

**ACT 683****ROAD TRAFFIC ACT, 2004**

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**ROAD TRAFFIC ACT, 2004<sup>1</sup>**

**AN ACT to consolidate and revise the Road Traffic Ordinance, 1952 (No. 55), to provide for a more comprehensive regulation of road traffic and road use, to ensure safety on the roads and to provide for related matters.**

## PART ONE

*Principal Road Safety Provisions**Major Driving Offences***1. Dangerous driving**

(1) A person who drives a motor vehicle dangerously on a road commits an offence and is liable on summary conviction,

- (a) where
- (i) a bodily injury does not occur, or
  - (ii) a minor bodily injury does occur,

to a person, other than the driver, to a fine not less than one hundred penalty units and not exceeding two hundred penalty units or to a term of imprisonment not exceeding nine months or to both the fine and the imprisonment;

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1. The Act was assented to on 24th December, 2004.

- (b) where bodily injury of an aggravated nature occurs to a person, other than the driver, to a minimum fine of two hundred penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not less than twelve months and not exceeding two years or to both the fine and the imprisonment; or
  - (c) where death occurs, to a term of imprisonment for a term of not less than three years;
  - (d) where there is damage to state property, to a fine of not less than one hundred penalty units and payment for the damage caused in an amount determined by the Court.
- (2) The Court may on the conviction of a person under subsection (1),
- (a) order the payment of appropriate compensation to an injured person or to the estate of that person, or
  - (b) order the withdrawal of the licence for a period of not less than three years and not more than five years.

## 2. Meaning of dangerous driving

- (1) For the purposes of section 1, a person drives dangerously if,
- (a) the way that person drives falls below what is expected of a competent and careful driver, or
  - (b) it is obvious to a competent and careful driver that it would be dangerous driving the vehicle,
    - (i) in that manner, or
    - (ii) in its current state.
- (2) In determining what is expected of, or obvious to, a competent and careful driver in any particular case, regard shall be had to,
- (a) the circumstances of which the accused could be expected to be aware,
  - (b) the circumstances shown to have been within the knowledge of the accused, and
  - (c) the conditions of the road at the relevant time.

(3) In determining for the purpose of subsection (1) the state of a motor vehicle, regard may be had to anything attached to or carried on or in it and the manner in which it is attached or carried.

## 3. Careless and inconsiderate driving

A person who drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, commits an offence and is liable on summary conviction to a fine not exceeding two thousand penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

**4. Driving under influence of alcohol or drugs**

(1) A person who, while driving or attempting to drive a motor vehicle on a road, is under the influence of alcohol or drugs to a degree as to be incapable of having proper control of the vehicle commits an offence and is liable on summary conviction,

(a) where

- (i) a bodily injury does not occur, or
- (ii) a minor bodily injury occurs,

to a person, other than the driver, to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment;

(b) where bodily injury of an aggravated nature occurs to a person, other than the driver, to a minimum fine of two hundred and fifty penalty units and not exceeding five hundred penalty units or to a term of imprisonment of not less than one year and not exceeding two years or to both the fine and the imprisonment; or

(c) where death occurs, to a fine of not less than one thousand penalty units and not exceeding two thousand penalty units or to imprisonment for a term of not less than three years and not exceeding five years or to both the fine and the imprisonment.

(2) For the purposes of subsection (1), a person is under the influence of alcohol where the alcohol concentration in that person's blood or breath as shown by competent medical evidence or any other competent evidence, is 0.08 percent or more when measured within two hours of the time of operating or attempting to operate the motor vehicle.

(3) The Court may on conviction of a person under this section order the payment of appropriate compensation to an injured person or to the estate of that person.

**5. Driving when alcohol concentration is above prescribed limit**

A person who drives or attempts to drive a motor vehicle on a road after consuming a quantity of alcohol that the proportion of it in that person's breath, blood or urine exceeds the prescribed limit commits an offence and is liable on summary conviction to a fine of not less than five penalty units and not exceeding two thousand penalty units or to a term of imprisonment for a term not exceeding five years or to both the fine and the imprisonment.

*Breath Tests***6. When a breath test is required**

(1) Where a police officer has reasonable cause to suspect that a person,

- (a) driving or attempting to drive on a road has alcohol in that person's body or has committed a traffic offence while the motor vehicle was in motion; or

- (b) has been driving or attempting to drive a motor vehicle on a road with alcohol in that person's body and that person still has alcohol in the body,

the police officer may, subject to section 8, require that person to provide a specimen of breath for a breath test.

(2) Where an accident occurs owing to the presence of a motor vehicle on a road, a police officer may, subject to section 9, require a person who the police officer has reasonable cause to suspect was driving or attempting to drive the motor vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required under subsection (1) or (2) to provide a specimen at or near the place where the requirement is made or, if the requirement is made under subsection (2) and the police officer making the requirement thinks fit, at a police station specified by the police officer.

## **7. Failure to provide breath for test**

(1) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of section 6 commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(2) A police officer may arrest a person without warrant if,

- (a) as a result of a breath test the police officer has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or
- (b) that person has failed to provide a specimen of breath for a breath test when required to do so and the police officer has reasonable cause to suspect that that person has excess alcohol in that person's body,

but a person shall not be arrested by virtue of this subsection when that person is at a hospital as a patient.

(3) A police officer may require a person to provide a specimen of breath where the police officer has reasonable cause to suspect that an accident that has occurred involved injury to another person or property.

(4) A provision of a specimen other than a specimen of breath may be required in pursuance of section 6 and the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be the specimen of urine.

(5) A blood or urine test for the purposes of section 6 shall be carried out by a qualified person.

(6) The result of a test or analysis under section 6 is conclusive evidence of the level of alcohol in the breath, blood or urine of the person providing the breath, blood or urine.



## 8. Protection for hospital patients

(1) A person who is at a hospital as a patient shall not be required to provide a specimen for a breath test or to provide a specimen of urine or blood for a laboratory test unless the medical practitioner in immediate charge of that person's case authorises it and the specimen is to be provided at the hospital.

(2) The medical practitioner referred to under subsection (1) shall not authorise a specimen to be taken where it is prejudicial to the proper care and treatment of the patient.

## 9. Detention of persons

(1) A person required to provide a specimen of breath, blood or urine may be detained at a police station until it appears to the police officer that, were that person then driving or attempting to drive a motor vehicle on a road, that person would not be committing an offence under this Act.

(2) A person shall not be detained under subsection (1) if it appears to the police officer that there is no likelihood of that person driving or attempting to drive the motor vehicle while that person's ability to drive safely is impaired or while the proportion of alcohol in that person's blood or urine, exceeds the prescribed limit.

(3) A police officer shall consult a medical practitioner on a question arising under this section whether a person's ability to drive safely is or might be impaired by reason of drugs and the police officer shall act on the advice of the medical practitioner.

## 10. Interpretation of specified terms in sections 4 to 9

In sections 4 to 9, unless the context otherwise requires,

**"breath test"** means,

- (a) in a case of a test on a specimen required to be provided under subsection (1) or (2) of section 6, a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Minister, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit; and
- (b) in the case of a requirement to provide further specimen for test, a test for the purpose of obtaining, by means of the same or another appropriate device, confirmation that the proportion of alcohol in a person's breath or blood exceeds the prescribed limit;

**"drug"** includes an intoxicant;

**"fail"** includes refuse;

**"prescribed limit"** means, as the case may require,

- (a) 35 microgrammes of alcohol in 100 millilitres of breath,
- (b) 80 milligrammes of alcohol in 100 millilitres of blood,
- (c) 107 milligrammes of alcohol in 100 millilitres of urine, or
- (d) the proportion prescribed by the Regulations.

*Motor Racing and Motoring Events***11. Motor racing**

A person who promotes or takes part in a race or trial of speed between motor vehicles on a road other than a road authorised for motor racing commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

**12. Regulations of motoring events**

The Minister may, by legislative instrument, prescribe Regulations for competition or trials involving motor vehicles.

**13. Seat belts and other safety equipment**

A person of eighteen years or above who

- (a) drives a motor vehicle on a road, or
- (b) sits on the front or rear seat of a motor vehicle being driven on a road,

without wearing a seat belt commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

**14. Carrying of children in motor vehicles**

(1) A person who drives a motor vehicle on a road when a child of five years or under five years is in the front seat of the motor vehicle commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A person who drives a motor vehicle on a road, when a child between the ages of five and eighteen years who is sitting on the front seat of the vehicle is not wearing a seat belt commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(3) A person commits an offence if that person drives a motor vehicle on a road when

- (a) a child under the age of eighteen years is in the rear of the motor vehicle, and
- (b) the child is not wearing the seat belt.

**15. Safety equipment for children in motor vehicles**

(1) The Minister may prescribe types of safety equipment that are recommended as conducive to the safety of children in the event of an accident to be fitted in the presented classes of motor vehicles.

(2) If a person sells or offers for sale equipment prescribed under subsection (1) and the equipment,

- (a) is not of the prescribed type, or

- (b) is sold or offered for sale in contravention of Regulations made under this section,

that person commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(3) For the purposes of this section, safety equipment in respect of a motor vehicle includes,

- (a) a restraining and safety device for a child or for a carry-cot, or  
(b) an equipment designed for the use by a child in conjunction with any other restraining device.

(4) References in this section to selling or offering for sale include references to letting, hiring and offering to let or hire.

### **16. Wearing of protective crash helmets**

(1) A person who rides or is ridden on a motorcycle on a road shall wear a protective crash helmet of a type prescribed by the Regulations.

(2) A person who fails to wear a prescribed crash helmet in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not less than one hundred penalty units and not exceeding two hundred penalty units or to a term of imprisonment not exceeding nine months or to both the fine and the imprisonment.

(3) A protective crash helmet shall by shape, construction or any other quality, be of a type recommended as providing protection to a person driving or riding on a motorcycle from injury in the event of an accident.

(4) Where a person sells or offers for sale a crash helmet that is not of a type prescribed by the Regulations that person commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### **17. Regulation of equipment**

(1) Where a person riding or being ridden on a motorcycle on a road uses equipment and that equipment,

- (a) is not a type so prescribed, or  
(b) is otherwise used in contravention of the Regulations,

that person commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A person who sells, or offers for sale, an equipment that is not of a type prescribed by the Regulations commits an offence and is liable on summary conviction to a fine not exceeding five penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(3) This section applies to equipment of any description such as eye protectors or earphones designed or adapted for use on medical grounds,

- (a) with a headgear, or
- (b) by being attached to or placed on the head.

#### **18. Regulations in respect of Part One**

The Minister may, by legislative instrument, make Regulations

- (a) for the taking of further specimen of breath for a breath test, the taking of a blood and urine test, places where the tests shall be conducted, the method and conditions for the tests, the choice of specimen of breath for test, and the detention of persons required to take breath, blood or urine test at police stations;
- (b) authorising the holding of competitions or trials, other than races or trials of speed, involving the use of motor vehicles on roads generally or in respect of an area or class or description of competition or trial, the procedure to be followed, and the particulars to be given, in connection with applications for authorisation;
- (c) prescribing the persons by whom, the circumstances in which, the places in respect of which authorisations may be given, conditions which shall be included in authorisations, the procedure to be followed, the particulars to be given and the fees to be paid, in connection with applications for authorisation;
- (d) prescribing different seat belts to be fitted in prescribed classes of vehicles and classes of persons who shall wear prescribed seat belts and the circumstances for wearing them;
- (e) prescribing by reference to shape, construction or any other quality, the types of equipment to which Part One applies as authorised for use by persons driving a motor vehicle of a class and imposing restrictions or requirements with respect to the circumstances in which appliances of any type prescribed may be used; and
- (f) for any matter or thing that needs to be prescribed.

### **PART TWO**

#### *Restrictions on Road Use in the Interest of Road Safety*

##### *Driving, Stopping on Verges or in Dangerous Locations and Positions*

#### **19. Prohibition of parking of motor vehicles**

- (1) A person who parks a motor vehicle wholly or partly,
  - (a) on the verge or shoulder of a road,
  - (b) on a land situated between two carriageways and which is not a footway,
  - (c) on a footway,
  - (d) on a pedestrian crossing, or
  - (e) on a place reserved for the physically challenged,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) For the purposes of section (1),

“**carriageway**” means a way constituting or comprised in a road, being a way, other than a cycle track over which the public have a right of way for the passage of motor vehicles;

“**footway**” means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only.

## **20. Prohibition of driving or parking on cycle tracks**

A person who, without lawful authority drives, rides or parks a motor vehicle wholly or partly on a cycle track commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

## **21. Leaving vehicles or trailers in dangerous positions**

A person in charge of a motor vehicle who causes or permits the motor vehicle or a trailer drawn by it to remain at rest on a road in such circumstances as constitute a danger or causes injury to any other person using the road, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### *Additional Restrictions in the Interest of Road Safety*

## **22. Causing danger to road-users**

(1) A person commits an offence if without lawful authority or reasonable excuse, that person,

- (a) causes anything to be on or over a road,
- (b) interferes with a motor vehicle, trailer or cycle, or
- (c) interferes, directly or indirectly, with traffic equipment,

where that it would be obvious to a reasonable person that to do so would be dangerous.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(3) For the purposes of subsection (1),

“**dangerous**” includes danger of injury to a person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which an accused person could be expected to be aware but also to any of the circumstances shown to have been within the knowledge of the accused person;

“**traffic equipment**” includes,

- (a) anything placed on or near a road by a road agency under the Ministry,
- (b) a traffic sign lawfully placed on or near a road by a person other than a road authority, and
- (c) a fence, barrier or light lawfully placed on or near a road,
  - (i) in pursuance of the provisions of an enactment providing for guarding and lighting in streets where works are undertaken, or
  - (ii) by a police officer.

(4) For the purposes of subsection (3), anything placed on or near a road shall unless the contrary is proved, be taken to have been lawfully placed there.

(5) For the purposes of this section, “road” does not include a footpath.

### **23. Restriction of carriage of persons on motorcycles**

(1) A person shall not carry more than one other person on a motorcycle unless it is constructed or adapted for the carriage of more than one person.

(2) Where a person is carried on a motorcycle in contravention of subsection (1), the rider of the motorcycle and the person so carried on the motorcycle each commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### **24. Restriction of the carriage of persons on bicycles**

(1) A person riding a bicycle on a road shall not carry any other person on the bicycle unless it is constructed or adapted for the carriage of more than one person.

(2) Where a person is carried on a bicycle in contravention of subsection (1), the rider and each of the persons carried commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

### **25. Tampering with motor vehicles**

A person who tampers with a motor vehicle with the intent of causing the malfunctioning of the brake or any other part of its mechanism commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

**26. Holding or getting on to a motor vehicle while the motor vehicle is in motion**

(1) A person who for the purpose of being carried without lawful authority or reasonable excuse takes or retains hold of, or gets on to, or alights from a motor vehicle or trailer while the motor vehicle is in motion on a road, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A person who for the purpose of being drawn, takes or retains hold of a motor vehicle or trailer while the motor vehicle is in motion on a road, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

**27. Drivers to comply with traffic directions**

(1) Where a police officer or an authorised person is engaged in the regulation of traffic on a road, a person driving a motor vehicle or riding a motorcycle or bicycle who neglects or refuses

- (a) to stop the motor vehicle, motorcycle or bicycle, or
- (b) to make it proceed in or keep to, a particular line of traffic,

when directed to do so by the police officer or authorised person, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) Where a traffic survey is being carried out on or in the vicinity of a road and a police officer or an authorised person gives to a person driving a motor vehicle or riding a motorcycle or bicycle, a direction

- (a) to stop the motor vehicle, motorcycle or bicycle,
- (b) to make it proceed in or keep to, a particular line of traffic, or
- (c) to proceed to a particular point on or near the road on which,
  - (i) the motor vehicle is being driven or propelled,
  - (ii) the motorcycle or bicycle is being ridden or propelled,

which is a direction given for the purpose of the survey, that person commits an offence if that person neglects or refuses to comply with the direction and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(3) The power to give a direction referred to in subsection (2) shall be exercised in a manner that does not cause an unreasonable delay to a person who indicates an unwillingness to provide information for the purposes of the survey.

**28. Drivers to comply with traffic signs**

- (1) Where a traffic sign,
- (a) of a prescribed size, colour and type, or
  - (b) of another character authorised by the Minister or a road authority,

has been lawfully placed on or near a road, a person driving a motor vehicle or riding a motorcycle or a bicycle who fails to comply with the indication given by the sign commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless,

- (a) the indication given by the sign is an indication of a statutory information, warning, prohibition, restriction or requirement, or
- (b) it is expressly provided by or under a provision of this Act or of the Regulations that this section shall apply to the sign or to the signs of a type of which the sign is one,

and, where the indication in paragraph (a) is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted for failure to comply with the indication unless that person has failed to comply with the warning, prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this section a traffic sign placed on or near a road is deemed,

- (a) of the prescribed size, colour and type, or of another character authorised by the Minister by the Regulations, unless the contrary is proved; or
- (b) lawfully so placed subject to subsection (2).

(4) Where a traffic survey is being carried out on or in the vicinity of a road, this section applies to a traffic sign by which a direction is given for the purposes of the survey,

- (a) to stop a motor vehicle or motorcycle;
- (b) to make the motor vehicle or motorcycle proceed in, or keep to, a particular line of traffic; or
- (c) to make the motor vehicle or motorcycle proceed to a particular point on or near the road on which the
  - (i) motor vehicle is being driven or propelled, or
  - (ii) motorcycle is being ridden or propelled.

## **29. Directions to pedestrians**

(1) Where a police officer or an authorised person is directing vehicular traffic on a road, a person on foot, on horseback or operating a tractor who proceeds across or along the carriageway in contravention of a direction to stop given by the police officer or the authorised person, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A person who jaywalks or ignores a traffic light signal, commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding one day.



*Cycling Offences and Cycle Racing***30. Dangerous cycling**

(1) A person who rides a cycle dangerously on a road commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) For the purposes of subsection (1), a person is to be regarded as riding dangerously if,

- (a) the way that person rides falls below what would be expected of a competent and careful cyclist, and
- (b) it would be obvious to a competent and careful cyclist that riding in that manner would be dangerous.

(3) For the purposes of subsection (2), “**dangerous**” includes danger of an injury to a person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which the cyclist could be expected to be aware but also to any of the circumstances shown to have been within the knowledge of the accused.

(4) Where a cycle track is provided alongside a road, a person riding a bicycle who fails to use the cycle track commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment for one day.

**31. Careless and inconsiderate cycling**

A person who rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road or place, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

**32. Cycling under the influence of alcohol or drugs**

(1) A person who, when riding a cycle on a road is unfit to ride by reason of alcohol or drugs to such an extent as to be incapable of having control of the cycle commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) A police officer may arrest without warrant a person committing an offence under subsection (1).

(3) Subject to subsections (4) and (5), a person arrested under subsection (2) may be detained at a police station until it appears to the police officer that, that person is in a position to ride safely home.

(4) A person shall not be detained in pursuance of subsection (3) if it appears to the police officer that there is no likelihood of the person riding the cycle, whilst that person’s ability to ride safely is impaired.

(5) A police officer shall consult a medical practitioner on a question arising under this section whether a person's ability to ride properly is or might be impaired by reason of drugs and shall act on the medical practitioner's advice.

(6) For the purposes of this section "drug" includes an intoxicant.

### 33. Regulation of cycle racing on roads

(1) A person who promotes or takes part in a race or trial of speed between cycles on a road commits an offence, unless the race or trial is authorised and is conducted in accordance with the Regulations.

(2) Without prejudice to any other powers exercisable in that behalf, a police officer may give directions with respect to the movement of, or the route to be followed by, vehicular traffic which are directions necessary or expedient to be given in relation to a given period to prevent or mitigate,

(a) congestion or obstruction of traffic, or

(b) danger to or from traffic,

in consequence of the holding of a race or trial of speed authorised by or under the Regulations.

(3) Directions under subsection (2) may include a direction that a road or part of a road specified in the direction shall be closed during that period to vehicles or to vehicles of a class so directed.

### 34. Electrically assisted pedal cycles

(1) An electrically assisted pedal cycle of a class specified in the Regulations shall not be driven on a road by a person under the age of eighteen.

(2) A person who,

(a) drives a pedal cycle, or

(b) knowingly or suspecting that another person is under the age of eighteen, causes or permits that person to drive a pedal cycle,

in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### 35. Prohibition of driving motor vehicles anywhere other than on roads

A person who drives a motor vehicle,

(a) onto or on land which is not a road, or

(b) on a road which is a footpath or a pedestrian walkway,

commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

**36. Highway Code**

(1) The Highway Code issued by the Minister and in existence immediately before the coming into force of this Act is continued in force subject to the revision and changes that the Minister may make.

(2) The Highway Code shall be printed and copies of it shall be made available to the public at a price determined by the Minister.

(3) Failure on the part of a person to observe a provision of the Highway Code constitutes an offence under this Act which may be relied on by a party to a proceeding as tending to establish or negate a liability which is in question in the proceedings.

**37. Regulations in respect of Part Two**

The Minister may, by Legislative Instrument, make Regulations,

- (a) for the provision for the holding on a road of races or trials of speed of any class or description, or of a particular race or trial of speed;
- (b) prescribing the procedure to be followed and the particulars to be given, in connection with applications for authorisations under the Regulations.

**PART THREE***Registration and Licensing of Motor Vehicles and Trailers**Registration***38. Registration of motor vehicles and trailers**

(1) A person shall not own or drive a motor vehicle or a motor trailer unless the motor vehicle or the trailer is registered under this Act.

(2) A person seeking registration of a motor vehicle or a trailer shall apply in the prescribed form to the Licensing Authority.

(3) On being satisfied that the applicant has complied with the requirements prescribed by the Regulations, the Licensing Authority may issue to the applicant a Vehicle Registration Certificate in respect of the motor vehicle or trailer.

**39. Register of motor vehicles and motor vehicles with trailers**

The Licensing Authority shall keep and maintain a register of the motor vehicles and trailers registered under this Act.

**40. Registration numbers**

(1) On the registration of a motor vehicle or trailer under section 38, the Licensing Authority shall assign to the motor vehicle or trailer a registration number comprising,

- (a) the prescribed prefix indicating the registration area in which the motor vehicle or trailer is registered,
- (b) a separate number, and
- (c) the prescribed suffix indicating the year of the registration of the motor vehicle or trailer.

(2) The Licensing Authority may, determine whether to, and the circumstances under which it may, withdraw a registration number for the time being assigned to a motor vehicle or trailer.

(3) The Licensing Authority shall, on the assignment or withdrawal made under subsection (2), make the necessary and consequential amendments to the register and the motor vehicle or trailer registration certificate.

(4) The Regulations may require the registration number assigned to a motor vehicle or trailer to be fixed in a prescribed manner to the motor vehicle or trailer, to any other motor vehicle drawn by the motor vehicle or to both, prescribe the size, the shape, colour, the character of the registration number to be fixed on a motor vehicle or trailer, and any other matter for the effective implementation of this section.

#### **41. Using an unregistered motor vehicle or trailer**

(1) A person who uses or keeps a motor vehicle or trailer which is not an exempt motor vehicle or trailer on a road when particulars of the motor vehicle or trailer have not been entered in the register maintained by the Licensing Authority in accordance with section 39, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) Despite subsection (1), the Licensing Authority may in writing authorise a specified motor vehicle or trailer to be used or kept on a specified road for a specified period without being so registered.

(3) The specified motor vehicle or trailer shall have a trade plate licence affixed to the front and rear of that motor vehicle or trailer.

#### **42. Failure to return registration document**

The registration document issued pursuant to the Regulations remains the property of the Licensing Authority and, when required by the Licensing Authority the registered owner, or any other person in possession of the document who fails to return the document, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

#### **43. Not fixing registration number**

The owner of a motor vehicle or trailer being used or kept on a road commits an offence where the registration number is not fixed as required by the Regulations, is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

#### **44. Obscured registration number**

When a registration number fixed on a motor vehicle or trailer being used or kept on a road is in any way,

- (a) obscured, or
- (b) rendered, or allowed to become, not easily distinguishable,

the owner commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

### *Trade Licences*

#### **45. Trade licences**

(1) The Licensing Authority may, on an application made to it and subject to prescribed conditions, issue a trade licence on the payment of the prescribed fee, to

- (a) a manufacturer of motor vehicles;
- (b) a tester of motor vehicles;
- (c) a motor vehicle trader;
- (d) a person who satisfies the Licensing Authority that that person intends to commence business as a motor vehicle trader or a tester of motor vehicles; or
- (e) a person authorised by the Licensing Authority to trade in trade licence plates.

(2) In the case of a motor trader who is a manufacturer of motor vehicles, a trade licence is a licence for motor vehicles,

- (a) which are from time to time temporarily in the trader's possession in the course of the trader's business as a motor trader;
- (b) kept and used by the trader solely for the purpose of conducting research and development in the course of the trader's business as a manufacturer; or
- (c) which are from time to time submitted to the trader by other manufacturers for testing on roads in the course of that business.

(3) In the case of any other motor trader, a trade licence is a licence for motor vehicles which are from time to time temporarily in the trader's possession in the course of the trader's business as a motor trader.

(4) In the case of a vehicle tester, a trade licence for motor vehicles which are from time to time submitted to the tester for testing in the course of the tester's business as a vehicle tester.

(5) In the case of a trader in trade licence plates, the trade licence plate shall be issued by the Licensing Authority to the trade to be hired out for the temporary use of individual vehicle importers, fleet dealers and fleet owners.

#### **46. Surrender of licence**

- (1) A person may hold two or more trade licences.
- (2) The holder of a trade licence may at any time surrender the licence to the Licensing Authority.

**47. Appeal to Minister**

Where the Licensing Authority refuses an application for a trade licence the applicant may, within the period prescribed by the Regulations, appeal to the Minister whose decision is binding on the Licensing Authority.

**48. Regulation of trade licence**

The Minister may by the Regulations provide for,

- (a) the re-issue of a new trade licence in place of a licence which is or may be lost, stolen, destroyed or damaged, and
- (b) the fee to be paid on re-issue of the licence.

**49. Use of vehicles by holders of trade licences**

(1) The holder of a trade licence is not entitled by virtue of the licence,

- (a) to use more than one motor vehicle at any one time except in the case of a motor vehicle drawing a trailer and used for a prescribed purpose; or
- (b) to use a motor vehicle for a purpose other than a purpose prescribed by the Regulations.

(2) A motor vehicle in respect of which a trade licence has been granted shall not be used to carry goods other than,

- (a) a load which is carried solely for the purpose of testing or demonstrating the motor vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the motor vehicle except for that purpose or in the case of an accident;
- (b) a load consisting of another motor vehicle used or to be used for travel from or to the place of delivery or collection in the case of a motor vehicle which is being delivered or collected;
- (c) a load built in as part of the motor vehicle or permanently attached to it;
- (d) a load which consists of parts, accessories or equipment designed to be fitted to the motor vehicle and of tools for fitting them to the motor vehicle; or
- (e) a load which consists of a trailer but not a trailer which is for the time being defective or scrap.

**50. Misuse of a trade licence**

A person who holds a trade licence or trade licences and uses,

- (a) at any one time on a road, a greater number of motor vehicles than the person is authorised to use by virtue of the trade licence or licences,
- (b) a motor vehicle on a road for any purposes other than a purpose which has been prescribed by Regulations, or
- (c) the trade licence, or any of the trade licences, for the purposes of keeping on a road in any circumstances other than circumstances which have been prescribed, a motor vehicle, which is not being used on that road,

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not exceeding one thousand penalty units or to imprisonment for a term not exceeding three years or to both the fine and the imprisonment.

### 51. Regulations in respect of registration and trade licences

The Minister may, by legislative instrument, make the Regulations,

- (a) prescribing the details of the procedure for registration, the particulars to be included in the application and the registration fees to be charged;
- (b) requiring the registration number assigned to a motor vehicle to be fixed in a prescribed manner to the motor vehicle, and prescribe the size, the shape, colour and the character of the registration number to be fixed on a motor vehicle;
- (c) as to the mode of application for the allocation of registration marks;
- (d) for the transfer of registration marks allocated to a motor dealer in cases where the motor dealer dies or becomes incapacitated or bankrupt and cancellation of allocations of registration marks;
- (e) providing for the issue of a new trade licence and trade licence plate in the place of a licence or plate which is or may be lost, stolen, destroyed, damaged or expired and the fee to be paid on the issue of the licence; and
- (f) prescribing the conditions subject to which trade licences or trade licence plates are to be issued, and any other matter or thing that needs to be prescribed for the purposes of registration of trade licences.

### 52. Interpretation

(1) In this Part, unless the context otherwise requires,

“**Licensing Authority**” means the Driver and Vehicle Licensing Authority;

“**motor dealer**” means a person carrying on the business of selling or supplying motor vehicles;

“**motor trader**” means,

- (a) a manufacturer or repairer of, or dealer in, motor vehicles, or
- (b) any other person who carries on a business consisting wholly or mainly of collecting and delivering motor vehicles, and not including any other activities except activities as a manufacturer or repairer of, or dealer in, motor vehicles;

“**owner**” means the person in whose name the motor vehicle or cycle is registered;

“**vehicle tester**” means a person, other than a motor trader, who regularly in the course of the person’s business engages in the testing on roads of motor vehicles belonging to other persons.

(2) For the purposes of this Part a person keeps a motor vehicle on a public road if that person causes it to be on the road for a period, however short, when it is not in use there.

## PART FOUR

*Licensing of Drivers of Motor Vehicles***53. Driving Licences**

(1) Except as otherwise provided in this Act, a person shall not drive a motor vehicle of any description or class on a road unless that person is a holder of a driving licence authorising that person to drive a motor vehicle of that description or class.

(2) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or both the fine and the imprisonment.

**54. Application for driving licence**

(1) An application for a driving licence shall be made in the prescribed form to the Licensing Authority.

(2) A driving licence may authorise the holder to drive a class or classes, or a type of a motor vehicle specified in the licence by the Licensing Authority.

**55. Recognition of driving licences of other countries**

A driving licence issued under the corresponding provisions of any law in force in any other country may be recognised for conversion into driving licence issued under this Act, and under such conditions that the Licensing Authority may from time to time prescribe.

**56. Test of competence to drive**

(1) A driving licence shall not be granted to an applicant unless the applicant has satisfied the Licensing Authority that the applicant has

- (a) passed the prescribed test of competence,
- (b) held a licence issued by the Licensing Authority, authorising the applicant to drive a motor vehicle of the class or description,
- (c) held a licence issued by a competent authority in any other country authorising the applicant to drive a motor vehicle of the class or description which the applicant would be authorised, by the driving licence for which the applicant is applying.

(2) A test of competence is sufficient for the granting of a licence authorising the driving of motor vehicles

- (a) of any class, if at the time the test was passed it authorised the granting of a licence to drive motor vehicles of that class;
- (b) of classes that are designated by Regulations as a group, if at the time the test was passed it authorised the granting of a licence to drive motor vehicles of any class included in the group; and
- (c) of classes included in a group other than a group referred to in paragraph (b).



**57. Requirements as to physical fitness**

(1) An application for the grant of a licence shall include a declaration by the applicant, stating

- (a) whether the applicant is suffering from any disease or disability, or
- (b) any other disability likely to cause the driving of a motor vehicle by the applicant to be a source of danger to the public.

(2) Where it appears from the applicant's declaration, or on inquiry the Licensing Authority is satisfied that the applicant is suffering from a disease, the Licensing Authority shall, subject to this section, refuse to grant the licence.

(3) Where, as a result of a test of competence to drive or of information obtained, the Licensing Authority is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disease which is likely to be a danger to the public if that person drives a motor vehicle, the Licensing Authority shall after giving to the licence holder notice, revoke the driving licence.

(4) A person whose license is revoked by virtue of subsection (3) shall deliver the licence to the Licensing Authority and a person who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(5) A person who is licensed and authorised to drive a motor vehicle of any class, and who drives a motor vehicle of that class on a road commits an offence if the declaration made under subsection (1) in the application on which the licence was granted was one which that person knew to be false.

**58. Revocation, suspension or cancellation of licence**

(1) The Licensing Authority may suspend, revoke or cancel a licence granted to a person under this Act.

(2) The Licensing Authority shall serve notice in writing on the licence holder suspending, revoking or cancelling the licence with effect from the date specified in the notice and stating the reason for so doing.

(3) A person is not in breach of the requirement of subsection (2) if the person whose licence is revoked under subsection (1) is not in possession of the licence because the licence is surrendered to a police officer or an authorised person and the licence is delivered to the Licensing Authority immediately on its return.

**59. Provision of information**

(1) If at any time during the period for which a licence remains in force, the licence holder becomes aware,

- (a) that the holder is suffering from a disease that can affect the holder's ability to drive which the holder has not disclosed to the Licensing Authority; or
- (b) that a disease from which the holder has at any time suffered and which has been disclosed has become more acute since the licence was granted,

the licence holder shall notify the Licensing Authority in writing of the nature and extent of the holder's disability.

(2) A person who fails to notify the Licensing Authority as required by subsection (1), commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(3) Where the prescribed circumstances that obtain in relation to a person who is an applicant for, or the holder of, a licence or if the Licensing Authority has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a disease, subsection (4) applies for the purpose of enabling the Licensing Authority to satisfy itself whether or not that person may be suffering from that or any other disease.

(4) The Licensing Authority may by notice in writing served on the applicant or holder,

- (a) require the applicant or holder to provide the Licensing Authority, within a reasonable time specified in the notice, with an authorisation as is mentioned in subsection (6), or
- (b) require the applicant or holder, as soon as is practicable, to arrange to submit to examination;
  - (i) by a registered medical practitioner appointed by the Licensing Authority, or
  - (ii) with respect to a disease of a prescribed description, by the officer of the Licensing Authority as may be so appointed,

for the purpose of determining whether or not the applicant or holder suffers or has at any time suffered from any disease.

(5) Where the application is for, or the licence held is a learner's licence, the Licensing Authority may by notice to the applicant require the applicant to submit to a test of competence to drive as directed in the notice.

(6) The authorisation referred to in subsection (4) (a),

- (a) shall be in the prescribed form and contain the prescribed particulars specified in the notice by which it is required to be provided, and
- (b) shall authorise a registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned, to release to the Licensing Authority the information which the medical practitioner may have, or which may be available to the medical practitioner with respect to the question whether the applicant or the licence holder concerned may be suffering, or may at any time have suffered from the disease and if so, to what extent.

(7) Where a person on whom a notice is served under subsection (5)

- (a) fails to comply with a requirement contained in the notice, or
- (b) fails a test of competence which that person is required to take under this section,

and the Licensing Authority is satisfied that the applicant or licence holder concerned is suffering from a disease, the Licensing Authority may revoke the driving licence of the holder or refuse to grant a licence to the applicant.

(8) Except where the requirement is made in the circumstances prescribed for the purposes of subsection (4), the Licensing Authority may defray the fees or any other reasonable expenses of a registered medical practitioner in connection with,

- (a) the provision of information in pursuance of an authorisation required to be provided under subsection (4) (a), or
- (b) an examination which a person is required to undergo under subsection (4) (b).

#### **60. Driving after refusal or revocation of licence**

A person commits an offence where that person drives a motor vehicle in respect of which the Licensing Authority has refused to grant a licence or has revoked the licence and that person is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment for a term not exceeding twelve months or to both the fine and the imprisonment.

#### **61. Driving with uncorrected defective eyesight**

(1) A person who drives a motor vehicle on a road while that person cannot comply with a requirement as to eyesight prescribed under this Part for the purposes of a test of competence to drive, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) Where a police officer suspects that a person driving a motor vehicle is likely to commit an offence under subsection (1), the officer may require that person to submit to a test for the purpose of ascertaining whether, using no other means of correction than what that person used at the time of driving, that person can comply with the requirement concerned.

(3) A person who refuses to submit to the test commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

#### **62. Learner's licence**

(1) For the purposes of enabling a person to learn to drive a motor vehicle with a view to passing a test of competence to drive, the Licensing Authority may grant that person a learner's driving licence, subject to that person satisfying the conditions or any requirements that the Licensing Authority may prescribe.

(2) A learner's driving licence may, in the case of a person who appears to the Licensing Authority to be suffering from a disease or disability, be restricted to the driving of motor vehicles of a particular construction or design specified in the learner's driving licence.

(3) A learner's driving licence does not authorise a person, prior to that person passing the relevant test of competence, to drive on a road a motor vehicle of any class except where that person has successfully completed an approved training course for motor vehicles of that class or is undergoing training on that course and is driving the motor vehicle on the road as part of the training.

(4) For the purpose of being taught to drive, a person not holding a licence to drive a motor vehicle and who is,

- (a) not suffering from a disease or disability which is likely to cause the driving by that person of the class of motor vehicle which that person is being taught to drive, to be a source of danger to the public, and
- (b) eighteen years of age or over and in the case of a person being taught to drive a commercial vehicle is twenty-five years of age or over,

may drive a motor vehicle, other than a motorcycle or heavy motor vehicle, if,

- (c) that person is accompanied for instruction by and sitting next to a licensed driver, and
- (d) the motor vehicle displays conspicuously at the front and rear the prescribed plate or disc.

### **63. A licence granted in error**

(1) Where it appears to the Licensing Authority that a licence was granted in error because of a mistake or an omission in the particulars specified in the licence or particulars required to be endorsed on it, the Licensing Authority may serve notice in writing on that person requiring the surrender of the licence to the Licensing Authority and that person shall comply with the requirement.

(2) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall immediately surrender the licence to the Licensing Authority and provide it with particulars of the alterations to be made in the name or address.

(3) A person who fails to comply with a request or a duty under this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(4) On the surrender of a licence under subsection (1), the Licensing Authority,

- (a) shall, except where the licence is surrendered in pursuance of this section in consequence of an error or omission which appears to the Licensing Authority to be attributable to that person's fault or in consequence of a current disqualification, or
- (b) may in a case which does not involve a current disqualification,

grant to that person free of charge a new licence expiring on the date on which the surrendered licence would have expired had it not been surrendered.

**64. Appeals relating to licences**

(1) A person who is aggrieved by the refusal of the Licensing Authority to grant a licence, the revocation, suspension or cancellation of a licence or a notice served in respect of a licence may, within twenty-eight days of the notice of refusal appeal to the Court.

(2) On an appeal the Court may make an appropriate order having due regard for public safety.

**65. Disqualification of persons under age**

(1) A person is disqualified from holding or obtaining a licence to drive,

- (a) an invalid carriage, if that person is under eighteen years;
- (b) a motorcycle, if that person is under eighteen years;
- (c) a commercial vehicle, if that person is under twenty-five years;
- (d) an agricultural tractor, if that person is under twenty-one years; or
- (e) any other motor vehicles, if that person is under eighteen years.

(2) The Regulations may impose conditions or exemptions to subsection (1).

**66. Disqualification to prevent duplication of licences**

A person is disqualified from obtaining a licence authorising that person to drive a motor vehicle of any class while that person is the holder of another licence authorising that person to drive a motor vehicle of a particular class, whether the licence is suspended or not.

**67. Obtaining licence or driving while disqualified**

(1) A person commits an offence if, while disqualified from holding or obtaining a licence, that person,

- (a) obtains a licence, or
- (b) drives a motor vehicle on a road.

(2) A licence obtained by a person who is disqualified is not a valid license, where the disqualification relates only to motor vehicles of a particular class, the license is not valid in relation to the motor vehicles of that class.

(3) A police officer may arrest without warrant a person driving a motor vehicle on a road which the police officer has reasonable cause to suspect of being disqualified.

(4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

**68. Driving schools**

(1) A person shall not operate a driving school unless the driving school has been registered by the Licensing Authority.

(2) A person seeking to operate a driving school shall submit in the prescribed form to the Licensing Authority an application for registration accompanied with the prescribed fee and information.

(3) On the receipt of an application referred to in subsection (2), the Licensing Authority shall, if satisfied that the prescribed requirements for the registration of that driving school have been met, grade and register the driving school in the prescribed manner.

(4) The Licensing Authority may, if a registered driving school no longer complies with the requirements referred to in subsection (3), suspend the registration of that driving school for the period that it may determine, or disregard or cancel the registration in the prescribed manner.

(5) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand and five hundred penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

### **69. Driving instructors**

(1) A person shall not act as a driving instructor unless that person

- (a) has passed the prescribed examination,
- (b) holds a current driving licence granted under this Act,
- (c) is mentally and physically fit to act as an instructor, and
- (d) is registered as an instructor.

(2) A person referred to under subsection (1) shall only be registered as an instructor in respect of a class of motor vehicles which that person is licensed to drive.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

### **70. Application for registration of driving instructors**

(1) A person seeking to act as an instructor in the driving of motor vehicles shall apply in the prescribed form to the Licensing Authority.

(2) The Licensing Authority shall issue the applicant with a certificate on the payment by the applicant of the prescribed fee.

(3) The Licensing Authority shall record in the Register of Driving Instructors the names of driving instructors registered under this Act.

(4) Before the requisite entry is made in the register, the applicant shall satisfy the Licensing Authority that the applicant,

- (a) has passed the prescribed examination of ability to give instruction in the driving of motor vehicles,
- (b) is the holder of a valid licence which authorises the applicant to drive a motor vehicle under this Act,

- (c) has not, during any part of the period of four years ending with the day on which the application is made, been disqualified from holding or obtaining a licence to drive a motor vehicle, and
- (d) is a fit and proper person to have the applicant's name entered in the register.

(5) When a person who held a valid learner's licence to drive a motor vehicle granted under this Act, passes the test of competence to drive a motor vehicle prescribed by this Act, that person shall be regarded as holding the valid licence mentioned in paragraph (b) of subsection (4).

(6) The entry of a person's name in the register is subject to the condition that, while that person's name is in the register, that person will, if at any time required to do so by the Licensing Authority, undergo the test prescribed for continued ability and fitness to give instruction in the driving of motor vehicles.

(7) The Regulations may provide that persons of the class specified in the Regulations shall be exempt from the condition mentioned in subsection (4) (a) as regards the whole or a part of the examination mentioned in that paragraph as may be so specified.

(8) The Licensing Authority shall, on making a decision on an application under subsection (2), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the applicant, shall state the grounds of the refusal.

#### **71. Display of registration certificate**

(1) A person shall not give instructions in the driving of a motor vehicle unless that person wears in the course of instruction, an instructor's Identity Card issued by the Licensing Authority.

(2) An instructor's Identity Card is not valid unless the certificate number of the instructor is embossed on it.

(3) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to imprisonment for a term not exceeding twelve months or to both the fine and the imprisonment.

#### **72. Duration of registration**

(1) A recognition by the Licensing Authority of a registered instructor remains valid for a period of one year from the date of registration.

(2) The Licensing Authority shall remove from the register the name of an instructor on the expiration of each registration year unless the instructor has applied under subsection (3) for a renewal of the registration.

(3) A person may, before that person's name is removed under subsection (2), apply to the Licensing Authority, in the prescribed manner, for the retention of that person's name in the register for a further period of one year.

(4) A person whose name is removed from the register under subsection (2), may apply to the Licensing Authority for that person's name to be entered again in the register.

(5) On an application under this section, the applicant shall, on payment of the prescribed fee, have that person's name retained in the register for a further period of two years if that person has satisfied the Licensing Authority that,

- (a) that person has not refused to undergo a test required of the person,
- (b) that person's ability and fitness to give instruction in the driving of motor vehicles continue, having regard to those tests which that person has undergone during that period, to be of a satisfactory standard,
- (c) that person is the holder of a valid licence,
- (d) that person has not during any part of that period been disqualified from holding or obtaining a licence to drive a motor vehicle, and
- (e) that person is a fit and proper person to have that person's name entered in the register.

### **73. Refusal to register a driving instructor or a driving school**

(1) Where the Licensing Authority refuses to register an instructor or a driving school, the Licensing Authority shall give notice to the applicant in writing of the decision to refuse and the grounds for refusal within twenty-eight days of the decision.

(2) Where the Licensing Authority gives notice under subsection (1),

- (a) the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations to the Licensing Authority,
- (b) the Licensing Authority shall not refuse the application until after the expiration of that period, and
- (c) the Licensing Authority shall take into consideration the representations made by the applicant within that period before deciding whether or not to refuse the application.

(3) A decision to refuse an application shall take effect

- (a) where an appeal is not brought against the decision, within the time limited for the appeal, on the expiration of that time;
- (b) where an appeal is brought and is withdrawn or struck out, on the day of the withdrawal or striking out of the appeal; or
- (c) where an appeal is dismissed, on the day of the dismissal of the appeal.

### **74. Removal of names from the register**

(1) The Licensing Authority may remove the name of a person from the register if the Licensing Authority is satisfied that, that person

- (a) does not hold a valid licence;
- (b) is disqualified from holding or obtaining a licence to drive a motor vehicle;
- (c) has refused to undergo a test of competence to drive a motor vehicle when required to do so;
- (d) has failed the test of competence;



- (e) is not a fit and proper person to have that person's name included in the register; or
- (f) has died.

(2) A person whose name is removed from the register may apply to the Licensing Authority for that person's name to be entered again in the register after the condition leading to the removal has ceased to exist.

### *Appeals*

#### **75. Appeals**

A person who is aggrieved by a decision of the Licensing Authority,

- (a) to refuse an application for the entry of that person's name in the register,
- (b) to refuse an application for the retention of that person's name in the register, or
- (c) to remove that person's name from the register,

may by notice in writing appeal to the Minister within twenty-eight days beginning with the day on which notice of the decision was received in accordance with this Act.

#### **76. Offences in respect of the register**

(1) Where a person whose name is not in the register,

- (a) takes or uses a title prescribed under this section,
- (b) wears or displays a badge or certificate so prescribed, or
- (c) takes or uses any name, title, addition or a description implying that that person's name is in the register,

that person commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) Where a person carrying on business in the provision of instruction in the driving of motor vehicles,

- (a) uses a title or description so prescribed in relation to a person whose name is not in the register but is employed by that person, or
- (b) issues an advertisement or invitation calculated to mislead the public with respect to the extent to which persons whose names are in the register are employed by that person,

that person commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**77. Surrender of certificates or licences**

(1) Where the name of a person to whom a certificate is issued is removed from the register in pursuance of this Part, that person shall on receipt of written notification from the Licensing Authority surrender the certificate to the Licensing Authority within fourteen days of the receipt of the notice.

(2) A person who contravenes a provision of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**78. Production of certificates and licences to police officers and authorised persons**

(1) A person to whom a certificate is issued under this Part, shall on being so required by a police officer or a person authorised by the Licensing Authority in that behalf, produce the certificate for examination.

(2) A person who is required under subsection (1), to produce a certificate and fails to do so, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**79. Service of notices**

(1) A notice required to be given under this Part to a person may be given by

- (a) delivering it to that person, or
- (b) leaving it at that person's last known postal address or place of business, or
- (c) by sending it to that person by post or by registered mail.

(2) For the purposes of subsection (1), the last known postal address of a person is, in the case of a person whose name is included in the register, the person's address in the register, and in any other case the usual address or latest address known to the person giving the notice.

*Construction and Use of Motor Vehicles and Equipment***80. Use of vehicle in a dangerous condition**

(1) A person commits an offence if that person causes or permits another person to use a motor vehicle or trailer on a road when

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment,
- (b) the purpose for which it is used,
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person or damage to property.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

### **81. Regulation of construction, weight, equipment and use of vehicles**

The use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used shall be prescribed by the Regulations.

### **82. Contravention of requirement for brakes, steering-gear or tyres**

A person who,

- (a) contravenes or fails to comply with a construction and use requirement for brakes, steering-gear,
- (b) uses on a road, a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle to be so used, or
- (c) uses or permits to be used on a road, a motor vehicle or a trailer, the tyres of which are not of the required specification for the vehicle or trailer or that are worn out,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### **83. Failure to comply with requirements for weights of commercial vehicles**

A person who

- (a) contravenes or fails to comply with a construction and use requirement of a weight applicable to
  - (i) a cargo vehicle, or
  - (ii) a motor vehicle or trailer adapted to carry more than eight passengers, or
- (b) uses on a road a vehicle which does not comply with that requirement, or causes or permits a motor vehicle to be so used,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### *Carriage of Hazardous Goods by Road*

### **84. Regulations in respect of carrying hazardous goods**

(1) A person shall not send or carry hazardous goods by road except in accordance with the provisions of this Part.

(2) The Minister may, by legislative instrument make Regulations to specify which goods, articles or materials carried on road are hazardous goods.

(3) Without limiting the generality of subsection (2), the Minister may, by legislative instrument, make Regulations for,

- (a) the method of packing;

- (b) the quantity of goods which may be carried on a road;
  - (c) the labelling on the package or container which contain goods;
  - (d) precautions to be taken with respect to the carriage of the goods; and
  - (e) the training and certification of drivers who transport hazardous goods.
- (4) The provisions of this section do not apply to the carriage of military goods.

#### **85. Carriage and labelling of hazardous goods**

(1) A person shall not send or carry hazardous goods by road without distinctly labelling in the prescribed manner on the outside of the outer most package that contains the goods,

- (a) the composition of the goods, and
- (b) the name and address of the sender, owner or consignee.

(2) A person who contravenes the provision of subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

#### **86. Rejection and disposal of hazardous goods by road**

A driver of a motor vehicle may refuse to take on board package or parcel which the driver suspects contains hazardous goods and may request the owner of the package or parcel to open and disclose the contents of the package or parcel.

#### **87. Forfeiture of hazardous goods**

(1) Where hazardous goods sent by or carried on a road are the subject matter of an offence under sections 84 and 85, a Court may order that those goods and the package or container for the goods be seized and forfeited to the State.

- (2) The Court may exercise the powers conferred on it under subsection (1) although,
- (a) the owner of the goods has not committed an offence in respect of the goods, or
  - (b) the owner of the goods is unknown.

(3) The Court shall, prior to the forfeiture of the dangerous goods under this section, duly notify the owner, consignee or person in temporary possession of the goods of the pending forfeiture.

#### **88. Contravention of other construction and use requirements**

A person who

- (a) contravenes or fails to comply with a construction or use requirement other than one within sections 82 (1) (a) or 83 (1) (a), or
- (b) uses on a road, a motor vehicle or trailer which does not comply with the a requirement, or causes or permits a motor vehicle or trailer to be so used,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**89. Liability of owner and other persons for breach of construction and use requirements**

Where a person contravenes or fails to comply with a construction and use requirement relating to the construction or equipment of a motor vehicle or trailer or the conditions under which it may be used on a road, the owner as well as any other person who has custody or control of the motor vehicle or trailer also commits the offence created by the failure or the contravention.

**90. Regulations in respect of licensing of driver of motor vehicles, construction and weight requirements of motor vehicles**

The Minister may, by legislative instrument make Regulations

- (a) to prescribe the fees to be paid for a licence, the duration of a licence and any other matters which are incidental to the issue of a driving licence;
- (b) with respect to
  - (i) the nature of test of competence to drive,
  - (ii) the qualifications, selection and appointment of persons by whom they may be conducted,
  - (iii) evidence of the result of the test,
  - (iv) the nature of the courses of training,
  - (v) the approval by the Licensing Authority of the persons providing the courses,
  - (vi) the maximum amount of the charges payable by persons undergoing the training in consultation with proprietors of driving schools,
  - (vii) certificates evidencing the successful completion by persons of a course of training and the supply by the Licensing Authority of the forms which are to be used for the certificates,
  - (viii) the making, in connection with the supply of forms of certificates, of reasonable charges for the performance of the functions of the Licensing Authority under the Regulations, and
  - (ix) training in respect of different classes of motor vehicles;
- (c) for requiring a person to submit to a part of an examination which consists of a written and practical test or to a test of continued fitness;
- (d) alter or add to the conditions which the Licensing Authority is required by this Part to be satisfied for the entry of a name in the register, for the retention of a name in the register, for the removal of a name from the register or omit any of those conditions;
- (e) for the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of the wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;

- (f) for the conditions under which weights may be tested; and
- (g) for any other matter or thing that needs to be prescribed under this Part.

#### **91. Interpretation in respect of Part Four**

In this Part, “**construction and use requirements**” means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this Act.

### **PART FIVE**

#### *Tests of Vehicles and Issue of Road Use Certificates*

#### **92. Tests of condition of motor vehicles**

(1) A vehicle used on a road shall be submitted for examination in accordance with this Act or the Regulations.

(2) Unless otherwise provided for under this Act in respect of cargo vehicles or a class of motor vehicles, this Part applies to all motor vehicles used on a road.

(3) The examination shall be conducted every six months in respect of commercial vehicles and once every year in respect of private vehicles or within the prescribed period and shall be conducted to determine that

- (a) the motor vehicle conforms to the prescribed requirements relating to the construction and condition of the motor vehicle, its accessories and other equipment, and
- (b) the condition of the motor vehicle is such that its use on the road will not involve a danger of injury to a person or damage to property.

(4) On the examination the owner of the vehicle shall pay the prescribed fee.

#### **93. Persons to conduct examinations of vehicles**

(1) The examination shall be conducted by the Licensing Authority or any other examiner as the Licensing Authority may grant authorisation to conduct the examination.

(2) The Licensing Authority may authorise an examiner to conduct the examinations subject to conditions determined by the Licensing Authority.

(3) The Licensing Authority may for the purposes of motor vehicle examinations,

- (a) maintain motor vehicle stations where examinations may be conducted,
- (b) maintain the apparatus for conducting the examinations, and
- (c) designate private motor vehicle testing stations where vehicle examinations may be conducted.

#### **94. Road use certificate**

(1) A person shall not

- (a) drive or use, or
- (b) permit any other person to drive or use,

a motor vehicle on a road unless there is in force in respect of the motor vehicle a road use certificate provided for under this Act.

(2) A person who contravenes a provision of subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding two months or to both the fine and the imprisonment.

(3) An application for a road use certificate shall be made to the Licensing Authority in the prescribed form.

(4) An application for a road use certificate shall be accompanied with the prescribed fee and particulars.

(5) The fee shall be paid once in every six months in respect of commercial vehicles and once every year in respect of private motor vehicles.

#### **95. Issue of road use certificate/sticker**

(1) The Licensing Authority shall, on payment of the prescribed fee, issue to the applicant a certificate in the form of a sticker for the motor vehicle.

(2) The sticker shall be displayed on the front windscreen of the motor vehicle so as to be readily identified by a police officer or the Licensing Authority.

(3) The road use certificate remains valid for six months in the case of commercial vehicles and twelve months in the case of private motor vehicles from the date of issue.

(4) Where the Licensing Authority is satisfied that a road use certificate has become defaced or is lost, the Licensing Authority may issue a duplicate road use certificate on payment of the prescribed fee.

#### **96. Exemption from requirement for road use certificate**

The requirement for road use certificate does not apply to

- (a) motor vehicles owned by the Armed Forces, the Police Service or the Prisons Service,
- (b) Fire Service motor vehicles,
- (c) a motor vehicle exempted by an instrument issued by the Minister under this Act.

#### **97. Using vehicle with unauthorised weights as well as authorised weights marked on it**

(1) Where there is fixed to a vehicle a plate containing plated weights of any description determined for that vehicle under this Act, the driver of the vehicle shall not, while it is used on a road,

- (a) alter the prescribed weight of the vehicle, or
- (b) carry any load or persons in excess of the prescribed weight or number.

(2) In the event of a contravention of this section, the driver and any other person having custody or control, of the cargo vehicle commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### *General Provisions Relating to Motor Vehicle Examination*

#### **98. Motor vehicle examiners**

(1) The Licensing Authority may appoint motor vehicle examiners for the purpose of performing the functions conferred on it under this Act and any other enactment.

(2) A vehicle examiner appointed under subsection (1) shall act under the general directions of the Licensing Authority.

#### **99. Testing of condition of motor vehicles on roads**

(1) A vehicle examiner may test a motor vehicle on a road for the purpose of ascertaining whether the motor vehicle's

- (a) construction and use requirements, and
- (b) requirement that the motor vehicle when used on a road would not pose a danger or injury to a person or damage to property,

are complied with in respect of the motor vehicle.

(2) A police officer shall not stop a motor vehicle for a test unless that police officer is in uniform.

(3) Where it appears to a police officer that, by reason of an accident having occurred owing to the presence of a motor vehicle on a road, it is necessary that a test should be carried out immediately, the police officer may require it to be carried out and, if the police officer is not to carry it out personally, may require that the motor vehicle shall not be taken away until the test has been carried out by the Licensing Authority.

(4) Where the presence of the vehicle may pose a danger, or damage property, the police officer may authorise the removal of the vehicle to a designated place for testing.

(5) A person who obstructs a police officer or a vehicle examiner acting under this section, or fails to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(6) A vehicle examiner shall produce the authority to act for the purposes of this section if required to do so.

(7) In this section, references to a motor vehicle include a reference to a trailer drawn by it.



**100. Examination of commercial vehicles**

- (1) A vehicle examiner or a police officer
  - (a) may at any time, examine a motor vehicle to which this section applies and for that purpose detain the motor vehicle during the time that is required for the examination, and
  - (b) may at any time which is reasonable having regard to the circumstances of the case, enter the premises on which the examiner or officer has reason to believe that a motor vehicle is kept and an authorised inspector may exercise the powers given by paragraph (a) in relation to a motor vehicle brought to a place of examination.

(2) The power conferred by subsection (1) to examine a motor vehicle includes a power to test it and drive it for the purpose of testing it.

(3) A vehicle examiner or a police officer may at any time require a person in charge of a motor vehicle to which this section applies and which is stationary on a road to proceed with the motor vehicle for the purpose of having it examined under this section to a place where an examination can be suitably carried out.

(4) A person in charge of a motor vehicle who refuses or neglects to comply with a requirement made under subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding two months or to both the fine and the imprisonment.

**101. Power to prohibit driving of unfit motor vehicles**

(1) Where on the examination of a motor vehicle it appears to a vehicle examiner or an authorised inspector or police officer that owing to the defects in the motor vehicle it is, or is likely to become, unfit for service, that examiner or inspector may prohibit the driving of the motor vehicle on a road

- (a) absolutely, or
- (b) for one or more specified purposes.

(2) Where on the examination it appears to a police officer that owing to the defects in the motor vehicle driving it would involve a danger or injury to a person, the police officer may prohibit the driving of the motor vehicle on a road,

- (a) absolutely, or
- (b) for one or more specified purposes.

(3) A prohibition under this section shall come into force at a time not later than ten days from the date of the examination as seems appropriate to the vehicle examiner or authorised inspector or police officer imposing the prohibition, having regard to the circumstances, and a prohibition shall continue in force until it is removed under this Act.

(4) A person imposing a prohibition under this section shall give notice in writing of the prohibition to the person in charge of the motor vehicle at the time of the examination

- (a) specifying the defects which occasioned the prohibition,
- (b) stating the relevant prohibition, and
- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(5) Where a notice is given under subsection (4), a vehicle examiner or police officer may grant an exemption in writing for the use of the motor vehicle in a manner, subject to the conditions and for purposes specified in the exemption.

### 102. Prohibition conditional on examination

(1) Where it appears to the person imposing a prohibition under this Act that the motor vehicle is adapted to carry goods or passengers, or is a public service vehicle not so adapted to carry passengers or goods, the prohibition may be imposed with a direction not to remove the vehicle unless the motor vehicle has been examined at an official testing station.

(2) In any other case, a prohibition may be imposed with a direction not to remove the motor vehicle unless the motor vehicle has been examined in accordance with the Regulations made.

(3) For purposes of this section, “public service vehicle” includes fire tenders and bullion vehicles.

### 103. Power to prohibit driving of overloaded cargo vehicles

(1) Subsections (2) and (3) apply where a cargo vehicle or a motor vehicle adapted to carry passengers or goods has been weighed in pursuance of a requirement imposed under this Act and it appears to

- (a) a vehicle examiner,
- (b) a person authorised with the consent of the Licensing Authority to act for the purposes of this subsection, or
- (c) a police officer authorised to act for those purposes by a senior police officer,

that, the limit imposed by construction and use requirements with respect to a description of weight which is applicable to that motor vehicle has been exceeded or would be exceeded if it were used on a road, because of excessive overall weight or excessive axle weight on an axle and that, driving the motor vehicle would involve a danger or injury to a person or cause damage to property.

(2) The person to whom it so appears may, whether or not a notice is given under of this Act, give notice in writing to the person in charge of the motor vehicle prohibiting the driving of the motor vehicle on a road until

- (a) the weight is reduced to that limit or it is no longer excessive, and
- (b) official notification in writing has been given to the person in charge of the motor vehicle that it is permitted to proceed.

(3) The person to whom it so appears may also by direction in writing require the person in charge of the motor vehicle to remove it to the place and subject to the conditions specified in the direction.

(4) Official notification for the purposes of subsection (2) may be withheld until the motor vehicle is weighed or reweighed in order to satisfy the person giving the notification that the weight has been reduced to the prescribed limit.

**104. Offence in respect of roadworthy and overloaded motor vehicles**

(1) A person who

- (a) drives a motor vehicle in contravention of a prohibition under this Part;
- (b) causes a motor vehicle to be driven in contravention of such a prohibition; or
- (c) fails to comply within a reasonable time, with a direction under this Part,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) The Minister may, by Legislative Instrument, make Regulations in respect of exemption under this section.

**105. Removal of prohibitions**

(1) A prohibition may be removed by an authorised officer of the Licensing Authority if the officer is satisfied that the motor vehicle is roadworthy.

(2) A person aggrieved by the refusal of a vehicle examiner or police officer to remove a prohibition may appeal to the Minister.

(3) The Minister may make an appropriate order on the appeal.

(4) Where the authorised officer removes a prohibition, the officer shall immediately give notice of the removal to the owner of the motor vehicle or any other person who has custody or control of the motor vehicle.

(5) The Licensing Authority may require the payment of fees, in accordance with the prescribed scales and rates, for the inspection of a motor vehicle with a view to the removal of a prohibition; and payment of fees may be required to be made in advance.

(6) The Regulations may prescribe anything which may be prescribed under this section and for regulating the procedure, and fees payable, on appeals to the Licensing Authority under subsection (2).

**106. Vehicle examination centres**

The Licensing Authority may provide and maintain official vehicle examination centres as well as designate private testing stations where examination of motor vehicles may be carried out and the stations may provide and maintain the apparatus for carrying out the examinations.

**107. Fitting and supply of defective or unsuitable vehicle parts**

(1) A person who

- (a) supplies or fits a motor vehicle part to a motor vehicle, or

(b) causes or permits a motor vehicle part to be fitted to a motor vehicle, in circumstances where the use of the motor vehicle on a road would, by reason of that part being fitted to the motor vehicle, involve a danger or injury to a person or damage to property or constitute a contravention of, or failure to comply with, any of the construction and use requirements, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) An authorised motor vehicle examiner may at a reasonable time enter premises where, in the course of a business, motor vehicle parts are fitted to motor vehicles or are supplied, test and inspect a motor vehicle or motor vehicle part found on those premises, for the purposes of ascertaining whether

- (a) a motor vehicle part has been fitted to a motor vehicle in circumstances where the use of the motor vehicle on a road would, by reason of that part being fitted to the motor vehicle, constitute a contravention of, or failure to comply with a of the construction and use requirements or involve a danger or injury to any person or damage to property, or
- (b) the motor vehicle part could not be supplied for fitting to a motor vehicle used on the roads without the commission of an offence under this Act.

(3) For the purpose of testing a motor vehicle and a trailer drawn by the motor vehicle, the vehicle examiner may drive it and for the purpose of testing a trailer may draw the trailer with the motor vehicle.

(4) A person who obstructs a vehicle examiner acting under subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding two months or to both the fine and the imprisonment.

### **108. Weighing of motor vehicles**

(1) Subject to the Regulations, an authorised person may, on production of that person's authority, require a person in charge of a motor vehicle

- (a) to allow the motor vehicle or trailer drawn by it to be weighed, laden or unladen, and the weight transmitted to the road by the parts of the motor vehicle or trailer in contact with the road to be tested, and
- (b) to proceed to a weighbridge or a machine for weighing motor vehicles for the purpose paragraph (a).

(2) For the purpose of enabling a motor vehicle or a trailer drawn by it to be weighed or a weight to be tested, the authorised person may require the person in charge of the motor vehicle to drive the motor vehicle or to do any other thing in relation to the motor vehicle or its load or the trailer or its load which is required to be done for that purpose.

(3) A person in charge of a motor vehicle who

- (a) refuses or neglects to comply with a requirement under this section, or
- (b) obstructs an authorised person in the exercise of the person's functions under this section,

commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding two months or to both the fine and the imprisonment.

(4) For the purposes of this section, “road” includes a land which forms part of a harbour and is occupied wholly or partly for the purposes of harbour operations, “harbour” includes a harbour, whether natural or artificial and a port, haven, estuary, tidal or any other river and inland waterway navigated by sea-going ships, a dock and a wharf and accordingly “harbour operations” means

- (a) the making or lighting of a harbour or any part of it;
- (b) the berthing or dry docking of a ship;
- (c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;
- (d) the movement of goods or passengers within the limits within which the persons engaged in improving, maintaining or managing a harbour have jurisdiction or on harbour land;
- (e) in relation to a harbour, other than a wharf,
  - (i) the towing, or moving of a ship which is in or is about to enter or has recently left the harbour,
  - (ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches to the harbour,
  - (iii) the lighterage or handling of goods in the harbour; and
- (f) in relation to a wharf,
  - (i) the towing or moving of a ship to or from a wharf,
  - (ii) the loading or unloading of goods, or embarking or disembarking of passengers, at the wharf in or from a ship.

#### 109. Certificate of weight

(1) Where a motor vehicle or motor vehicle with a trailer is weighed and found to be in compliance with the applicable weight, a certificate of weight shall be given to the person in charge of the motor vehicle and the certificate of weight shall exempt the motor vehicle and the trailer, from being weighed so long as it is during the continuation of the same journey and carrying the same load.

(2) Where a person in charge of a weighing station suspects that a driver of a motor vehicle has tampered with any load already weighed, the person shall require that the motor vehicle and the trailer if any are, to be re-weighed.

(3) Where the motor vehicle or the vehicle and trailer if any, is weighed and it is found to be overloaded,

- (a) the excess load shall be offloaded immediately at the cost of the person in charge of the vehicle; and
- (b) there shall be imposed on the person a penalty charge of such amount as shall be prescribed under this Act.

(4) Where a person fails to pay the penalty charge under subsection (3) within such period as is prescribed, the person shall be charged with the offence of being in charge of the over-loaded vehicle and shall on summary conviction be liable to a term of imprisonment not exceeding twelve months.

#### **110. Offences to do with reflectors, tail lamps and cycles**

(1) A person who sells, or offers or exposes for sale, an appliance adapted for use as a reflector or tail lamp to be carried on a motor vehicle in accordance with this Act or the Regulations, not being an appliance which complies with the construction and use requirements applicable to the class of motor vehicles, trailer or cycle for which the appliance is adapted, commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(2) A person who sells or supplies, offers to sell or supply or exposes for sale or supply, a cycle in contravention of a prohibition imposed by the Regulations commits an offence, unless that person proves

- (a) that it was sold, supplied or offered for export, or
- (b) that the person had reasonable cause to believe that it would not be used on a road in Ghana, or would not be so used until it had been put into a condition in which it might lawfully be so used.

#### **111. Regulations in respect of vehicle test, road use certificates and weighing of motor vehicles**

The Minister may, by Legislative Instrument, make Regulations for

- (a) the conditions to be complied with by motor vehicle examiners;
- (b) the issue of copies of road use certificates and fees payable;
- (c) the registers and particulars to be kept by vehicle examiners and the inspection of the registers;
- (d) the keeping of records by authorised examiners and returns to be submitted to the Licensing Authority;
- (e) selecting or determining plated weights or other plated particulars for commercial vehicles of that class;
- (f) ascertaining whether any prescribed construction and use requirements are complied with in the case of commercial vehicles of that class;
- (g) requiring the plating certificate for commercial vehicles to specify any alteration to the motor vehicle or its equipment which is prescribed to be notified to the Licensing Authority;
- (h) authorising the amendment of a plating certificate or the issue of a plating certificate on the re-examination of a commercial vehicle;
- (i) exempting the use of commercial vehicles for other purposes;
- (j) providing for the issue in respect of a motor vehicle in a prescribed circumstance, of a certificate temporarily exempting that motor vehicle for the period specified in the certificate;

- (k) the manner in which a motor vehicle or trailer is to be weighed or a weight is to be tested;
- (l) the carrying out by a suitably qualified person, of an inspection of a motor vehicle for the purpose of ascertaining whether the following requirements are complied with, namely,
  - (i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to a motor vehicle, and
  - (ii) the requirement that the condition of the motor vehicle when used on a road would not involve a danger or injury to any person or property;
- (m) the making and authentication of records of the prescribed matters relating to any inspection, including records of the action taken to remedy any defects discovered on the inspection;
- (n) prescribing any other matter or thing that requires to be prescribed under this Part; and
- (o) regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of motor vehicles drawn by horses or other animals, or any class of such motor vehicles, when used on roads.

## PART SIX

### *Licensing of Drivers of Commercial Vehicles*

#### **112. Licensing of drivers of commercial vehicles**

(1) A person shall not drive a commercial vehicle unless that person obtains in respect of that vehicle the relevant licence issued by the Licensing Authority.

(2) A licence issued under this section is valid for the period specified in the licence and may be renewed on application.

(3) A person who drives a commercial vehicle without a relevant licence under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

#### **113. Grant of licences; fitness as regards conduct**

(1) The Licensing Authority shall not grant to an applicant a licence unless it is satisfied, having regard to the applicant's conduct, that the applicant is a fit and proper person to hold the licence.

(2) Where a question arises under subsection (1) relating to the fitness of an applicant for a licence, having regard to the applicant's conduct, the Licensing Authority may require the applicant to furnish the Licensing Authority with the information that it may require and may, by notice to the applicant, require the applicant to attend before an officer of the Licensing Authority at the time and place specified by the Licensing Authority to furnish the information and to answer questions put to the applicant by the officer in relation to the applicant's application.

(3) Where the applicant fails without reasonable excuse to furnish information or attend before or answer questions properly put by the officer when required to do so under subsection (2), the Licensing Authority shall refuse to grant the licence.

(4) The Regulations shall prescribe what constitutes fitness for the purposes of this section.

#### **114. Revocation or suspension of licences**

(1) A licence issued under section 112 (1) shall be revoked or suspended if the holder's conduct makes the holder unfit to hold that licence.

(2) A licence suspended under subsection (1) does not have validity during the time of the suspension.

#### **115. Disqualification on revocation of licence**

(1) Where the Licensing Authority revokes a person's commercial vehicle driver's licence, the Licensing Authority may

- (a) disqualify the holder indefinitely or for a period specified by the Licensing Authority, or
- (b) except where the licence is a learner's licence, if it appears to the Licensing Authority that, owing to the conduct of the holder of the licence, it is expedient to require the holder to comply with the prescribed conditions applicable to learners' licences under this Act until the holder passes the prescribed test of competence to drive commercial vehicles of any class.

(2) If, while the holder of a commercial vehicle driver's licence is disqualified under subsection (1) the circumstances prescribed cease to exist in the case of the driver, the Licensing Authority shall on an application made by the driver for the purpose, remove the disqualification.

(3) Where the holder of a licence is disqualified under subsection (1) (b), the Licensing Authority shall not afterwards grant a licence to drive a commercial vehicle of any class unless it is satisfied that, that person has since the disqualification passed the prescribed test of competence to drive motor vehicles of that class, and until that person passes that test, a licence obtained by that person is not valid.

(4) Where the disqualification of the holder of a large cargo vehicle or passenger-carrying vehicle driver's licence continues in force, a commercial vehicle driver's licence shall not be granted to that person and the licence obtained by that person is not valid.

#### **116. Revoked or suspended licences: surrender, return and endorsement**

(1) On revoking or suspending a licence, the Licensing Authority shall serve notice on the holder of the licence requiring the holder to deliver the licence immediately to the Licensing Authority, and the holder of the licence shall comply with the requirement.

(2) A holder of a licence who fails without reasonable excuse to comply with the request under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.



(3) On the delivery of the licence by the holder to the Licensing Authority under subsection (1), the Licensing Authority

- (a) shall in the case of a revoked licence, issue to the driver, on payment of the prescribed fee, a licence authorising the driving of the classes of motor vehicles which are unaffected by the revocation, or
- (b) shall in the case of a suspended licence, endorse the licence with particulars of the suspension and return the licence to the holder.

#### **117. Appeal to court**

(1) A person who, being the holder of, or an applicant for, a commercial vehicle driver's licence, is aggrieved by the Licensing Authority's

- (a) refusal or failure to grant the licence,
- (b) suspension or revocation of the licence, or
- (c) ordering of disqualification,

may appeal to a court of competent jurisdiction after giving to the Licensing Authority notice of an intention to do so.

(2) On an appeal under subsection (1), the Court may make an appropriate order taking into consideration public safety and the order given by the Court is binding on the Licensing Authority.

### PART SEVEN

#### *Miscellaneous Offences and General Provisions*

#### **118. Spot fines**

(1) A police officer of the rank of an Inspector or above may impose a spot fine on a person who commits an offence provided for in the Regulations, where

- (a) the offence is committed in the presence of the police officer, and
- (b) the relevant fine for the offence is prescribed by the Regulations.

(2) Where a person pays a spot fine for the commission of an offence a prosecution shall not be brought against that person in respect of the same offence.

(3) Where a person denies the commission of an offence or fails to pay the spot fine, the case shall be processed for court.

(4) The Minister may, in writing, authorise any other person, body or institution to impose and collect the spot fine provided for under this section, and a person, body or institution so authorised shall account for the fines in accordance with directives given by the Minister.

(5) The Regulations may provide further for matters relating to spot fines.

**119. Powers of police officers and other authorised persons**

(1) A person driving a motor vehicle or riding a cycle on a road shall stop the motor vehicle or cycle on being required to do so by a police officer or a person authorised by the Minister in writing.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**120. Power of police officers and vehicle examiners to require production of driving licences**

(1) A person

- (a) driving a motor vehicle on a road,
- (b) whom a police officer or vehicle examiner has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road,
- (c) whom a police officer or vehicle examiner has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road,
- (d) who supervises the holder of a learner's licence while the holder is driving a motor vehicle, or
- (e) whom a police officer or vehicle examiner has reasonable cause to believe was supervising the holder of a learner's licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the learner's licence in relation to the use of the vehicle on a road,

shall, on being so required by a police officer or vehicle examiner, produce that person's licence for examination, so as to enable the police officer or vehicle examiner to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it is issued.

(2) A person required by a police officer or a vehicle examiner to produce that person's licence shall in the prescribed circumstances, on being so required by the police officer state that person's date of birth.

(3) Where the Licensing Authority has revoked a licence and the holder of the licence fails to deliver it to the Licensing Authority, a police officer or a vehicle examiner shall require that person to produce the licence, and upon it being produced may seize it and deliver it to the Licensing Authority.

(4) Where a police officer or a vehicle examiner has reasonable cause to believe that the holder of a licence, or any other person, has knowingly made a false statement for the purpose of obtaining the grant or renewal of a licence, the police officer may require the holder of the licence to produce it.

(5) Where a police officer or a vehicle examiner to whom a learner's licence has been produced by a person driving a motor vehicle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for drivers of motor vehicles, the police officer shall require the holder to produce the prescribed certificate of completion of such a training course.

(6) Where a person is required under this section to produce a licence or a certificate or any other document relevant to driving a motor vehicle or motorcycle, the person shall produce it immediately or within twenty-four hours of being so required.

(7) Where a person required under this section to produce a licence or a certificate of completion of a training course for drivers of motor vehicles fails to do so, that person commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**121. Power of police officers to obtain particulars of drivers, and to require production of evidence of insurance and road use certificates**

(1) A person

- (a) who drives a motor vehicle other than an invalid carriage on a road,
- (b) whom a police officer has reasonable cause to believe to have been the driver of a motor vehicle other than an invalid carriage at a time when an accident occurred owing to its presence on a road, or
- (c) whom a police officer has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle other than an invalid carriage on a road,

shall on being so required by a police officer, give that person's name and address and the name and address of the owner of the motor vehicle and produce the road use certificate, the certificate of insurance and any certificate issued in respect of the motor vehicle.

(2) A person who fails to comply with a requirement under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(3) A person

- (a) who supervises the holder of a learner's licence granted under this Act while the holder is driving a motor vehicle other than an invalid carriage on a road, or
- (b) whom a police officer or vehicle examiner has reasonable cause to believe was supervising the holder of such a licence while driving, at a time when an accident occurred owing to the presence of the motor vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the learner's licence in relation to the use of the motor vehicle on a road,

shall, on being so required by a police officer or vehicle examiner, give that person's name and address and the name and address of the owner of the motor vehicle.

(4) A person who fails to comply with a requirement under subsection (3), commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(5) In this section, “owner” in relation to a motor vehicle which is the subject of an agreement for hire, hire purchase or loan, includes each party to the agreement.

### **122. Power to arrest for dangerous or careless driving or cycling**

(1) A police officer may arrest without warrant the driver of a motor vehicle or the rider of a cycle who within the police officer’s view commits an offence under this Act.

(2) Despite any law to the contrary, a person other than a police officer may without warrant arrest a driver who in the presence of that person, contrary to this Act, drives a commercial vehicle

- (a) recklessly or dangerously;
- (b) carelessly; or
- (c) while under the influence of alcohol or drugs.

(3) A person who, when arrested under this section,

- (a) refuses to give that person’s name or address or any other information,
- (b) gives a false name or address or false information,

when the information is demanded by the person effecting the arrest, commits an offence and is liable on summary conviction to a fine not exceeding twenty-five penalty units or to a term of imprisonment not exceeding two months or to both the fine and the imprisonment.

(4) A person arrested under subsection (2) shall be taken to the nearest police station for interrogation and may be charged by the police with the appropriate offence.

### **123. Failure to give particulars**

The driver of a motor vehicle or the rider of a cycle who is alleged to have committed an offence under this Act who refuses, on being required by an authorised person to give that person’s name or address, or gives a false name or address, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### **124. Duty of a driver to stop, report accident and give information or documents**

(1) This section applies in a case where, owing to the presence of a motor vehicle on a road, an accident occurs by which

- (a) personal injury is caused to a person other than the driver of that motor vehicle, or
- (b) damage is caused,
  - (i) to a motor vehicle other than that motor vehicle or a trailer drawn by that motor vehicle, or

- (ii) to a domestic animal other than a bird and an animal in the game reserve in or on that motor vehicle or a trailer drawn by that vehicle, or
- (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent to the land.

(2) Where an accident occurs as under subsection (1), the driver of the motor vehicle shall

- (a) stop and, if required to do so by a person who has reasonable grounds for so requiring, give the driver's name and address and also the name and address of the owner of the motor vehicle and the identification marks of the motor vehicle;
- (b) where a person to whom injury has been caused so requests, or if the person is unconscious or if the injury caused to that person appears to endanger life, attend to the injured person, to procure for the person's medical attention and to procure, where necessary, the person's removal to a hospital;
- (c) in each case report the accident to a police station as soon as reasonably practicable, and in a case where the accident occurred in a municipal area so report within twenty-four hours of the occurrence of the accident, or in any other case so report within twenty-four to forty-eight hours of the accident.

(3) Where the driver fails to give the driver's name and address under subsection (2) the driver of the motor vehicle shall report the accident to the nearest police station.

(4) A person who fails to comply with subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(5) A person who fails to comply with a duty under this section commits an offence, but shall not be convicted by reason only of a failure to produce a certificate or any other evidence if, within seven days of the occurrence of the accident, the certificate or any other evidence is produced at a police station that was specified by the person at the time when the accident was reported.

#### **125. Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance**

(1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of this Act on any occasion when the driver was required to produce a certificate of insurance, or other evidence, the owner of the vehicle shall give such information as the owner may be required, by or on behalf of a senior police officer, to give.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**126. False statements and withholding material information**

(1) A person who makes a false statement for the purpose of

- (a) obtaining the grant or renewal of a licence under this Act to the Licensing Authority or police officer, or to any other person so authorised,
- (b) preventing the grant or renewal of a licence,
- (c) procuring the imposition of a condition or limitation in relation to a licence, or
- (d) securing the entry or retention of the name of a person in the register of approved instructors maintained under this Act,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) A person who in supplying information or producing documents for the purposes of this Act or of the Regulations

- (a) makes a statement which that person knows to be false in a material particular, or
- (b) produces, provides, sends or otherwise makes use of a document which the person knows to be false in a material particular or provides, sends or otherwise makes use of a document which is false in a material particular,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**127. Issue or tender of false documents**

A person who issues or tenders

- (a) a certificate of insurance,
- (b) a road use certificate,
- (c) a plating certificate,
- (d) a certificate of temporary exemption under the Regulations, or
- (e) a notice removing a prohibition under this Act,

which is false, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

**128. Power to seize articles in respect of which offences may have been committed**

(1) Where a police officer or vehicle examiner has reasonable cause to believe that a document produced to the police officer is a document in relation to which an offence has been committed under this Act, the police officer may seize the document.

(2) Where a document is seized under subsection (1) the person from whom it was taken shall, unless

- (a) the document has been previously returned to the person, or
  - (b) the person has been previously charged with an offence under this Act,
- be summoned before a Court to account for the person's possession of the document.

(3) A person who obtains unlawful possession of a document seized under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

### **129. Impersonation of persons employed by the Licensing Authority**

A person who falsely poses as an employee of the Licensing Authority commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

### **130. Taking motor vehicle or cycle without authority**

(1) A person who

- (a) takes and drives away a motor vehicle without the consent of the owner of the vehicle or other lawful authority, or
- (b) knowing that a motor vehicle has been taken without the owner's consent, drives it or allows himself or herself to be carried in it without the consent or authority, or
- (c) without the consent of the owner or other lawful authority enters a motor vehicle or tampers with the motor vehicle or any part of it,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(2) A person who, without the consent of the owner or other lawful authority, takes a pedal cycle for that person's own or another person's use commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(3) A police officer may arrest without warrant a person committing, attempting to commit or reasonably suspected of having committed, an offence under this section.

### **131. Forgery of licence**

A person who

- (a) without authority prints, manufactures or procures a licence or identification mark or a document in relation to a licence or identification mark or facilitates the production of any such licence, identification mark or document,
- (b) forges or defaces, alters, mutilates or adds anything to a licence or identification mark,
- (c) exhibits or uses a licence which has been forged, defaced, altered, mutilated or added to,
- (d) lends or allows to be used by a person other than the owner, a licence or identification mark,

- (e) uses on one vehicle a licence or identification mark pertaining to another vehicle, or
- (f) uses a driving licence which belongs to another person or exhibits or uses a licence or uses any colourable imitation of a licence,

commits an offence and is liable on summary conviction to a fine not exceeding five hundred and fifty penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

### 132. General penalties

A person who commits an offence under this Act for which a penalty has not been prescribed is liable on summary conviction to a fine not less than fifty penalty units and not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both and for a second or subsequent offence to a further fine not less than one hundred penalty units and not exceeding five hundred penalty units or to a term of imprisonment not less than six months and not exceeding twelve months or to both the fine and the imprisonment.

### 133. General Regulations

(1) The Minister may, by legislative instrument, make Regulations for the effective implementation of this Act and in particular for,

- (a) providing for the procedure, the particulars to be given and the fees to be charged for applications for the authorisations of motoring events;
- (b) regulating the registration and licensing of motor vehicles, driving schools and driving instructors;
- (c) prescribing a maximum speed for motor vehicles of any class or description and to provide for exemptions in special cases;
- (d) prescribing installation of speed limiters on some motor vehicles;
- (e) imposing charges for the removal of a motor vehicle from a road and for the detention of the motor vehicle;
- (f) prescribing the procedures relating to the weighing of motor vehicles and the type of weighing machines to be used;
- (g) prescribing the nature of, and the procedure for, inspection of motor vehicles; and prescribing the specifications and installation for seat belts;
- (h) prescribing the size, colour and type of traffic signs to be placed on or near roads;
- (i) providing for verification of net weight and the axle weights of a motor vehicle in respect of which an application for registration is made;
- (j) prescribing the width, height and the length of motor vehicles, trailers and load carried by them, the diameter of the wheels and the width, nature and conditions of the tyres of motor vehicles, trailers and cycles;



- (k) prescribing the lights and reflectors to be carried on motor vehicles and cycles of a particular class or description when the vehicles are being used on roads and prescribing the nature of the lights and reflectors, the position in which, and the colour of the background on which they shall be fixed and the period during which any lights so carried shall be lit;
- (l) requiring persons who should use or wear protective helmets, the specifications of motorcycles, prescribing the helmets with reference to shape, construction, labelling, marking of any quality, and prohibiting the sale or offer for sale or supply of those helmets;
- (m) prohibiting the use on roads or on any particular class of roads of any wheels, tracks or tyres of a kind likely to cause damage to the roads;
- (n) restricting and regulating the persons engaged in the erection, placing, removal, alteration or repair of lights, overhead cables and road or street works;
- (o) prescribing the manner in which appeals may be made by any person and the procedures for the appeal;
- (p) prescribing the form to be used in an appeal, under the provisions of this Act against the refusal to grant or renewal, or the revocation, suspension, cancellation or withdrawal of a licence to drive;
- (q) prescribing precautions to be taken in the interest of the safety, security and convenience of the public travelling in motor vehicles or otherwise using roads, and providing for the periodic inspection of motor vehicles;
- (r) providing for payment of spot fines and offences for which spot fines are payable;
- (s) regulating the issue and use of special trade licences, and prescribing of the issue and particulars of driving licences;
- (t) regulating the use of mobile phones while driving a motor vehicle or riding a motorcycle or bicycle on a road;
- (u) regulating the use of wheel carts on the road, and prescribing fees payable for road use certificates;
- (v) prescribing for medical examination for holding of driving licence;
- (w) removal of broken-down, disabled or abandoned vehicles; and
- (x) prescribing any other matter that needs to be prescribed for the purposes of this Act.

(2) For purposes of this section, “**wheel carts**” means non-motorised methods of carrying goods or persons.

#### **134. General interpretation**

In this Act, unless the context otherwise requires,

“**animal**” includes a living organism which feeds on organic matter;

“**carriage of goods**” includes the haulage of goods;

**“commercial vehicle”** includes a taxi, omnibus, passenger lorry or cargo lorry;

**“Court”** means a Court of competent jurisdiction;

**“cycle”** means a bicycle, motorcycle, tricycle, or a cycle having four or more wheels not being in any case a motor vehicle;

**“cycle track”** means track over which the public has a right of way in respect of cycles only;

**“dealer”** includes a person who stocks motor vehicles for sale, a person who carries on business as a tester of motor vehicles, and a person who exposes for sale a motor vehicle;

**“disease”** includes a disability;

**“footpath”** means a way over which the public has a right of way on foot or pedestrian walkway;

**“invalid carriage”** means a motor vehicle the weight of which unladen does not exceed 254 kilograms which is specially designed and constructed, and adapted for the use solely of a person with a physical disability;

**“Licensing Authority”** means the Driver and Vehicle Licensing Authority;

**“Minister”** means the Minister responsible for Roads and Transport;

**“motorcycle”** means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

**“motor vehicle”** means a mechanically propelled vehicle intended or adapted for use on roads;

**“Ordinance”** means the Road Traffic Ordinance, 1952 (No. 55);

**“owner”** means in relation to a motor vehicle the person by whom the motor vehicle is kept and used and in the case of a motor vehicle which is the subject of an agreement for hire, hire purchase or loan, the person in possession of the motor vehicle under that agreement;

**“plated particulars”** means the particulars that are required to be marked on a cargo vehicle in pursuance of Regulations under this Act;

**“prescribed”** means prescribed by or under this Act or the Regulation;

**“public service vehicles”** include fire tenders and bullion vehicles;

**“Regulations”** means the Regulations made under this Act;

**“road”** includes a street, highway and any other road or public place to which the public has access by vehicle or cycle and the bridges over which a road passes;

**“road authority”** means a department of the ministry authorised to deal with matters relating to road infrastructure and usage;

**“spot fine”** means a fine payable at the place where the offence was committed;

“trailer” means a vehicle drawn by a motor vehicle;

“vehicle” includes a motor vehicle, a motorcycle and a bicycle;

“weights” means the weights that are required to be marked on motor vehicles.

### 135. Repeals and savings

(1) The following enactments are hereby repealed:

the Road Traffic Ordinance, 1952 (No. 55);

the Road Traffic (Amendment) Ordinance, 1957 (No. 18);

the Road Traffic Act, 1959 (No. 21);

the Road Traffic (Amendment) Act, 1971 (Act 381);

the Road Traffic Offences (Powers of Arrest) Law, 1992 (P.N.D.C.L. 304);

the Road Traffic (Amendment) Act, 1998 (Act 553);

the Road (Vehicle Use) Fee Act, 1998 (Act 556); and

the Road Traffic (Amendment) Law, 1983 (P.N.D.C.L. 43).

(2) Despite the repeal of the Road (Vehicle Use) Fee Act, 1998 (Act 556), the Schedule to the Act remains in force until otherwise provided for by Regulations made under this Act.

(3) The repeal of the enactments specified under subsection (1) shall not affect the validity of a notice, direction, licence, permit or certificate issued or granted under those enactments and the notice, direction, licence, permit or certificate shall have effect as if granted under the corresponding provision of this Act.

(4) Any Regulations or other instruments made under the repealed enactments and in force immediately before the coming into force of this Act shall continue to have effect as if made under the corresponding provisions of this Act.

(5) This Act shall not affect the enactments so repealed in their operation to offences committed or proceedings commenced before the repeal.

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