) A road licence of any class may be revoked or suspended by the Licensing Authority who granted the licence, if that Licensing Authority is satisfied that any condition subject to which the licence was granted has not been complied with:

Provided that the Licensing Authority shall not revoke such a licence unless owing to the frequency of the breach of the conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Licensing Authority is satisfied that the licence should be revoked or suspended.

(2) The Licensing Authority on revoking or suspending a road licence shall send notice thereof to the Island Traffic Authority, to the Traffic Area Authority and every local authority in whose area the service to which such licence relates is provided.

(3) A road licence shall not be capable of being transferred or assigned:

Provided that provisions may be made by regulations for enabling a person carrying on the business of the holder of a licence issued in respect of a stage or express carriage service to continue for the time being the service in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

69. Conductors' licences.

69. (1) A person shall not act as conductor of a stage or express carriage on a road unless he is licensed for the purpose under this Part, and a person shall not employ any person who is not so licensed to act as conductor of any such vehicle on a road.

(2) There may be attached to the licence such conditions as the Licensing Authority may think fit to impose.

(3) A person shall be disqualified for obtaining a licence to act as conductor of a stage or express carriage unless he is over the age of eighteen years and fulfils such other conditions as may be prescribed.

(4) A licence to act as conductor of a stage or express carriage may at any time be suspended or revoked by the Licensing Authority by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence.

(5) If any person acts in contravention of this section or fails to comply with any condition attached to the licence he shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars.

70. Application for conductors' licences.

70. (1) An application to act as conductor of a stage or express carriage shall be made to the Licensing Authority of the area in which the applicant resides, and there shall be paid to the Licensing Authority in respect of such licence a fee of five hundred dollar.

(2) A conductor's licence issued under this Act shall, subject to the provisions of this Act, continue in force from the date thereof until the then next ensuing 31st day of March:

Provided that the licence duty in respect thereof shall be paid in full at the time of the issue of the licence:

Provided further that every conductor's licence issued under the provisions of this Act immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

71. Procedure on applications for licences.

71. Subject to the provisions of this Part the Minister may make regulations as to the procedure on applications for and the determination of questions in connection with the grant, suspension and revocation of licences under this Part by a Licensing Authority, and the surrender of such licences, and those regulations may make provision as to the particulars to be furnished and the person to whom notices are to be given, the manner in which notices are to be published or served, and as to the manner in which objections may be made.

72. Appeals to Road Traffic Appeal Tribunal in connection with road licences.

72. (1) Any person who -

(a) being an applicant for the grant of a road licence, is aggrieved by the refusal or failure of the Licensing Authority to grant the licence, or with any condition imposed by the Licensing Authority; or

(b) being a local authority which, or a person providing transport facilities who, has opposed the grant or variation of a stage or express carriage licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or

(c) being the holder of a road licence, is aggrieved at the revocation or suspension thereof, by the Licensing Authority or by any variation of the conditions attached thereto, may within the prescribed time and in the prescribed manner appeal to the Road Traffic Tribunal constituted under section 21.

(2) On any such appeal, the Road Traffic Appeal Tribunal shall have power to make such order as it thinks fit (including an order revoking a licence) and any such order shall be final and conclusive and shall be binding upon the Licensing Authority.

73. Appeals to Road Traffic Appeal Tribunal in connection with conductors' licences.

73. (1) Any person who, being the holder of or an applicant for a licence to act as conductor of a stage or express carriage feels aggrieved by conditions attached to the licence or by the refusal or failure of the Licensing Authority to grant or by the suspension or revocation of such a licence, may by notice in writing to the Licensing Authority require the Authority to reconsider the matter, and shall on the reconsideration be entitled to be heard either personally or by his representative.

(2) Any person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the Licensing Authority on the reconsideration of the matter may appeal to the Road Traffic Appeal Tribunal and on any such appeal the Tribunal may make such order as it thinks fit and any order so made shall be final and conclusive and shall be binding on the Licensing Authority.

74. Regulations for conduct of passengers.

74. (1) The Minister may make regulations generally as to the conduct of passengers in public passenger vehicles and such regulations may in particular, without prejudice to the generality of the foregoing provisions -

(a) authorize the removal from a public passenger vehicle of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any constable;

(b) require a passenger in a stage or express carriage who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a constable or to the driver or conductor on demand;

(c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;

(d) require, on demand being made for the purpose by the driver or conductor or other person authorized by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(e) require a passenger, if so required by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If any person contravenes any provision of any such regulations, he shall be liable to a penalty not exceeding fifty thousand dollars.

75. Regulation for conduct of drivers and conductors.

75. (1) The Minister may make regulations as to the conduct of persons licensed to act as drivers or conductors of public passenger vehicles when acting as such.

(2) If any person to whom such regulations apply contravenes or fails to comply with any of the provisions of the regulations, he shall be liable to a penalty not exceeding seventy-five thousand dollars, and the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under this Part.

(3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be guilty of an offence.

76. General power of making regulations.Cases

76. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters -

(a) the forms to be used for the purposes of this Part;

(b) applications for and the issue of licences and of certificates of fitness and the fees to be charged in relation to such certificates;

- (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
- (d) the documents, plates and marks to be carried by public passenger vehicles and the manner in which they are to be carried;
- (e) the badges to be worn by drivers and conductors of public passenger vehicles and the identification cards, photographs and documents to be carried or exhibited by them;
- (f) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the production, return and cancellation on revocation of certificates of fitness and as to the custody, production and return of badges and plates;
- (g) the determination of the number of passengers a public passenger vehicle is adapted to carry, the number who may be carried and the use of tickets in relation to fares payable by such passengers;
- (h) the carriage of luggage and goods on public passenger vehicles;
- (i) the safe custody and re-delivery or disposal of any property accidentally left in a public passenger vehicle and fixing the charges made in respect thereof;
- (j) the equipment to be carried by public passenger vehicles;
- (k) the inspection of vehicles proposed to be licensed as public passenger vehicles, the maximum size, weight and dimension of such vehicles or their design;
- (l) the classification of hackney carriages;
- (m) the control and regulation, in regard to hackney carriages, of instruments, equipment, fittings and appliances to be used therewith, their owners, drivers, and persons holding road licences in relation thereto, and the fares to be charged whether by prescribed districts or distance or otherwise and whether or not to be ascertained by meters, either on the basis of time or distance or both;
- (n) the documents and records to be kept and the returns to be furnished by the owners or drivers of, or persons holding road licences in relation to, public passenger vehicles;
- (o) the fees to be paid on applications for licences in respect of stage carriages and express carriages and on representations or objections made by persons (other than the applicants) in connection with such applications;
and different regulations may be made as respects different classes or descriptions of public passenger vehicles and as respects the same class and description of public passenger vehicles in different circumstances.

77. Non-exemption of liability under other provisions of this Act or at common law.

77. (1) Nothing in this Part shall be construed or taken as relieving the driver or owner of a public passenger vehicle from any liability under the other provisions of this Act relating to motor vehicles or any regulations made thereunder or from any liability under any other Act or at common law.

(2) This Part shall not apply to the vehicles mentioned in the proviso to section 9.

78. Prohibition to use commercial motor cars except under carriers' licences.

78. (1) Subject to the provisions of this Part, no person shall use a commercial motor car on a road for the carriage of goods -

(a) for hire or reward; or

(b) for or in connection with any trade or business carried on by him, except under a licence (in this Act referred to as a "carrier's licence").

(2) For the purposes of this Part and the regulations made thereunder -

(a) the expression "commercial motor car" means a motor vehicle constructed, adapted or used for the carriage of goods and any other motor vehicle including tractors and trailers used in connection with or in the furtherance of any private or business undertaking:

Provided that a vehicle used by its owner in the pursuits of his profession or business for his personal conveyance shall not be deemed to be a commercial motor car:

Provided further that a vehicle registered as a private motor car shall not be deemed to be a commercial motor car by reason only of its use as such in extraordinary circumstances;

(b) the expression "goods" includes goods or burden of any description and the expression "carriage" includes haulage;

(c) when a commercial vehicle is being used on a road for the carriage of goods, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire purchase or loan, and, in any other case, the person whose agent or servant the driver is, shall be deemed to be the person by whom the vehicle is being used.

(3) Application for a carrier's licence shall be made to the Licensing Authority for the licensing area in which the authorized vehicles are kept.

(4) A carrier's licence issued under this Act shall, subject to the provisions of this Act, continue in force from the date thereof until the then next ensuing 31st day of March. And there shall be charged, levied and paid to the Licensing Authority in respect of a carrier's licence the relevant duties at the rates specified in the First Schedule:

Provided that the licence duty in respect thereof shall be paid in full at the time of the issue of the licence:

Provided further that every carrier's licence issued under the provisions of this Act immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

(5) Any person who uses or causes or permits a commercial motor car to be used in contravention of this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars and the vehicle shall be liable to be seized and kept in the possession of the Police until the licence required by this Part has been obtained and produced.

79. Classes of carriers' licences.

79. (1) Licences shall be of the following classes -

(a) public carriers' licences;

(b) private carriers' licences.

(2) A public carrier's licence shall entitle the holder thereof to use the authorized vehicles for the carriage of goods for hire or reward, or for the carriage of goods for or in connection with his business as a carrier of goods, but it shall be a condition of the licence that no vehicle which is for the time being an authorized vehicle shall be used for the carriage of goods for or in connection with any other trade or business carried on by him except such storage or warehousing of goods as may be incidental to his business as a carrier.

(3) A private carrier's licence shall entitle the holder thereof to use the authorized vehicles for the carriage of goods for or in connection with any trade or business carried on by him, subject to the condition that no vehicle which is for the time being an authorized vehicle shall be used for the carriage of goods for hire or reward.

Notwithstanding anything in this Part, the Licensing Authority may, in a case of emergency and subject to such conditions as it thinks fit to impose, authorize the holder of a private carrier's licence to use an authorized vehicle for the carriage of goods for any person to whom he lets the vehicle, if the Authority is satisfied that the needs of that person cannot conveniently be met from other sources.

(4) For the purposes of this Part the expression "authorized vehicle" means in relation to any carrier's licence a vehicle authorized to be used thereunder.

(5) The vehicles authorized to be used under a carrier's licence shall be -

(a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire-purchase agreement, as are specified in the licence;

(b) motor vehicles from time to time in the possession of the holder of the licence under an agreement for hire or loan, not exceeding at any time such maximum number as is specified in the licence;

(c) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence.

(6) A motor vehicle specified in the licence shall not, while it remains so specified, be capable of being effectively specified in any other licence under this Part.

(7) A person may be the holder of two or more licences whether of the same class or of different classes.

80. Procedure on application for licences.

80. (1) A person applying for a licence shall submit to the Licensing Authority a statement in the prescribed form -

(a) containing as respects motor vehicles proposed to be used under a licence, such particulars as may be prescribed;

(b) stating the number and type of hired motor vehicles and of trailers proposed to be so used;

(c) specifying, in the case of an application for a public carrier's licence, the facilities for the carriage of goods intended to be provided by him under the licence for other persons including the particulars of the district within which, or the places between which, it is intended that the authorized vehicles will normally be used for the purposes of carrying goods for hire or reward.

(2) A person applying for a carrier's licence shall give to the Licensing Authority any information which it may reasonably require for the discharge of its duties in relation to the application and, in particular, an applicant for a public carrier's licence shall, if required by the Licensing Authority, submit to the Authority in the prescribed form such particulars as the Licensing Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged by the applicant.

81. Refusal, suspension or revocation of carriers' licences in certain case.

81. A carrier's licence may be refused, or, if it has already been granted, may at any time be suspended or revoked by the Licensing Authority by whom it was granted if it is made to appear to the Licensing Authority by a Traffic Area Authority, that having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used he is not a fit person to hold such a licence.

82. Discretion of Licensing Authority to grant or to refuse carriers' licences.

82. (1) Subject to the provisions of this section, the Licensing Authority -

(a) on an application for a public carrier's licence, shall have full power in its discretion either to grant or to refuse the licence; and

(b) on an application for a private carrier's licence, shall grant the licence, unless the applicant is the holder of a licence which is suspended, or unless a licence previously held by him has been revoked, in either of which cases the Licensing Authority shall have full power in its discretion either to grant or to refuse the licence.

(2) A Licensing Authority in exercising its discretion to grant or to refuse a public carrier's licence shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport, and, in particular, shall have regard to -

(a) the extent, if any, to which the needs of the licensing area in which the licence is issued are already adequately served;

(b) the extent to which the proposed service is necessary or desirable in the public interest;

(c) the needs of the licensing area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services, elimination of unnecessary services and the prevention of un-remunerative services) and the co-ordination of all forms of goods transport including transport by rail.

83. Conditions of licences.

83. (1) It shall be a condition of every carrier's licence -

(a) that the authorized vehicles are maintained in a fit and serviceable condition;

(b) that any provisions (whether contained in any Act or in any regulations or orders) with respect to limits of speed and weight, laden and unladen, and the loading of goods vehicles, are complied with in relation to the authorized vehicles.

(2) Any person who fails to comply with any condition of a licence held by him shall be guilty of an offence.

84. Power to revoke or to suspend licences.

84. (1) A carrier's licence of either class may be revoked or suspended by the Licensing Authority by whom the licence was granted on being satisfied by a Traffic Area Authority that any condition subject to which the licence was granted has not been complied with:

Provided that the Licensing Authority shall not revoke or suspend any such licence unless owing to the frequency of the breach of conditions of the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Licensing Authority is satisfied that the licence should be revoked or suspended.

(2) In any case where a carrier's licence is revoked or suspended the Licensing Authority shall, if requested by the licence holder, state in writing the grounds for the revocation or suspension.

85. Objections to applications for licences.

85. (1) The Licensing Authority shall publish in the prescribed manner notice of an application for a public carrier's licence specifying the time within which, and the manner in which, objections may be made to the grant of the application.

(2) It shall be the duty of the Licensing Authority, on an application for a public carrier's licence, to take into consideration any objections to the application which may be made by persons who are already providing facilities for the carriage of goods for hire or reward in the district, or between the places which the applicant intends to serve, on the grounds that suitable transport facilities in that district, or between those places, are, or if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements.

86. Provisions for appeals in connection with licences.

86. Any person who -

(a) being an applicant for the grant of a carrier's licence is aggrieved by the decision of the Licensing Authority on the application; or

(b) in the case of a public carrier's licence having duly made an objection to any such application as aforesaid, being an objection which the Licensing Authority is bound to take into consideration, is aggrieved by the decision of the Licensing Authority thereon; or

(c) being the holder of a carrier's licence is aggrieved by the revocation or suspension thereof,
may within the prescribed time and in the prescribed manner appeal to the Road Traffic Appeal Tribunal constituted under section 21, and such Tribunal may make such order as it thinks fit and such order shall be final and conclusive and shall be binding on the Licensing Authority.

87. Transfer of licences prohibited.

87. A carrier's licence shall not be capable of being transferred or assigned:

Provided that provision may be made by regulations for enabling a person carrying on the business of the holder of a licence to continue for the time being to use the authorized

vehicles in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

88. General power of making regulations.

88. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters -

(a) the forms to be used, and the particulars to be furnished, for any of the purposes of this Part;

(b) the procedure on application for, and the determination of questions in connection with the grant, suspension and revocation of licences under this Part;

(c) the issue of licences, and the issue of copies of licences in the case of a licence lost or destroyed;

(d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorized vehicles;

(e) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the custody, production and return of documents and plates,
and different regulations may be made as respects different classes or description of vehicles and as respects the same class or description of vehicles in different circumstances.

89. Non-exemption of liability under other provisions of this Act or at common law.

89. Nothing in this Part shall be construed or taken as relieving the driver or owner of a commercial motor car from any liability under the other provisions of this Act relating to motor vehicles or any regulations made thereunder or from any liability under any other enactment or at common law.

90. International circulation of motor vehicles.

90. (1) The Minister may by order for the purpose of giving effect to any convention for facilitating the international circulation of motor vehicles provide -

(a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in Jamaica when temporarily taking their motor vehicles abroad, or to drivers when proceeding abroad for the purpose of driving motor vehicles; and

(b) for modifying the provisions of this Act and regulations made thereunder relating to the registration of motor vehicles and the licensing of motor vehicle drivers in the case of motor vehicles brought temporarily into Jamaica by persons resident abroad, and intending to make only a temporary stay in Jamaica, and of drivers entering Jamaica and intending to make only a temporary stay in Jamaica.

(2) Any modifications of this Act, or the regulations made thereunder, made by an order under this section shall not have any force or effect until they have been approved or amended by the House of Representatives, and when so approved or amended by resolution shall, as from the date of such approval or amendment, have the same force and effect as if they were contained in and formed part of this Act or those regulations.

91. Cases not within any convention.

91. The powers conferred by section 90 shall be exercisable for the benefit of persons resident in a country which is not a party to any such convention as is referred to in that section, in like manner and to the like extent as those powers may be exercised for the benefit of such persons as are so referred to.

92. Application of this Part to all vehicles.

92. This Part shall apply to vehicles of every description, howsoever drawn or propelled, including handcarts, wheel borrows and other similar vehicles but excluding the vehicles mentioned in the proviso to section 9.

93. Application of certain provisions of Part II to this Part.

93. Notwithstanding the provisions of any other Act or regulations made thereunder, but subject to the provisions of section 94, the provisions of subsection (1) of section 27, subsection (1) of section 32, subsection (1) of section 33, subsections (1) and (3) of section 34, section 37, section 38, except in so far as they relate to the maximum speed of a vehicle, sections 39, 44, 51, 53, 54 and 56, subsections (1), (2) and (3) of section 57 and subsection (6) of the said section, in so far as the provisions of the subsection relate to subsections (1) and (3) of the section, and section 58, shall apply to animal drawn vehicles and pedal bicycles and the drivers or riders thereof, subject to the modifications that references in the said provisions to motor vehicles shall be construed as references to animal drawn vehicles and to pedal bicycles.

94. Regulation of bicycle racing on roads.

94. (1) The provisions of subsection (1) of section 33 (which relates to racing and speed trials) shall not apply to a person who promotes or takes part in a race or trial of speed on a road between pedal bicycles where the race or trial is authorized, and is conducted in accordance with any conditions imposed, by or under regulations under this section.

(2) The Minister may by regulations authorize, or provide for authorizing, for the purposes of subsection (1), the holding on a road of races or trials of speed of any class or description, or a particular race or trial of speed, in such cases as may be prescribed and subject to such conditions as may be imposed by or under the regulations, and may prescribe the procedure to be followed, and the particulars to be given, in connection with

applications for authorization under the regulations, and regulations under this section may make different provision for different classes or descriptions of races and trials.

(3) Without prejudice to any other powers exercisable in that behalf, the Commissioner of Police may give such directions with regard to the movement of, or the route to be followed by, traffic during such period as may be necessary or expedient to prevent or mitigate congestion or obstruction traffic or danger to or from traffic, in consequence of the holding of a race or trial of speed authorized by or under regulations under this section, including a direction that any road or part of a road specified in the direction shall be closed during any such period to traffic or to traffic of a class or description so specified.

(4) In this section "traffic" includes bicycles, tricycles, motor vehicles, vehicles of every description however drawn or propelled including handcarts, wheel-barrows and other similar vehicles, bodies of troops, processions and all animals being ridden, driven or led.

95. Issue by Island Traffic Authority of directions for guidance of users of roads.

95. (1) The Island Traffic Authority shall prepare a code (in this Act referred to as the "Road Code") comprising such directions as appear to the Authority to be proper for the guidance of persons using roads, and may from time to time revise the Road Code by revoking, varying, amending or adding to the provisions thereof in such manner as the Authority may think fit.

(2) The Island Traffic Authority shall cause the Road Code and every revised edition thereof to be printed and issued to the public at a price not exceeding the prescribed price.

(3) The failure on the part of any person to observe any provisions of the Road Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

96. Erection of traffic signs, etc.

96. (1) The Road Authority may cause or permit traffic signs to be placed on or near any road.

(2) Traffic signs shall be of the prescribed size, colour and type, except where the Road Authority authorizes erection of a sign of another character.

(3) The Road Authority shall by notice in writing require the owner or occupier of any land on which there is any 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 person fails to comply with such a notice the Road Authority may effect the removal, doing as little damage as may be.

(4) In this Part the expression "traffic sign" includes marks on the surface of roads, all signals, whether automatic electric signals or otherwise, warning sign posts, direction posts and signs or other devices for the guidance or direction of persons using roads.

(5) Regulations may be made restricting or regulating the placing, erection and exhibition of traffic signs under this section.

97. All traffic signs to be obeyed.Cases

97. (1) The driver of every vehicle and the rider of every bicycle shall obey-

(1) (a) all red lights and stop signs; and

(1) (b) all other traffic signs which may be lawfully placed, erected or exhibited on or near any road, or so as to be visible from a road, in accordance with the provisions of section 96.

(2) Any person who fails to comply with any such traffic signs shall be guilty of an offence.

(3) For the purposes of this section a traffic sign placed, erected or exhibited on or near any road shall be deemed to be of the prescribed size, colour and type or a sign of another character authorized by the Road Authority under section 96, and to have been lawfully so placed, erected or exhibited, unless the contrary is Proved.

98. Power of Road Authority as to refuges.

98. A Road Authority may for the purpose of making the crossing of any road less dangerous to foot passengers, erect, light, maintain, alter and remove places of refuge in the road.

99. Arrangements for patrolling school crossings.

99. (1) Arrangements may be made by the appropriate authority for the patrolling of places where children cross roads on their way to or from school, during period between the hours of half-past seven in the morning and half-past five in the afternoon when children are so on their way, by persons appointed by or on behalf of the appropriate authority.

(2) The functions of the appropriate authority for the purpose of arrangements under subsection (1) shall include the duty to satisfy himself of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(3) In taking decisions as to making arrangements under subsection (1) the appropriate authority shall have regard to any representations made by the Road Authority.

(4) Any person appointed to patrol in accordance with arrangements under this section is in this Act referred to as a school crossing patrol.

(5) In this section the expression "appropriate authority" means a Superintendent or Assistant Superintendent of Police posted to a parish or district and includes any sub-officer of Police temporarily in charge of any parish or district.

100. Power of school crossing patrols to stop traffic.

100. (1) When between the hours of half-past seven in the morning and half-past five in the afternoon a vehicle is approaching a place in a road where children on their way to or from school are crossing or seeking to cross the road, a school crossing patrol shall (subject to the provisions of subsection (4)) have power, by exhibiting a prescribed sign, to require the person driving or propelling the vehicle to stop it.

(2) When a person has been required in accordance with subsection (1) to stop a vehicle -

(a) he shall cause the vehicle- to stop before reaching the place where the children are crossing or seeking to cross and so as not to stop or impede their crossing; and

(b) the vehicle shall not be put in motion again so as to reach the place in question so long as the sign continues to be exhibited.

(3) Any person who fails to comply with paragraph (a) of subsection (2), or who causes a vehicle to be put in motion in contravention of paragraph (b) of the said subsection shall be guilty of an offence under this Act.

(4) On and after a date to be fixed by the Minister by order the power conferred on a school crossing patrol by subsection (1) shall be exercisable only if the patrol is wearing the approved uniform.

(5) For the purposes of this section -

(a) "approved uniform" means the uniform for the time being approved by the Minister;

(b) "prescribed sign" means a sign of a size, colour and type prescribed by regulations made under this Act but, if the Minister authorizes the use of signs of a description not so prescribed, includes a sign of that description;

(c) where it is proved that a sign was exhibited by a school crossing patrol, it shall be presumed to have been of the size, colour and type prescribed, or of a description authorized as aforesaid, unless the contrary is proved; and

(d) where it is proved that a school crossing patrol was wearing uniform, the uniform shall be presumed, unless the contrary is proved, to have been the approved uniform.

101. Foot passenger crossings.

101. (1) Crossings for foot passengers may be established on roads in accordance with the provisions of this section.

(2) The Minister may make regulations with respect to the precedence of vehicles and foot passengers respectively, and generally with respect to the movement of traffic (including foot passengers), at and in the vicinity of a crossing (including regulations prohibiting foot passengers traffic on the carriage-way within one hundred yards of a crossing), and with respect to the indication of the limits of a crossing by marks on the roadway or otherwise, and to the erection of traffic signs in connection therewith.

(3) Different regulations may be made under this section in relation to different traffic conditions and, in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the Police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(4) (a) Within such period as the Minister may by order determine, the Road Authority shall, after consultation with the Island Traffic Authority, submit to the Minister (after giving public notice of intention so to do) either a scheme containing proposals for the establishment of crossings within areas specified by the Minister in the order, aforesaid, or if it appears to the Road Authority that the establishment of crossings is unnecessary in any of the areas specified as aforesaid, a statement of the reasons why the Authority considers such crossings to be unnecessary.

(b) In any case where any statement as aforesaid has been submitted to the Minister, he may, if it appears to him that such crossings should be established and after giving the Authority an opportunity of making representations, require the Authority to submit a scheme in relation thereto.

(5) Every scheme submitted under subsection (4) shall specify either the positions of the crossings, or the lengths of the road, or the areas, in which they are to be established and the number proposed for any length of road or area, and the Minister may, if he thinks fit, approve the scheme with or without modification.

(6) A scheme under this section may be varied from time to time, or may be revoked, by a subsequent scheme submitted and approved as aforesaid, or by an order made by the Minister after giving the Road Authority by whom the scheme was submitted an opportunity of making representations.

(7) It shall be the duty of the Road Authority by whom a scheme was submitted to execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment of crossings in accordance with the provisions of the scheme for the time being in force, or with the indication thereof in accordance with the regulations having effect as respects the crossings, or required in consequence of a variation or revocation of the scheme.

(8) If any person contravenes any of the provisions of a regulation having effect as respects a crossing, he shall be guilty of an offence under this Act and shall be liable on

summary conviction before a Resident Magistrate to a fine not exceeding four thousand dollars.

(9) In this section the expression "crossing" means a crossing for foot passengers established in accordance with the provisions for the time being in force of a scheme submitted and approved under this section and indicated in accordance with regulations having effect as respects that crossing, and for the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing, the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

102. Provision of foot-paths.

102. It is hereby declared to be the duty of a Road Authority to provide, where that Authority deems it necessary or desirable for the safety or accommodation of foot passengers, proper and sufficient foot-paths by the side of roads under the control of that Authority.

103. Power to declare roads, principal roads.

103. (1) Regulations may declare which road is to be considered a principal road and where two or more roads intersect the driver of a vehicle of any description before turning into, or crossing, a principal road shall bring the vehicle to a full stop and on turning into, or crossing, the principal road shall not drive a vehicle so as to obstruct any traffic on the principal road and shall comply with such directions as may be contained in such regulations.

(2) Any person who contravenes any of the provisions of this section or fails to comply with any direction contained in such regulation shall be guilty of an offence.

104. Relating to drovers.

104. (1) No person shall drive or be in charge of a drove of animals along or on a road unless he is at least eighteen years of age, and where the animals exceed fifteen in number at least three such persons shall be in charge or in attendance on such animals.

(2) Any person in charge of, or in attendance on, a drove of animals on a road after dark shall cause to be carried one light in front and one light at the rear of the drove of such animals.

(3) Any person who acts in contravention of the provisions of this section or who causes or permits any other person to act in contravention of the provisions of this section shall be guilty of an offence.

105. Power of Road Authority temporarily to prohibit or restrict traffic on roads.

105. (1) Subject to the provisions of this section, and notwithstanding any other Act or regulation made thereunder, if a Road Authority is satisfied that traffic on any road for the maintenance of which the Authority is responsible should, by reason of works of

repair or reconstruction being required or being in progress on the road, be restricted or prohibited, the Authority may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as it may consider necessary.

(2) A Road Authority when considering the question of the making of an order under this section shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(3) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be liable in the case of a first conviction to a penalty not exceeding three thousand dollars and in case of a second or subsequent conviction to a penalty not exceeding five thousand dollars.

106. Regulations.

106. the Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations -

(a) prescribing the number, nature and use of brakes, in the case of animal drawn vehicles when used on roads and for empowering persons authorized by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere;

(b) prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles, for signalling their approach when used on roads and for securing that the riders of such vehicles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach;

(c) making provisions for the removal from roads, and for the moving from one position on a road to another position on that or another road, of vehicles which have broken down or of vehicles which have been left on a road -

(i) in contravention of any statutory prohibition or restriction; or

(ii) in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road or as to be likely to cause danger to such other persons; or

(iii) in such a position or in such condition or in such circumstances as to appear to have been abandoned,
and for the safe custody of vehicles removed and any loads which they contain at the time of such removal; and

(d) prohibiting or restricting the use on any specified road of vehicles of any specified class or description, either generally or during particular hours.

107. Relating to regulations under this Act.

107. (1) All regulations purporting to be made in pursuance of any Part of this Act shall be published in the Gazette and shall come into operation on such publication or at such other time as may be fixed by such regulations.

(2) All regulations made under any Part of this Act shall have full effect notwithstanding anything in any other Act or any regulations made thereunder.

(3) If any person contravenes any regulations or orders made under any Part of this Act he shall, for each offence, be liable on summary conviction to a penalty not exceeding one hundred thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding three months.

(4) Regulations made under any Part of this Act shall be of the same force and effect as if they were contained in and formed part of this Act and shall be judicially noticed.

(5) Regulations made under any Part of this Act may, if the Minister deems it necessary, be of a local nature and limited in their application to a particular area.

108. Punishment of offences otherwise provided for.

108. Any person who contravenes any of the provisions of this Act, and any person guilty of an offence under this Act, for which no special penalty is provided, shall be liable in respect of each such contravention or offence to a penalty not exceeding five thousand dollars and in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding two months or in the case of a second or subsequent conviction to a penalty not exceeding ten thousand dollars and in default of payment thereof, to imprisonment with or without hard labour, for a period not exceeding three months or in the discretion of the court to imprisonment, with or without hard labour, for a period not exceeding three months.

109. Trial of offences.

109. Every offence under, and every contravention of, this Act shall, except where otherwise expressly provided be tried summarily and the offence or contravention shall be deemed to have been committed either at the place at which the same was actually committed or in the parish in which the offender resides.

110. Liability of driver or owner not affected.

110. Nothing in this Act shall affect any liability of the driver or owner of a vehicle under any enactment or at common law save as by this Act may be expressly excepted.

111. Application to persons in Public Service.

111. It is hereby declared that this Act applies to persons in the Public Service of the Crown.

112. Prerogative.

112. Nothing in this Act shall prejudice or affect the prerogative of the Crown to grant to any person or company an exclusive franchise to operate a public passenger service, by means of stage carriages, within any traffic area or part thereof.

113. Saving.

113. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other Act.

114. Certain provisions of Part II not to apply to vehicles of Jamaica Defence Force.

114. The provisions of sections 10, 12, 14, 36, 49 and 50 shall not apply to, or have any force or effect in respect of, any motor vehicle belonging to the Jamaica Defence Force.

115. Exemption from certain restrictions.

115. The provisions of this Act and of any regulation, by-law, rule or order which -

(a) restrict the speed at which, or the direction in which any vehicle shall proceed along any street or road; or

(b) require any vehicle to slow down or stop at the intersection of any two or more streets or roads; or

(c) prohibit or restrict the parking of any vehicle on any street or road; or

(d) prohibit or restrict the sounding of any horn or other warning device within any area,

shall not apply to any motor vehicle whilst such vehicle is being used in consequence of an alarm of fire, or for the purpose of proceeding to a fire, by any constable or any officer, sub-officer or fireman of the Fire Brigade constituted under the Fire Brigade Act.

116. Punishment without prosecution of offences in connection with lights, reflectors, obstruction, etc.

116. (1) This section shall apply to any offence created by or under an enactment and punishable on summary conviction -

(a) being an offence committed in respect of a vehicle -

(i) by its being left or parked on a road without the lights or reflectors required by law;

(ii) by its obstructing a road or waiting, or being left or parked or being loaded or unloaded, in a road; or

(iii) by the non-payment of the charge made at a parking place on a road; and

(b) being an offence specified in the Appendix:

Provided that this section shall not extend to circumstances where, pursuant to section 22, a person is required by a constable to produce his driver's licence but is unable to do so.

(2) Where a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.

(3) Where a person is given a notice under this section in respect of an offence proceedings shall not be taken against any person for that offence by any constable or local authority, as the case may require, until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.

(4) In subsections (2) and (3) "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and "convicted" shall be construed in like manner.

(5) Payment of a fixed penalty under this section shall be made -

(a) in respect of any offence specified in paragraph (a) of subsection (1), to the local authority specified pursuant to subsection (6), and such local authority may retain the amount paid as part of its funds;

(b) in respect of any offence specified in the Appendix, to any Collector of Taxes in the manner prescribed by regulations made under subsection (11), and in any proceedings a certificate that payment of the fixed penalty was or was not made to the local authority or to the Collector of Taxes, as the case may be, by a date specified in the certificate shall, if the certificate purports to be signed by the secretary of the local authority or the Collector of Taxes, be sufficient evidence of the facts stated unless the contrary is proved.

(6) A notice under subsection (2) shall -

(a) specify the offence alleged, and give such particulars of the offence as are necessary for giving reasonable information of the allegation;

(b) state the period during which, by virtue of subsection (3), proceedings will not be taken for the offence;

(c) state the amount of the fixed penalty and that such fixed penalty shall be paid to-

(i) the relevant local authority; or

(ii) any tax office, as the case may require, and, in the case of payment to a local authority, the address at which the fixed penalty may be paid;

(d) require the person, in the event that the fixed penalty is not paid within the period specified in the notice pursuant to section (3), to attend before the Traffic Court or, as the case may be, the Resident Magistrate's Court in the parish in which the offence is alleged to have been committed, to answer the charge on such date as may be specified, being a date not earlier than ten days after the expiration of the period specified pursuant to subsection (3).

(7) Where a constable finds a vehicle on an occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence. and for that purpose a notice affixed to the vehicle shall be deemed to be given to the person liable for that offence.

(8) A notice affixed to a vehicle under subsection (7) shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection shall be guilty of an offence.

(9) The fixed penalty for an offence -

(a) to which paragraph (a) of subsection (1) applies, shall be five hundred dollars;

(b) specified in the Appendix, shall be the amount so specified in relation to each such offence:

Provided that the Minister may, by order, amend the Appendix to provide for the fixed penalty to be in any case more or less than the amounts specified therein (but not more than one-half of the maximum amount of the fine to which a person not previously convicted of the offence is liable on summary conviction).

(10) In any proceedings for an offence to which subsection (1) applies no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such a payment or non-payment.

(11) The Minister may by regulations make provision as to any matter incidental to the operation of this section.

117. Traffic wardens.

117. (1) Subject to subsection (3), a local authority may appoint persons to discharge in aid of the Police functions normally undertaken by the Police in connection with the control and regulation of road traffic or with the enforcement of the law relating to road traffic.

(2) Persons employed under subsection (1) shall be known as "traffic wardens", and a local authority employing traffic wardens for the purposes of that subsection may also (subject to subsection (3)) employ them to act, under the direction of the Commissioner of Police, for other purposes connected with the control and regulation of road traffic or road vehicles; and in particular the local authority may employ the traffic wardens to act as parking attendants at parking places on roads provided or controlled by the local authority.

(3) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Minister.

(4) In so far as an order under subsection (3) authorizes the employment of traffic wardens for the purposes of section 116 references in that section to a constable shall include a traffic warden.

(5) A local authority shall not employ as traffic warden any person who is a constable, but shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained by the Police before undertaking their duties.

(6) Traffic wardens shall wear such uniform as the local authority may determine, and shall not act as traffic wardens when not in uniform.

118. Duty to give information as to identity of driver, etc., in certain cases.

118. (1) Without prejudice to the generality of paragraph (i) of section 46 (1), where the driver of a vehicle is alleged to be guilty of an offence under this Act or any rule, order or regulation made thereunder -

(a) the owner of the vehicle shall give such information as to the identity of the driver-

(i) as the Commissioner of Police or any person acting on his behalf may require; or

(ii) in the case of an offence against section 55, as the local authority having power to institute proceedings for such offence, or any person acting on their behalf, may in writing require; and

(b) any other person shall, if required as aforesaid, give such information which may lead to the identification of the driver as he may be able to give.

(2) A person who fails to comply with the requirements of paragraph (a) of subsection (1) shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was, and a person who fails to comply with the requirement of paragraph (b) of that subsection shall be guilty of an offence.

119. Evidence by certificate.

119. (1) Subject to subsections (2) and (3) in any proceedings for an offence under this Act or any rule, order or regulation made thereunder a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable.

(a) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or

(b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner; or

(1) (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee, shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence -

(a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

120. Proof, in summary proceedings, of identity of driver of vehicle.

120. Where on the summary trial of an information for an offence under this Act or any rule, order or regulation made thereunder -

(a) it is proved to the satisfaction of the court that a requirement under subsection (1) of section 118 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion, the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

121. Charges for removing and storing vehicles.

121. (1) Where a vehicle is removed from a parking place or from a road in pursuance of any provision made by or pursuant to this Act, there shall be payable to the appropriate authority by the prescribed person -

(a) in respect of the removal, the fixed charge; and

(b) in respect of any period during which the vehicle is in the custody of that authority, a charge ascertained by reference to the prescribed scale.

(2) The fixed charge in respect of the removal of a vehicle shall be six dollars or such other sum (whether greater or smaller) as may be prescribed.

(3) A charge under this section may (without prejudice to any other form of recovery) be recovered as a simple contract debt in any court of competent jurisdiction.

(4) In this section "appropriate authority" in relation to a vehicle removed from a parking place provided or controlled by a local authority, means that authority.

122. Disposal of vehicles abandoned on roads or in parking places.

122. (1) Subject to subsection (2), where by virtue of any provision made by or pursuant to this Act a vehicle has been, or could at any time be, removed from a road the appropriate authority may, if it appears to them that the vehicle has been abandoned, sell or otherwise dispose of it and -

(a) apply the proceeds of a sale of the vehicle in or towards satisfaction of any costs incurred by them in connection with the disposal thereof or any charge to payment of which they are entitled as regards the vehicle under section 121;

(b) recoup any such costs as aforesaid so far as not satisfied by virtue of paragraph (a);

(c) dispose of in such manner as the Minister may by order prescribe any sums received by the appropriate authority on a sale of the vehicle, after deducting any sum applied thereout by virtue of paragraph (b).

(2) A power of disposal conferred by subsection (1) shall not be exercisable in the case of a vehicle unless there have been taken by the appropriate authority such steps and there has elapsed such period (not being less than six weeks) beginning with the taking of the first of them as may be prescribed by the Minister, by order, being steps and a period whose respective taking and lapse will, in the opinion of the Minister, together suffice for securing adequate opportunity for enabling the vehicle to be claimed.

(3) Different provisions may be made under subsection (2) with respect to vehicles of different classes or descriptions or with respect to vehicles of the same class or description in different circumstances.

(4) In this section "appropriate authority" in relation to a vehicle that has been removed, means the authority who, in relation to it, are (within the meaning of section 121) the appropriate authority and, in relation to a vehicle that could at any time be removed, the authority who, if it were then removed, would in relation to it be (within the meaning of that section) the appropriate authority.

123. Regulations.

123. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing any other matter or anything which may be, or is required to be, prescribed under this Part.

FIRST SCHEDULE

L.N. 76A/03

Licence Duties

1. Licence duties on all motor vehicles calculated on unladen weight or on cylinder capacity of engines:

(a) Motor cars not deriving motive power from an internal combustion engine worked by cylinder or cylinders each \$2,750.00

(b) Motor cars-

Where the cylinder capacity of the engine-does not exceed 1,199 cubic centimeters
each \$2,750.00

exceeds 1,199 cubic centimetres but does not exceed 2,999 cubic centimeters each
\$4,000.00

exceeds 2,999 cubic centimetres but does not exceed 3,999 cubic centimeters each
\$8,000.00

exceeds 3,999 cubic centimeters each \$13,500.00

(c) Hackney carriages and contract carriages which are motor cars each \$2,750.00

(d) Motor Cycles-

Where the cylinder capacity of the engine-does not exceed 125 cubic centimetres each
\$700.00

exceeds 125 cubic centimetres but does not exceed 500 cubic centimetres each \$1,400.00

exceed 500 cubic centimeters each \$2,500.00

(e) Motor trucks and tractors of unladen weight-not exceeding 3048.138kgs (60 cwt) each \$4,000.00

exceeding 3048.138 kgs (60 cwt) but not exceeding 6109.09 kgs (120 cwt)each \$8,000.00

exceeding 6109.09 kgs (120 cwt) each \$8,000.00 plus \$100.00 per 50.91 kgs over 6109.09 kgs or \$8,000.00 plus \$100.00 per cwt in excess of 120 cwt.

(f) Motor trucks and tractors which do not use gasoline as fuel, of unladen weight-not exceeding 3048.138 kgs (60 cwt) each \$4,000.00

exceeding 3048.138 kgs (60 cwt) but not exceeding 6109.09 kgs (120 cwt)each \$8,000.00

exceeds 6109.09 kgs (120 cwt) each \$8,000.00 plus \$100.00 per 50.91 kgs over 6109.09 kgs or \$8,000.00 plus \$100.00 per cwt in excess of 120 cwt.

(g) Trailersfor each hundred weight of gross weight each \$75.00 per cwt (50.91 kgs)

2. Road licences in respect of –

- | | |
|-----------------------------------|---------|
| (a) each Stage Carriage | \$16.00 |
| (b) each Express Carriage | \$16.00 |
| (c) each Contract Carriage | \$2.00 |
| (d) each Hackney Carriage | \$2.00 |

Provided that where in pursuance of the grant of a road licence the Licensing Authority is satisfied that a motor vehicle, being a truck without permanent top, is used regularly to take persons and their goods to market, the Licensing Authority shall cause to be refunded or remitted to the person paying any of the amounts specified under paragraph 1 of this Schedule in respect of licence duties, one-half of such amount.

3. Carriers' licence-

- | | |
|---------------------------------------|---------|
| (a) Public Carriers, each vehicle ... | \$.50c |
| (b) Private Carriers, each vehicle | \$.50c |

SECOND SCHEDULE (Section 59A and 59C)

L.N. 55/99

The Demerit Points System

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Relevant Section</u>	<u>Description of Offence</u>	<u>Demerit Points</u>
Section 14 (3)	Driving without registration plates affixed	4
Section 24 (4)	Driving while disqualified	14
Section 26	Exceeding the prescribed speed limit-	
	(i) by 10 to 20 mph	2
	(ii) by 21 to 30 mph	4
	(iii) by 31 mph or more	6
Section 27	Dangerous or reckless driving	14
Section 30	Causing death by dangerous or reckless driving	14
Section 32	Careless driving	4
Section 33	Racing or speed trials on a road	6
Section 34	Driving motor vehicle under the influence of drink or drugs	14
Section 34A	Driving under the influence of alcohol	14
Section 34B	Failure to supply specimen of breath when so required by a constable	14
Section 34C	Failure to submit to breath analysis or wilful alteration of alcohol concentration in breath or blood	14
Section 35	Carrying more persons on motor cycle than the number prescribed	3
Section 36	Drawing more trailers than the number prescribed	3
Section 37 (3)	Failure to stop when so required by a constable	2
Section 39	(a) Not stopping after an accident where damage or injury caused	14
	(b) Failure to report an accident	6
Section 40	No headlamps on vehicle between the hours of 6 p.m. and 6 a.m.	6
	Only one headlamp on vehicle between the hours of 6 p.m. and 6 a.m.	2

No registration plate light on vehicle	2
No tail-lamp on vehicle	4
Section 41 (3) No device for deflecting beam of head lamp	2
Section 42 No reflectors on vehicle	2
Section 43 (2) Sounding a horn so as to make an unreasonable noise	2
Section 43A No seat belt on a seat of motor vehicle in contravention of Act	2
Section 43B Driving without wearing seat belt where motor vehicle fitted with seat belt	2
Section 43C Not causing child to wear or be conveyed in child restraint system or seat belt in moving motor vehicle	4
Section 43D Not wearing protective helmet	2
Section 44 Failure to observe silence zones	2
Section 46 (1) (g) Driving defective vehicle	2
Section 51 (1) Driving motor vehicle in violation of the rules of the road by-	
(a) overtaking on the nearside of other traffic	3
(b) failing to allow passage to other overtaking vehicles	2
(c) overtaking in a manner causing obstruction to oncoming vehicles	6
(d) crossing so as to obstruct traffic.	3
(e) driving on to one road from another and causing traffic obstruction	3
(f) driving on to a road from a place not being a road causing obstruction to traffic	3
(g) overtaking without a clear view	6
(h) travelling backwards further than necessary	2
Section 56 (1) Failure to obey commands of constable to stop or otherwise	2
Section 56 (2) Driving or attempting to drive a motor vehicle across a funeral procession	2

Section 97	Failure to obey red light or stop sign	6
	Failure to comply with any other traffic sign	2
Section 100 (3)	Failure to comply with a school crossing patrol	6
Section 101 (8)	Failure to observe provisions concerning pedestrian crossing	4

THIRD SCHEDULE Section 46 (2)(c)

*Offences in respect of exceeding maximum laden weight
for vehicles or trailers or parts thereof*

		<u>Fine</u>
Section 46 (2) (c)	Exceeding the maximum laden weight for vehicles and trailers by:	
	1-500 kilogrammes (kg.)	\$5,000
	501-750kg.	\$10.00 for each kg.
	751-1,000kg.	\$10.00 for each kg.
	1,001-1,250kg.	\$10.00 for each kg.
	1,251-1,500kg.	\$10.00 for each kg.
	1,501-1,750kg.	\$10.00 for each kg.
	1,751-2,000kg.	\$10.00 for each kg.
	2,001-2,250kg.	\$10.00 for each kg.
	2,251-2,500kg.	\$10.00 for each kg.
	2,501-3,000kg.	\$10.00 for each kg.
	3,001-3,500kg.	\$10.00 for each kg.
	3,501-4,000kg.	\$10.00 for each kg.
	4,001-5,000kg.	\$18.00 for each kg.
	5,001 kg. and over	\$24.00 for each kg."

APPENDIX (Section 116)

L.N. 76A/03

Offences in respect of which a fixed penalty may be paid to a Collector of Taxes

<u>Nature of Offence</u>	<u>Penalty</u>
1. The following offences against the Road Traffic Act that is to say-	
Section 10 No valid Certificate of Fitness	\$3,000.00
Section 14 Unlicensed motor vehicle	\$10,000.00
Obscured licence disc	\$1,000.00
Obscured registration plates	\$5,000.00
Registration plates not affixed	\$5,000.00
Licence disc not affixed	\$5,000.00
Operating motor vehicle contrary to terms of licence ...	\$20,000.00
Section 16(6) Holder of a provisional licence failing to comply with the conditions of such licence	\$5,000.00
Section 26 Exceeding the speed limit by-	
(a) 10 mph to 20 mph	\$5,000.00
(b) 21 mph to 30 mph	\$7,500.00
(c) 31 mph or more	\$10,000.00
Section 35 Carrying more than prescribed number of persons on motor cycle	\$1,500.00
Section 36 Drawing more than prescribed number of trailers ...	\$8,000.00
Section 37(3) Failure to stop when so required by a constable	\$5,000.00
Section 40(5) No head-lamp on vehicle	\$3,000.00
No registration plate light on vehicle	\$2,500.00
No tail-lamp on vehicle	\$2,500.00

Section 41(3) Failure to fit or maintain head-lamp so as to eliminate glare	\$3,500.00
No device for deflecting beam of head-lamp	\$3,500.00
Section 42 No reflectors on vehicle	\$2,000.00
Section 43(1) No horn or other warning device	\$1,500.00
Section 43(2) Sounding horn so as make unreasonable noise	\$2,000.00
Permitting escape of unreasonable amount of smoke from vehicle	\$4,000.00
Section 43(3) Unlawful use of siren or similar device	\$5,000.00
Section 43(4) No muffler	\$2,500.00
Section 44 Failure to observe silence zones	\$4,000.00
Section 46(1)(g) Using, driving or permitting to be used or driven a motor vehicle in defective condition	\$7,500.00
Section 46 (2)(c) Exceeding the maximum laden weight for vehicles and trailers or parts thereof by:	
1-500 kilogrammes (kg.)	\$2,200
501-750kg.	\$2,500
751-1,000kg.	\$3,400
1,001-1,250kg.	\$4,300
1,251-1,500kg.	\$6,100
1,501-1,750kg.	\$7,300
1,751-2,000kg.	\$8,500
2,001-2,250kg.	\$9,700
2,251-2,500kg.	\$11,500
2,501-3,000kg.	\$4.80 for each kg.
3,001-3,500kg.	\$7.20 for each kg.

- 3,501-4,000 \$9.60 for each kg.
- 4,001-5,000 \$10.00 for each kg.
- 5,001 kg. and over \$24.00 for each kg.

Section 5 1(1) Driving motor vehicle in violation of the rule of the road by-

- (a) failing-
 - (i) to keep to the nearside of road when meeting or being overtaken by other traffic \$3,000.00
 - (ii) (ii) to keep to the right or offside of other traffic when overtaking \$3,000.00
- (b) failing to allow passage to other overtaking vehicles \$3,000.00
- (c) overtaking an a manner causing obstruction to oncoming traffic \$5,000.00
- (d) crossing so as to obstruct traffic \$3,000.00
- (e) driving on to one road from another and causing traffic obstruction \$3,000.00
- (f) driving on to a road from a place not being a road causing obstruction to traffic.. . \$3,000.00
- (g) driving so as to overtake other traffic without the driver having a clear and unobstructive view of the road ahead \$5,000.00
- (h) travelling backwards further than necessary for the other reasonable purpose \$4,000.00

Section 56(1) Failure to obey commands of constable to stop or otherwise. \$5,000.00

Section 57 Failure to use appropriate hand signal \$1,500.00

Section 58 Failure to obey Police signals \$5,000.00

Section 60 (2) Plying contract carriage for lure on any road or public place. \$5,000.00

Section 61(1) Operating motor vehicle as public passenger vehicle without a road licence \$15,000.00

Section 78	Use of commercial motor car for hire or reward or for trade purposes without a carriers licence.	\$3,500.00
Section 97	Failure to obey red light or stop sign	\$4,000.00
	Failure to comply with any other traffic sign	\$3,000.00
Section 100	Failure to stop at school crossing	\$5,000.00
Section 101 (8)	Failure to stop a pedestrian crossing	\$5,000.00
Section 105	Failure to observe restrictions or prohibition in relation to use of road...	\$2,500.00

Part III

2.	Any offence against the Road Traffic Regulations, 1938.	\$2,500.00.
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