

CHAPTER 295

ROAD TRAFFIC

1981-40

This Act came into operation on 1st June, 1981 by Proclamation (S.I. 1981 No. 103).

Amended by:

<i>1983-30</i>	<i>1985/95</i>	<i>1998-34</i>
<i>1984-4</i>	<i>1989-12</i>	<i>2001-11</i>
<i>1984-16</i>	<i>1990-35</i>	<i>2004-19</i>
<i>1984-41</i>	<i>1992-2</i>	<i>2007-27</i>
<i>1985-17</i>	<i>1994-8</i>	<i>2008-17</i>

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985	1998	2008
1993	2002	
1995	2007	

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 295

ROAD TRAFFIC 1981-40

Arrangement of Sections

PART I

PRELIMINARY

1. Citation
2. Definitions
3. Appointment and duties of inspectors or examiners in respect of motor vehicles
4. Appointment of weighers

PART II

REGISTRATION

5. Registration of motor vehicles
6. Limited trade licence
7. Limited trade number plates
8. Purposes for which limited trade licence to be used
9. Limited trade licence book

- 10.** Registration number plates
- 10A.** Number plates for limousines
- 10B.** Number plates for vehicles of Government and of Statutory Boards
- 10C.** Registration number plates for public service vehicles
- 10D.** Registration number plates for route taxis
- 11.** Diplomatic and consular representatives
- 12.** Number plates for special purposes etc.
- 12A.** Provisional Licence
- 13.** Driving of unregistered motor vehicle etc.

PART III

LICENSING AND TAXATION

- 14.** Definition of motor vehicle in this Part
- 15.** Payment of tax
- 15A.** Refund of taxes
- 15B.** Refund and waiver of taxes
- 16.** Road licence and registration card
- 17.** Payment of tax by new owner of motor vehicle
- 18.** Change of ownership of motor vehicle

-
19. Exemption from payment of tax by person staying temporarily in Barbados
 20. Exemption from tax of motor vehicles used for agricultural purposes and the use on the road of such vehicles
 21. Exemption of other vehicles from taxation
 22. Penalty for non-payment of tax
 23. Penalty on driver for refusal to disclose name of owner of vehicle in case of non-payment of tax
 24. Use of a vehicle for purpose other than that for which registered and licensed
 25. Recovery of tax
 26. Proceedings against joint owners
 27. Weight certificate
 28. Maximum gross weight
 29. Power of Licensing Authority to grant special permit to exceed maximum gross weight
 30. Issue of special permit for type of motor vehicle or tractor
 31. Weights to be painted on goods vehicles
 32. Cancellation of road licence in respect of improperly constructed motor vehicle
 33. Appeals against decision of Licensing Authority

- 34.** Fraudulent imitation
- 35.** Exemption from Parts II and III
- 36.** Distinguishing mark on exempted vehicle

PART IIIA

SEAT BELTS IN MOTOR CARS AND CERTAIN OTHER VEHICLES

- 36A.** Interpretation
- 36B.** Position of seat belts
- 36C.** Owner's duty
- 36D.** Wearing of seat belts compulsory
- 36E.** Exception
- 36F.** Child safety seat
- 36G.** Offence
- 36H.** Exception

PART IV

MOTOR VEHICLE INSURANCE

- 37.** Users of motor vehicles to be insured against third party risks
- 37A.** Duty to notify change in policy of insurance
- 38.** Requirements in respect of policies

-
- 38A.** Unlimited liability respecting all passengers
 - 39.** Requirements in respect of securities
 - 40.** Certain conditions to policies or securities to be of no effect
 - 41.** Production of evidence of insurance before registration
 - 42.** Requirements as to production of certificate of insurance or of security
 - 43.** Duty of insurers to satisfy judgments against persons insured in respect of third party risks
 - 44.** Rights of third parties against insurers on bankruptcy, etc., of the insured
 - 45.** Duty to give information to third parties
 - 46.** Settlement between insurers and insured persons
 - 47.** Bankruptcy of insured persons not to affect certain claims by third parties
 - 48.** Avoidance of restriction on scope of policies covering third party risks
 - 49.** Avoidance of contracts so far as restrictive in respect of death or injury to passengers
 - 50.** Duty of persons against whom claims are made to give information as to insurance
 - 51.** Duty to surrender certificate of cancellation of policy
 - 51A.** Special duties of insurer
 - 51B.** Certificate of road worthiness

- 52. Application of sections 43, 47, 48, 50 and 51 to securities
- 53. Payments and insurance in relation to emergency treatment of injuries
- 54. Payment for hospital casualties
- 55. Claims for payment for emergency treatment
- 56. Deposits
- 57. Forgery etc., of certificates
- 58. Refusal to give name and address or giving false name or address
- 59. Offences and general penalty
- 60. Offences triable summarily
- 60A. Administration

PART V

DRIVING LICENCE

- 61. Driving without a licence
- 62. Minimum age for driving
- 63. Learner's permit
- 63A. Unauthorised use of learner licence plates
- 64. Liability of instructor and person learning to drive to be co-extensive
- 65. Driving test

-
66. Physical fitness and character of applicant for driving licence or learner's permit
 67. Application for driving licence
 68. Validity of driving licence and classification of motor vehicle
 69. Restrictions on grant of driving licence for certain vehicles
 70. Driving when under prescribed age
 71. Driving test fee
 72. Form of driving licence
 73. Driving licence fee
 74. Production of driving licence
 75. Register of driving licences
 76. Duration and renewal of driving licence
 77. Re-issue of lost or defaced driving licence
 78. Restrictions on issue of new driving licence after expiration of former licence
 79. Demerit points

PART VA

DRIVING INSTRUCTIONS

- 79A. Driving Instructor requirements

79B. Instructor's Code

79C. Transitional

PART VI

INTERNATIONAL CIRCULATION OF MOTOR VEHICLES

80. International circulation of motor vehicles

PART VII

DRIVING AND OTHER OFFENCES AND GENERAL CONDITIONS
RELATING TO THE USE OF ROADS

- 81.** Causing death by reckless or dangerous driving
- 82.** Reckless or dangerous driving
- 83.** Driving without due care and attention
- 84.** Maximum speed
- 85.** Driving, attempting to drive or being in charge of motor vehicle while under influence of drink or drug
- 86.** Restrictions on prosecution under certain sections
- 87.** Use of motor vehicle without consent of owner
- 88.** Unlawful interference with motor vehicle
- 89.** Leaving vehicle in dangerous position
- 90.** Duty of person in charge of vehicle involved in accident on a road

-
91. Power of Police to test or cause motor vehicles to be tested after accident

PART VIII

LEGAL PROCEEDINGS, SUSPENSION, CANCELLATION,
ENDORSEMENT OF DRIVING LICENCE

92. Procedure on failure of jury to agree on alternative verdict
93. Power to proceed on charge of careless driving on hearing of charge of reckless or dangerous driving
94. Power of court before which a person is convicted in connection with the driving of a motor vehicle
95. Production of driving licence for endorsement
96. Custody of driving licence while suspended or cancelled
97. Effect of suspension of driving licence or disqualification by order of court
98. Power of court to suspend driving licence pending determination of certain charges
99. Liability of person disqualified from holding or obtaining driving licence
100. Non-disclosure of refusal of driving licence
101. Non-disclosure of endorsement
102. Particulars of endorsement to be copied on new driving licence
103. Issue of new licence free from endorsement
104. *[Repealed]*

104A. *[Repealed]*

105. *[Repealed]*

106. Special offences in respect of public service vehicles

PART IX

GENERAL

107. Appointment and regulation of stands for public service vehicles, etc. by Minister

108. Fraudulent imitation, destruction, etc., of number plates, licence, etc.

109. Penalty for offence not specifically provided for

110. Failure to give certain information

111. General power of arrest

112. False statement

113. Duplicate of certificate, licence, etc.

114. Vehicles used in contravention of Act or regulations

115. Power of entry

116. Motor vehicle deemed to be kept for use

117. Power to enquire whether motor vehicle licensed according to maximum gross weight to be weighed

118. Making good damage to road or bridge

- 119. Issue of Highway Code by Commissioner
- 120. Non-application of certain sections to vehicle when used for certain purposes
- 121. Enforcement and administration of traffic laws
- 122. Special regulations
- 123. Application to persons in public service of Crown
- 124. General regulations
- 125. Saving of common law and other statutory liabilities

SECOND SCHEDULE

Registration Number Plates

THIRD SCHEDULE

Certificate of Weight Unladen of a Vehicle

FOURTH SCHEDULE

FIFTH SCHEDULE

Red Letter on White Background

SIXTH SCHEDULE

**BARBADOS****ROAD TRAFFIC
1981-40**

An Act to revise and consolidate the law relating to road traffic.

[Commencement: 1st June, 1981]

**PART I
PRELIMINARY****Citation**

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

Definitions

- 2.(1) For the purposes of this Act,

“at night” means

- (a) between the hours of 18.30 hours of one day and 5.00 hours of the following day in the months of January to April inclusive;
- (b) between the hours of 19.00 hours of one day and 5.00 hours of the following day in the months of May to August inclusive; and

- (c) between the hours of 18.00 hours of one day and 5.00 hours of the following day in the months of September to December inclusive;

“Commissioner” means the Commissioner of Police;

“Consul” means a Consul-General, Consul or Vice Consul representing a foreign sovereign power and holding a valid exequatur or other authority to act in Barbados in that capacity; but does not include an honorary Consul;

“contract carriage”, “hired car”, “self-driven car” means a motor vehicle kept for hire or reward under a contract where

- (a) that motor vehicle is used for the conveyance of not more than 6 persons;
- (b) payment for the use of that motor vehicle is at or for a fixed rate or amount; and
- (c) that motor vehicle does not stand or ply for hire on any road or place in public view or to which the public have access;

“demerit point” means a point recorded pursuant to section 79 against the name of a driver of a motor vehicle as part of a penalty on his conviction of an offence under this Act;

“diplomat” means a head of mission or any member of the staff of a head of mission certified to the Licensing Authority, by or on behalf of the Minister responsible for Foreign Affairs, to be a diplomat;

“driver” means a person driving a motor vehicle, and includes

- (a) a person in charge of a motor vehicle for the purpose of driving, where that vehicle is stationary on a road; and
- (b) a person acting as steersman of a motor vehicle;

“examiner”,

- (a) in relation to a motor vehicle, means a person authorised by the Licensing Authority to be an examiner under section 3;

(b) in relation to driving tests, means a person authorised by the Licensing Authority to be an examiner under section 65;

“fixed penalty” means a penalty fixed under section 121;

“goods vehicle” means a motor vehicle constructed or adapted for the carriage of goods;

“hackney carriage”, “motor cab” or “taxi” means a vehicle, other than a van, constructed to convey not more than 5 passengers for hire or reward;

[1992-2]

“head of mission” means an Ambassador, High Commissioner or other person, by whatever title called, accredited by a sovereign power or by an inter-governmental institution and recognised as such in Barbados by the Government of Barbados;

“hearse” means a motor vehicle constructed or adapted for the purpose of conveying a dead body;

“heavy goods vehicle” means a goods vehicle the licensed maximum gross weight of which exceeds 3 600 kilograms, and includes a motor lorry, van or trailer;

“heavy motor cycle” means a motor vehicle having not more than 3 wheels, the cylinder capacity of the engine of which exceeds 250 c.c.;

“inspector” means any person authorized by the Licensing Authority under this Act to inspect vehicles;

“insurer” means

(a) a company or association of underwriters under the *Insurance Act*, Cap. 310; or

(b) any person or body of persons carrying on in Barbados the business of giving security of the nature of insurance and has deposited and keeps deposited with the Accountant-General an amount prescribed by order by the Minister or approved securities to that amount in respect of that business and approved by the Minister;

“land tractor” means a motor tractor that

- (a) is designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging or other similar operations;
- (b) is driven on a road only when proceeding to or from the site of such work; and
- (c) hauls nothing other than implements to be used on the land;

“Licensing Authority” means the Licensing Authority within the meaning of subsection (2);

“light goods vehicle” means a goods vehicle the licensed maximum gross weight of which does not exceed 3 600 kilograms, and includes a motor lorry, van or trailer;

“light motor cycle” means a motor vehicle having not more than 3 wheels, the cylinder capacity of the engine of which does not exceed 250 c.c.;

“limited trade licence” means a licence issued under section 6;

“limited trade number plate” means a number plate referred to in section 7;

“limousine” means a motor vehicle that is

- (a) constructed or adapted to carry not less than 4 and not more than 7 passengers;
- (b) kept at an establishment for hire or reward: and
- (c) when driven for hire or reward, driven by a chauffeur in uniform for the exclusive use of the hirer.

[1990-35]

“maximum gross weight” means

- (a) in relation to a goods vehicle, the weight of that vehicle and the weight of its load;

- (b) in relation to a trailer, the weight of that vehicle and weight of the load as specified in the *Third Schedule*; and
- (c) in relation to a motor omnibus, minibus, hackney carriage, motor cab or taxi, the weight unladen of such motor vehicle together with the weight of the persons to be carried, the weight of each person to be carried being taken as 60 kilograms;

“maxi-taxi” means a motor vehicle

- (a) constructed or adapted to carry not less than 5 passengers and not more than 10 passengers;
- (b) kept for hire or reward;
- (c) kept at an establishment or at the airport or seaport to convey passengers to their destinations;

[1984-4; 1992-2]

“medical practitioner” has the meaning assigned to it by section 2 of the *Medical Registration Act*, Cap. 371,

“minibus” means a motor vehicle that is adapted or constructed to carry 11 to 24 sitting passengers and such number of standing passengers, not exceeding 7, as the Licensing Authority permits under regulations made under this Act;

[1990-35]

“Minister” means the Minister responsible for Transport;

“motor bicycle” means a motor vehicle having 2 wheels and equipped with

- (a) an engine, the cylinder capacity of which does not exceed 175 c.c.; and
- (b) pedals, by means of which such vehicle is capable of being propelled;

“motor omnibus” means a motor vehicle that is adapted or constructed to carry 25 or more sitting passengers and such number of standing passengers as the Licensing Authority permits under regulations made under this Act;

[1990-35]

“motor tractor” means a mechanically propelled vehicle

- (a) that is not constructed to carry a load other than
 - (i) water, fuel, accumulators,
 - (ii) other equipment used for the purpose of propulsion, and
 - (iii) loose tools and equipment;
- (b) the weight of which unladen does not exceed 6 100 kilograms; and
- (c) the primary purpose of which is the haulage of trailers;

“motor vehicle” means any mechanically propelled vehicle manufactured or adapted for use on roads;

“official weigher” means a person appointed for the purpose of weighing vehicles under section 4;

“overtaking” means passing or attempting to pass any other vehicle that

- (a) is proceeding in the same direction; or
- (b) is stationary on the same side of the road;

“owner” means, in the case of a registered motor vehicle,

- (a) the person in whose name the vehicle is registered;
- (b) the person in charge or in possession of the motor vehicle where the registered owner is absent from Barbados; or
- (c) the person in possession of the vehicle under a hire purchase agreement;

and for the purposes for Part IV includes a person in possession of a motor vehicle under a contract of hire;

“parking place” means

- (a) a place designated as such by the Minister; or

(b) a place where motor vehicles, of any particular class or description, may wait;

“passenger” means any person other than the driver conveyed in or on a motor vehicle;

“policy of insurance” includes a covering note;

“private motor car” means a motor vehicle (other than a heavy motor motor cycle, light motor cycle, minibus, motor bicycle or omnibus) constructed or adapted solely for the conveyance of not more than 10 persons and their effects; and used exclusively for private purposes and not for hire or reward;

“provisional licence” means a licence issued for use in respect of a motor vehicle during the completion of requirements for registration of that vehicle; and “provisional licence plate” has a corresponding meaning;

“public service vehicle” means a motor vehicle used for the purpose of conveying passengers for hire or reward and

(a) is carrying passengers at separate fares; or

(b) is not carrying passengers at separate fares but is adapted to carry 5 or more passengers;

[1984-4]

“registration number” means the number referred to in section 5 assigned by the Licensing Authority to an owner for use on a motor vehicle, and includes a letter indicating the parish in which the motor vehicle is registered or the trade in which or for which the vehicle is used;

“road” or “public road” means any street, road or other place to which the public have access, and any bridge over which a road passes, and includes any privately owned street, road or other place to which the public have access either generally or conditionally;

“road licence” means a licence issued by the Licensing Authority pursuant to section 16;

“route taxi” means a motor vehicle that is constructed or adapted to carry not less than 5 and not more than 15 passengers and is used for hire or reward to transport passengers on a specified route;

[1992-2]

“testing officer” means a person authorised by the Licensing Authority to conduct tests and examine applicants for driving licences;

[1992-2]

“tour coach” means a motor vehicle adapted or constructed to carry from 11 to 30 passengers and used for the purpose of conveying passengers to and from airports and seaports and on contract tours of Barbados;

“tractor” means land tractor or motor tractor;

“traffic” means vehicles of every description, pedestrians and all animals being ridden, driven or led;

“traffic warden” has the meaning assigned to it by section 2 of the *Police Act*, Cap. 167;

[1989-12]

“trailer” means a vehicle not having independent motive power that is designed to be drawn by a motor vehicle; but does not include a side-car attached to a motor cycle;

“Transport Authority” means the Authority established by section 3 of the *Transport Authority Act*, Cap. 295A;

[2007-27]

“transport inspector” shall be construed in accordance with section 3(2);

[1992-2]

“vehicle” means a carriage, wagon, cart, motor vehicle, bicycle, tricycle, van, handcart, sledge, truck, barrow or any other machine for the carriage on land of goods or persons;

“vehicle examiner” shall be construed in accordance with section 3(1);

[1992-2]

“weight unladen” means the weight of a motor vehicle inclusive of the body, accumulators, loose tools, spare wheels and other usual equipment, and a supply of water and fuel for the purpose of propulsion.

(2) A reference in this Act to “Licensing Authority” is a reference to such person or authority as the Minister appoints by order to be the Licensing Authority for the purposes of this Act; and different persons or authorities may be so appointed for different classes of vehicles.

Appointment and duties of inspectors or examiners in respect of motor vehicles

3.(1) The Licensing Authority may authorise such public officers as it thinks necessary to be vehicle examiners for the purpose of inspecting and examining motor vehicles in order to determine the roadworthiness of the vehicles and to issue certificates in accordance with this Act.

(2) The Licensing Authority may authorise such public officers as it thinks necessary to be transport inspectors to monitor and report on ground transportation systems to ensure that owners and drivers of motor vehicles conform to the provisions of the Act and regulations made thereunder with respect to the operation and licensing of motor vehicles.

[1992-2]

(3) A person appointed or authorised by the Licensing Authority to be a vehicle examiner shall inspect any motor vehicle or trailer at the request of a member of the Police Force or a transport inspector.

[1992-2]

[1992-2]

Appointment of weighers

4.(1) The Licensing Authority may assign such number of persons to be official weighers as it considers necessary to weigh vehicles for the purposes of this Act.

PART II
REGISTRATION

Registration of motor vehicles

5.(1) No person shall use or keep a motor vehicle for use on a road unless it is registered under this section.

(2) An owner of a motor vehicle is, on application to the Licensing Authority in such form as the Licensing Authority approves and on payment to the Licensing Authority of such fee as the Minister of Finance by order prescribes, entitled to have that motor vehicle registered in the parish in which it is usually kept or the use for which the vehicle is kept.

(3) A person must, upon making an application for registration of a vehicle, furnish the Licensing Authority with the particulars specified in the *First Schedule*, and the Licensing Authority shall enter those particulars in a register kept by it for the purpose.

(4) The Licensing Authority shall, upon receiving the fee referred to in subsection (2), assign to the owner of a motor vehicle, for his use, a special number, to be known as the registration number, and such registration number shall, in addition to the number of the road licence, be set out in the motor vehicle road licence.

(5) Every registration number assigned to an owner of a motor vehicle is valid for a period of one year from the date it is so assigned, and remains the registration number of such owner; but the Licensing Authority may re-assign that registration number to any other person if the person to whom it was issued

(a) fails, within 12 months after the date of its expiry to apply for a renewal thereof; or

(b) fails to indicate that it should be retained for his use,

and to pay such fee as may be prescribed for its retention.

Limited trade licence

- 6.(1) Any importer, dealer or repairer of mechanically propelled vehicles may, on application to the Licensing Authority, obtain a limited trade licence upon payment of such fee as the Minister of Finance, by order, prescribes.
- (2) The Licensing Authority may issue a limited trade licence to an applicant
- (a) on being satisfied that the applicant is a *bona fide* importer, dealer, or repairer of mechanically propelled vehicles; and
 - (b) on receiving the fee referred to in subsection (1).
- (3) Any dealer, importer or repairer of mechanically propelled vehicles of the classes liable to registration and taxation under Parts II and III who desires to obtain a limited trade licence in respect of such vehicles shall apply to the Licensing Authority in the parish in which his business premises are situate and make the prescribed declaration.
- (4) A limited trade licence must contain
- (a) the name and address of the person to whom it is issued;
 - (b) the number of the limited trade number plate referred to in section 7;
 - (c) the date of expiry of such licence;
 - (d) the amount of fees paid in respect of such licence;
 - (e) the date stamp of the office of issue; and
 - (f) the serial number of such licence.
- (5) The Licensing Authority shall not issue more than 6 limited trade licences to an applicant.

Limited trade number plates

7.(1) The Licensing Authority shall, upon receiving the appropriate fee referred to in section 6, supply with each limited trade licence a registration number which the licensee shall use on his limited trade number plates as required by subsection (2).

(2) A person to whom a limited trade licence is issued shall affix in a conspicuous manner a pair of limited trade number plates, 1 to the front and 1 to the rear of the vehicle upon which they are being used.

(3) A limited trade number plate must be designed in accordance with the manner prescribed in the Second Schedule, except that the background of the number plate must be white and the letters and figures thereon red.

(4) No person shall use a limited trade number plate or permit a limited trade number plate to be used on a vehicle unless such number plate is submitted to the Licensing Authority and stamped in a manner approved by it and such a number plate shall only be used between 6.00 hours and 18.00 hours on any day.

(5) The Licensing Authority shall, on receiving the fees set out in section 6, issue to an importer, a repairer or dealer, a registration card containing the information set out in paragraph (b) of section 16(1).

(6) A registration card issued pursuant to subsection (5) shall be properly fixed in a holder attached to the limited trade number plate that is attached to the front of the motor vehicle in respect of which it is being used, so as to be clearly visible from in front of the vehicle.

Purposes for which limited trade licence to be used

8.(1) Subject to section 5, the holder of a limited trade licence may use that licence in respect of any mechanically propelled vehicle for which that licence is appropriate, whether or not a trailer is attached thereto, if the vehicle is being

(a) tested or taken for trial in the ordinary course of construction or repair;

-
- (b) returned to its garage or depot immediately after being tested, taken for trial or being repaired;
 - (c) driven to or from a public weigh-bridge for ascertaining its weight;
 - (d) driven to or from any place for its inspection or registration by the Licensing Authority;
 - (e) tested or taken for trial for the benefit of a prospective purchaser;
 - (f) delivered to the place where a purchaser intends to keep it;
 - (g) taken from the premises of an importer or repairer of, or dealer in, mechanically propelled vehicles, direct to other premises;
 - (h) driven to or from a workshop where
 - (i) a body is to be fitted to it,
 - (ii) a body has been fitted to it, or
 - (iii) the vehicle has been painted or repaired;
 - (i) used for the purpose of carrying another vehicle that has broken down;
 - (j) driven to or from any garage, auction room or other place
 - (i) at which vehicles are usually stored, or
 - (ii) at which vehicles are usually or periodically offered for sale,and at which that vehicle is to be, or has been, stored, or is to be, or has been, offered for sale; or
 - (k) removed from 1 place of storage to another, it having been laid up by its owner.
- (2) No vehicle shall, with or without a trailer, be used on a road under a limited trade licence for any purpose other than a purpose specified in subsection (1).
- (3) The Licensing Authority shall revoke any limited trade licence issued to a dealer, importer or repairer of a mechanically propelled vehicle where the dealer,

importer or repairer has been convicted of 2 or more offences in contravention of section 6, 7, 8 or 9.

[1992-2]

Limited trade licence book

9.(1) The Licensing Authority shall, upon the issue of a limited trade licence, supply to the person to whom it is issued a limited trade licence book, in this section referred to as “the book”, in a form approved by the Commissioner.

(2) The holder of a limited trade licence shall, on every occasion before he uses the licence, make an entry in duplicate in the book setting forth

- (a) the purpose for which the licence is being used; and
- (b) the proposed route of the vehicle in respect of which the licence is being used.

(3) One copy of the entry referred to in subsection (2) shall be kept in the book, and the other copy shall be removed therefrom and carried with the vehicle throughout the entire journey to which that entry relates, and shall be produced by the driver of the vehicle for inspection at any time during the journey, upon demand being made by any member of the Police Force, the Licensing Authority, or a person acting under the authority of the Licensing Authority.

(4) The book shall be kept for inspection for a period of not less than 18 months, commencing on the date on which the last entry was made, at such place as the Licensing Authority approves.

(5) No person shall

- (a) damage, deface or mutilate the book;
- (b) make an entry therein that he knows to be false;
- (c) alter or obliterate any entry made therein;
- (d) make an entry therein that is not authorised by this Act to be made; or

- (e) alter or obliterate any copy of an entry after it has been removed from the book by virtue of subsection (3).
- (6) Any person who
- (a) uses a vehicle on a road in contravention of this Part;
 - (b) permits a vehicle to be used on a road in contravention of this Part;
 - (c) aids or abets any person in contravening this Part; or
 - (d) fails to produce the book when required to do so in accordance with this section,

is guilty of an offence and is liable on summary conviction to a fine of \$1000 or to imprisonment for a term of 12 months, or both.

- (6) Where the book is lost, damaged, mutilated, defaced or rendered illegible, the owner thereof is entitled, on payment to the Licensing Authority of such fee as the Minister of Finance by order prescribes, to be issued with a duplicate book.

Registration number plates

10.(1) Every motor vehicle shall be fitted with 2 registration number plates, each bearing the registration number of that motor vehicle and the letter referred to in subsection (5) that indicates the parish in respect of which the motor vehicle is registered or the purpose for which the motor vehicle is used, as follows:

- (a) one in a conspicuous position at the front; and
 - (b) the other in a conspicuous position at the rear of the motor vehicle, so that every letter and figure on the number plates is upright and may be easily read from a position behind or in front of the motor vehicle, as the case may be.
- (2) Where a vehicle is being drawn by a motor vehicle,
- (a) a registration number plate shall be affixed to the rear of the vehicle being drawn; and

- (b) in the case of a vehicle being drawn by a tractor or a motor vehicle used specially for the purpose of towing vehicles, the registration number plate on the vehicle being drawn shall be identical with that on the tractor or motor vehicle drawing the vehicle.
- (3) In the case of a motor cycle or a motor bicycle, the front registration number plate shall be so affixed as to be easily read from a position on either side of the motor cycle or motor bicycle; and the rear registration number plate shall be affixed in an upright position in the manner described in subsection (1).
- (4) Registration number plates shall be of the description specified in the *Second Schedule*.
- (5) The parish mentioned in column 1 of Part I of the *Fourth Schedule* in which the motor vehicle is registered shall be represented on the registration number plates of the motor vehicle by the letter mentioned in column 2 opposite that parish, except that
- (a) in the case of a public service vehicle, the use for which that vehicle is kept as specified in column 1 of Part II of the *Fourth Schedule*; and
 - (b) in the case of a vehicle owned by the Government of Barbados or by a statutory board, the use for which that vehicle is kept as specified in column 1 of Part III of the *Fourth Schedule*

shall be represented on the registration number plates of that vehicle by the letter mentioned in column 2 opposite that use.

[1990-35]

Number plates for limousines

10A. Notwithstanding section 10, registration number plates to be affixed to a limousine shall be in accordance with the *Second Schedule* except that the background of the number plates shall be of a dark red reflective nature with the borders, letters and figures thereon, white.

[1990-35]

Number plates for vehicles of Government and of Statutory Boards

10B. The registration number plates of vehicles owned by the Government of Barbados or by a statutory board shall be of the description specified in the *Second Schedule* except that

- (a) in the case of vehicles used by the Defence Force, the background of such number plates shall be black in colour and the borders, letters and figures thereon, white; and
- (b) in all other cases, the background of the number plates shall be dark green in colour and the borders, letters and figures thereon, white.

[1990-35]

Registration number plates for public service vehicles

10C.(1) Without limiting section 10 or 10A, all registration number plates for public service vehicles shall be issued by the Transport Authority.

(2) All registration number plates issued under subsection (1) shall remain the property of the Transport Authority.

[1992-2; 2007-27]

Registration number plates for route taxis

10D. Notwithstanding section 10, the registration number plates to be affixed to a route-taxi shall be in accordance with the *Second Schedule* except that the background of the number plates shall be white and the letters and figures thereon, blue.

[1992-2]

Diplomatic and consular representatives

11.(1) Notwithstanding sections 5 and 10, the Licensing Authority shall, on application made to it by

- (a) a consul;
- (b) a head of mission on behalf of the head of mission or any other diplomat of that mission;
- (c) a head of a regional or international organisation on behalf of the head or a member of staff of the regional or international organisation,

for the registration of a vehicle without payment of a fee in accordance with the relevant provisions of the *Diplomatic Immunities and Privileges Act*, Cap. 18, or an agreement between the regional or international organisation and the Government of Barbados, register the vehicle without payment of a fee.

(2) A vehicle that is registered under subsection (1) shall receive a registration number plate in accordance with the *Second Schedule* except that the background of the number plates shall be dark blue in colour and the borders, letters and figures thereon, yellow.

(3) Where a vehicle that is registered under subsection (1) is that of

- (a) a consul, the registration number plates must bear the letters “FC”;
- (b) a diplomat or a head of a regional or international organisation, the registration number plates must bear the letters “CD”; or
- (c) a member of a staff of a regional or international organisation, the registration number plates must bear the letters “IM”.

(4) Where a vehicle that is registered under subsection (1) is

- (a) the vehicle of a diplomatic mission or the official vehicle of a regional or international organisation, the registration number plates must bear the letters “CD”; or

- (b) a vehicle other than the official vehicle of a regional or international organisation, the registration number plates must bear the letters “IM”.

[1990-35]

Number plates for special purposes etc.

12.(1) Notwithstanding section 10, registration number plates to be affixed to a motor vehicle to which this section applies may be of such a nature, or may bear such alternative identification marks, as the Minister designates.

- (2) This section applies to a motor vehicle that is being used
- (a) on a special occasion;
 - (b) for a special purpose; or
 - (c) during a special period,

that the Minister by order declares to be a special occasion or a special purpose for the purposes of this section.

Provisional Licence

12A.(1) Notwithstanding sections 5, 10 and 12, the Licensing Authority may, on application made to the Department, and upon payment of such fee as the Minister responsible for Finance by order prescribes, issue to an applicant a provisional licence and a registration number in accordance with subsection (2).

- (2) The Licensing Authority may issue a provisional licence and registration number to an applicant
- (a) on being satisfied that the licence is required to facilitate the completion of requirements for registration of a motor vehicle; and
 - (b) on receiving the fee referred to in subsection (1).
- (3) A provisional licence is valid
- (a) on any day except Saturdays, Sundays and public holidays;

- (b) from 7:00 hours to 17:00 hours.
- (4) A provisional licence must contain
 - (a) the name and address of the person to whom it is issued;
 - (b) the number of the provisional licence plate referred to in subsection (5);
 - (c) the period for which the licence is valid;
 - (d) the fee paid in respect of the licence;
 - (e) the date-stamp of the office of issue; and
 - (f) the serial number of such licence.
- (5) The Licensing Authority may, upon receiving the fee referred to in subsection (1), issue with each provisional licence and registration number provisional licence plates bearing that number.
- (6) A person to whom a provisional licence is issued shall affix the provisional licence plates, in a conspicuous manner, one to the front and one to the rear of the vehicle, upon which they are being used.
- (7) Provisional licence plates must be in accordance with the *Second Schedule*, except that the background of the licence plates must be white, the border thereof and the figures and letters thereon must be red and the licence plates must bear the letters "LA".
- (8) Provisional licence plates remain the property of the Crown and the person to whom the licence is issued shall return the licence plates to the Licensing Authority on the expiration of the period for which the licence was issued.
- (9) Any person who
 - (a) uses provisional licence plates or permits such plates to be used on a vehicle in contravention of subsection (3);
 - (b) fails to return provisional licence plates to the Licensing Authority in accordance with subsection (8); or
 - (c) mutilates, damages or otherwise defaces any provisional licence plate,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or to both.

[1992-2]

Driving of unregistered motor vehicle etc.

13.(1) Subject to this section, any person who drives, or, being the owner, permits any other person to drive, on a road, any motor vehicle

- (a) that does not bear any registration number plate, limited trade number plate, provisional licence plate or other identification mark in the manner required by this Act or the regulations; or
- (b) that bears a registration number plate, limited trade number plate, provisional licence plate or another identification mark that is so affixed or obscured that it cannot be easily read,

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

(2) It is a defence to a charge brought under paragraph (b) of subsection (1) if the accused establishes that he was unaware that the registration number plate, limited trade number plate or other identification mark was obscured or could not be easily read.

PART III

LICENSING AND TAXATION

Definition of motor vehicle in this Part

14. For the purposes of this Part, “motor vehicle” includes “trailer”.

Payment of tax

15. Every person who is the owner of a motor vehicle shall, on the day of the anniversary of the date on which that vehicle was first registered, pay as tax

to the Licensing Authority such amount as the Minister of Finance by order prescribes.

Refund of taxes

15A. Where, pursuant to section 15, the owner of a motor vehicle pays the tax in respect of that motor vehicle and the Licensing Authority is subsequently satisfied that the motor vehicle was not used, kept for use or allowed to be kept for use by the owner during the period in respect of which the tax was paid, the Minister of Finance shall refund the owner of the motor vehicle, the amount paid as tax.

Refund and waiver of taxes

15B. Where the Licensing Authority is satisfied that a motor vehicle was not used, kept for use or allowed to be kept for use by its owner for a period of not less than 3 months, the Minister of Finance shall where the tax was paid, refund that proportionate part of the tax which was paid for the period during which the motor vehicle was not used, kept for use or allowed to be kept for use by the owner.

Road licence and registration card

16.(1) The Licensing Authority shall in respect of every motor vehicle in respect of which tax is paid, issue to the owner of that motor vehicle

- (a) a road licence; and
- (b) a registration card specifying
 - (i) the registered number of the motor vehicle,
 - (ii) the appropriate letter contained in the *Fourth Schedule* representing the parish in which the motor vehicle is registered, or the use for which the vehicle is kept, and
 - (iii) the period for the duration of which the registration card is issued.

(2) Every person who uses a motor vehicle on a road shall have the registration card referred to in paragraph (b) of subsection (1) affixed in a conspicuous position

- (a) on the left hand side of the windshield, if such motor vehicle is of a right hand drive make;
- (b) on the right hand side of the windshield, if such motor vehicle is of a left hand drive make;
- (c) on the upper section of the left front fork, if the motor vehicle is a motor cycle; or
[1990-35]
- (d) on the uppermost section of the left front side, in the case of any other vehicle not referred to in paragraphs (a) to (c).
[1990-35]

(3) Any person who uses a motor vehicle in contravention of subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for a term of 3 months, or both.

Payment of tax by new owner of motor vehicle

17. Every person who becomes the owner of a motor vehicle in respect of which no valid road licence is in existence shall, upon so becoming, pay as tax to the Licensing Authority for the parish in which the motor vehicle is usually kept such amount as the Minister of Finance by order prescribes.

Change of ownership of motor vehicle

18.(1) Where the ownership of a motor vehicle in respect of which a valid road licence is in existence is transferred to another person,

- (a) the transferor of the motor vehicle shall, upon the transfer thereof,
 - (i) give notice of the change of ownership of the vehicle in writing to the Licensing Authority for the parish in respect of which the motor vehicle is licensed,

- (ii) inform the Licensing Authority of the name and address of the new owner of the vehicle, and
 - (iii) return to the Licensing Authority the registration card issued in respect of such motor vehicle;
 - (b) the new owner of the motor vehicle shall, upon the transfer of the vehicle,
 - (i) give notice of the change of ownership of the vehicle in writing to the Licensing Authority for the parish in respect of which the motor vehicle is licensed,
 - (ii) inform the Licensing Authority of the name and address of the person from whom the motor vehicle was obtained, and
 - (iii) produce to the Licensing Authority an insurance certificate, issued in respect of such motor vehicle, together with any evidence required by the Licensing Authority to establish the validity of the change of ownership.
- (2) The Licensing Authority for the parish in respect of which a motor vehicle is licensed shall,
- (a) upon receipt of the notice and particulars required to be given to him under subsection (1); and
 - (b) upon being satisfied as to the validity of the change of ownership of the motor vehicle,
- adopt the procedure set out in subsections (3) and (4).
- (3) If the motor vehicle in respect of which there is a change of ownership is to be kept in the parish in which it is at present registered, the Licensing Authority shall
- (a) re-register the motor vehicle and assign to the new owner thereof a new registration number on his payment to the Licensing Authority of such fee as the Minister of Finance, by order, prescribes; and

- (b) issue to the new owner of the motor vehicle a new registration card.
- (4) If the motor vehicle in respect of which there is a change of ownership is registered in a parish other than that in which it is at present registered, the Licensing Authority shall
- (a) assign to the new owner of the motor vehicle a new registration number on payment of such fee as the Minister of Finance, by order, prescribes;
 - (b) issue to the new owner of the motor vehicle a new registration card; and
 - (c) enter in the register kept under section 5(3) the particulars required to be recorded.
- (5) A road licence is not to be treated as being transferred to a new owner of a motor vehicle and the new owner is not entitled to use such motor vehicle in accordance with the terms and conditions of that road licence.
- (6) Any person who
- (a) is required by this Act to furnish particulars in connection with a change of the registration of any vehicle and fails to do so; or
 - (b) furnishes any particulars which to his knowledge are false,
- is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

Exemption from payment of tax by person staying temporarily in Barbados

19.(1) Notwithstanding anything contained in this Act, where a person visits Barbados for a period not exceeding 6 months and brings a motor vehicle into Barbados for his own use during such visit, he may, on application to the Licensing Authority, obtain a road licence under section 16(1).

(2) Subject to subsection (3), where the person referred to in subsection (1) is the holder of a valid road licence issued outside Barbados, the Licensing

Authority may issue to him a free road licence for the period covered by the road licence issued outside Barbados; but in no case shall a free road licence be issued for a greater period than 90 days.

(3) Subsection (1) does not operate in favour of a visitor to Barbados if the country in which his road licence is issued does not accord reciprocal treatment in respect of a road licence issued in Barbados.

Exemption from tax of motor vehicles used for agricultural purposes and the use on the road of such vehicles

20.(1) All motor vehicles used exclusively for the purposes of agriculture are exempt from taxation under this Act, but a vehicle so exempt shall not be used on any road except for the purpose of crossing from one part of a property to another part of such property or from one property to another property.

(2) Motor vehicles referred to in subsection (1) shall not be driven or towed across a road unless they are being used in connection with a crossing specified in that subsection and are at the time of such crossing equipped with rubber or other belting for the protection of the surface of the road and such warning lights or signals as the Chief Technical Officer approves.

(3) Any person who uses, causes or permits a motor vehicle to be used in contravention of this section is guilty of an offence and is liable on summary conviction to a fine of \$1000 or to imprisonment for a term of 12 months, or both.

Exemption of other vehicles from taxation

21.(1) No tax is chargeable under this Act in respect of any motor vehicle that is the property of

- (a) the Crown;
- (b) a member of the Diplomatic or Consular Community or a Regional or International Organisation; or

(c) any other authority or organisation that is prescribed by order by the Minister of Finance.

(2) Paragraph (b) of subsection (1) does not operate in favour of a member of the Diplomatic or Consular Community unless the country which that member represents or of which he is a citizen, as the case may be, accords reciprocal treatment to persons of a similar status who represent Barbados.

Penalty for non-payment of tax

22.(1) Notwithstanding the provisions of sections 15A and 15B, and subject to subsection (2), any owner of a motor vehicle who keeps it or allows it to be kept for use, without paying the tax that is payable pursuant to section 15 is guilty of an offence and in addition to the right of the Licensing Authority to recover the tax under section 25 is, in respect of every motor vehicle so kept or allowed to be kept for use, liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

(2) A vehicle shall be deemed to be kept for use until the contrary is proved.
[1994-8]

[1994-8]

Penalty on driver for refusal to disclose name of owner of vehicle in case of non-payment of tax

23.(1) Every person who uses a vehicle in respect of which tax is payable under this Act shall, on being required by a person authorised by the Licensing Authority or by a member of the Police Force, give the name and address of the owner of that vehicle.

(2) Any user of a vehicle who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

Use of a vehicle for purpose other than that for which registered and licensed**24.(1) Where**

- (a) a road licence has been issued in respect of a mechanically propelled vehicle in respect of which the required tax has been paid; and
- (b) that vehicle is used in a manner or for a purpose that brings it within a class or description of a vehicle for which a higher tax is payable,

the person who so uses that vehicle, and every person who permits it to be so used, is guilty of an offence.

(2) Subject to subsection (3), a motor vehicle that is registered in accordance with Part II and licensed under this Part shall not be used for any purpose other than that for which it is registered and licensed, except in accordance with the terms of a permit granted by the Licensing Authority.

(3) Subsection (2) does not apply where a motor vehicle that is registered and licensed for a purpose other than private purposes is used for private purposes.

(4) Any person who desires to obtain a permit to use a motor vehicle for a purpose other than that for which it is registered and licensed may apply in writing to the Licensing Authority specifying

- (a) the purpose for which such permit is desired;
- (b) the type of motor vehicle in respect of which the application relates; and
- (c) the route and date on which, and the time during which, the vehicle is to be used.

(5) The Licensing Authority may, on application being made to him under paragraph (1),

- (a) grant to the applicant a permit subject to such conditions as he thinks fit; or

(b) refuse the application.

(6) There shall be paid by the person to whom a permit is granted under subsection (5) such fees and taxes as the Minister of Finance by order prescribes.

(7) Every owner of a motor vehicle who uses it or causes or permits it to be used in contravention of this section or in contravention of the terms of a permit granted under this section is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or both; and in addition thereto is liable to cancellation of the permit.

[1998-34]

Recovery of tax

25. Any tax imposed pursuant to this Part is recoverable in summary proceedings or process on the complaint of the Licensing Authority.

Proceedings against joint owners

26. Where 2 or more persons jointly own a motor vehicle, it is sufficient in any complaint, summons, order, conviction, warrant or other proceedings under this Part, to name one of the owners without reference to any other of them and proceed as if he were the sole owner.

Weight certificate

27.(1) All payments of tax made to the Licensing Authority in respect of a motor vehicle shall, where such tax is computed on the weight of such vehicle while it is unladen, be accompanied by a certificate, in the form set out in the *Third Schedule*, of the weight of the vehicle unladen issued by an official weigher.

(2) Every person to whom a certificate referred to in subsection (1) is issued shall pay to the Licensing Authority in respect of the issue of that certificate such fee as the Minister of Finance may by order prescribe.

[1998-34]

(3) Subsection (1) does not apply to any payment made in respect of a motor vehicle by a person visiting Barbados for a period not exceeding 3 months who has brought the motor vehicle with him for his own use during his visit, if that person produces to the Licensing Authority the manufacturer's weight certificate of the motor vehicle in respect of which the payment is made.

[1998-34]

Maximum gross weight

28.(1) The maximum gross weight of any vehicle must not exceed

- (a) 7 tonnes in the case of a four-wheeled vehicle with 2 axles equipped for purposes of propulsion with 4 pneumatic tyres;
- (b) 12 tonnes in the case of a vehicle with 2 axles equipped for purposes of propulsion with dual pneumatic tyres at each end of the rear axle;
or
- (c) 24 tonnes in the case of any other vehicle or trailer.

[1984-16]

[1984-16]

(2) Any person who uses, causes or permits to be used on any road a vehicle the weight of which is in excess of the maximum gross weight specified in subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$5 000 or imprisonment for 12 months or both.

[1984-16]

[1984-16]

Power of Licensing Authority to grant special permit to exceed maximum gross weight

29.(1) Notwithstanding section 28, the Licensing Authority may, in any special case, issue a special permit for any article to be carried by a vehicle in excess of the limits set out in section 28(1).

(2) Every owner of a vehicle who desires to obtain a special permit referred to in subsection (1) shall, at least 2 clear days before the day in respect of which he intends to use such permit, apply in writing to the Licensing Authority giving the particulars specified in section 24(4), and the Licensing Authority may, after considering the application, grant to the applicant a permit subject to such terms and conditions as he thinks fit, or refuse the application.

(3) Subject to any variations ordered by the Licensing Authority, the owner or driver of the vehicle shall, upon being granted a permit under this section, follow the route specified by him in the application for the special permit.

[1984-16]

(4) The owner of a vehicle in respect of which a special permit is issued under this section shall pay to the Licensing Authority such appropriate tax as the Minister of Finance by order prescribes.

[1984-16]

Issue of special permit for type of motor vehicle or tractor

30.(1) Notwithstanding any other provision of this Act, the regulations or any other enactment, the Licensing Authority may issue a special permit, subject to such restrictions and conditions as he may specify therein, authorising the use on roads of

- (a) a particular motor vehicle, trailer or tractor;
- (b) a particular type of motor vehicle, trailer or tractor constructed for a special purpose; or
- (c) a motor vehicle, trailer or tractor to be used for or in connection with work of a particular nature.

(2) The Licensing Authority may at any time revoke, vary or amend a special permit issued under this section, and shall revoke that permit if the person to whom it is issued fails to comply with any of the restrictions or conditions set out in the permit.

(3) Any person who uses, or causes or permits to be used, on a road any motor vehicle, trailer or tractor in contravention of any of the restrictions or conditions specified in a special permit issued under this section is guilty of any offence and is, in addition to having the special permit revoked, liable on summary conviction to a fine of \$5 000, or to imprisonment for a term of 12 months, or both, unless the court is satisfied that the accused did not know that he was acting in contravention of the restrictions or conditions specified in the permit.

(4) The owner of any vehicle in respect of which a special permit is issued under this section shall pay to the Licensing Authority such tax as the Minister responsible for Finance by order prescribes.

Weights to be painted on goods vehicles

31.(1) The owner of every goods vehicle, except a hearse, omnibus, tractor or trailer, shall paint

- (a) the weight unladen; and
- (b) the maximum gross weight,

in white figures and letters not less than 65 millimetres in height upon a black background in a conspicuous place on its right or offside, the weights so required to be painted being expressed in kilograms.

(2) Subject to subsection (3), any person who uses or permits a vehicle referred to in subsection (1) to be used on a road without its weight being painted as specified in that subsection is guilty of an offence and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 6 months, or both.

(3) This section does not apply to a vehicle in respect of which a valid temporary licence is being used.

Cancellation of road licence in respect of improperly constructed motor vehicle

32. The Licensing Authority may cancel or refuse to renew a road licence or special permit issued in respect of a motor vehicle if an inspector or examiner certifies in writing that such motor vehicle is so constructed or is in such condition as

- (a) to be a source of danger to any person in the vehicle or any user of the road;
- (b) to be likely to cause damage to the road; or
- (c) to be in contravention of this Act or the regulations.

Appeals against decision of Licensing Authority

33.(1) The owner of a motor vehicle in respect of which

- (a) a road licence or special permit has been cancelled; or
- (b) the issue or renewal of a licence has been refused,

may appeal to the Minister against the decision, and the Minister may assign a public officer to hear the appeal.

(2) After an appeal under this section has been heard, the decision appealed may be confirmed, or the decision may be altered or reversed.

Fraudulent imitation

34. Any person who

- (a) makes a fraudulent imitation of;
- (b) fraudulently alters or uses;
- (c) fraudulently lends to another person; or
- (d) permits to be used by any other person,

any registration card issued to him is guilty of an offence and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 12 months, or both.

Exemption from Parts II and III

35. The Cabinet may, by order, prescribe vehicles or categories of vehicles belonging to the Crown to which Part II and this Part do not apply.

Distinguishing mark on exempted vehicle

36. Any vehicle to which section 35 refers shall, when being used on a road, have affixed thereon a crown, or other distinguishing mark approved by the Cabinet, in place of the registration number plate referred to in section 10.

PART IIIA

SEAT BELTS IN MOTOR CARS AND CERTAIN OTHER VEHICLES

Interpretation

36A. In this Part

“child safety seat” means a seat that

- (a) is of such shape, quality, construction, assembly or standard as may be approved by the Barbados National Standards Institution;
- (b) is designed to diminish the risk of injury to a child in the event of a collision or abrupt deceleration of a motor vehicle by limiting the mobility of the body of the child; and
- (c) is to be used in conjunction with a seat belt and is held in place by the restraining anchor of that seat belt;

“seat belt” means any arrangement or assembly of straps with a securing buckle, adjusting device and an attachment which is anchored at a point to the

structure of the seat of a motor vehicle by appropriate means and is designed

- (a) to provide restraint for both the upper and lower parts of the trunk of the wearer; and
- (b) to diminish the risk of injury to the wearer,

in the event of a collision or of an abrupt deceleration of a motor vehicle, by limiting the mobility of the body of the wearer.

[2001-11]

Position of seat belts

36B.(1) Every private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, hackney carriage, motor cab or taxi driven in Barbados on or after 1st October, 2001, shall be fitted with a seat belt for

- (a) the driver's seat;
- (b) the front passenger seat; and
- (c) the rear passenger seats.

(2) Every public service vehicle driven in Barbados on or after 1st October, 2001 shall be fitted with a seat belt for

- (a) the driver's seat; and
- (b) the front passenger seats.

(3) Every motor omnibus, tour coach and motor tractor shall be fitted with a seat belt for the driver's seat.

(4) The seat belts referred to in subsections (1), (2) and (3) shall

- (a) form an integral and not an optional part of the respective motor vehicle;

- (b) be so designed as to provide restraint for both upper and lower parts of the trunk of the wearer, and shall be of the type prescribed
 - (i) by reference to design, construction or quality;
 - (ii) by reference to different classes of vehicles, different descriptions of persons and different circumstances,

except that, in a motor vehicle authorised to carry 2 passengers in the front, the seat belt affixed to the middle front seat need not provide restraint for the upper part of the trunk of the wearer.

(5) The Licensing Authority shall, before registering any private motor car, contract carriage, self-driven car, hired car, limousine, hackney carriage, motor cab, taxi, goods or public service vehicle referred to in subsection (1), (2) or (3), satisfy itself that the provisions of those subsections and of any regulations made in pursuance of subsection (4) have been complied with, and may refuse to register any motor vehicle that in the opinion of the Licensing Authority fails to satisfy all or any of those requirements.

[2001-11]

Owner's duty

36C.(1) Every person who owns

- (a) a private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, hackney carriage, motor cab or taxi specified in subsection (1) of section 36B;
- (b) a public service vehicle specified in subsection (2) of section 36B; or
- (c) a motor omnibus, tour coach or motor tractor specified in subsection (3) of section 36B

shall ensure that the motor vehicle is fitted with seat belts of the type referred to in subsection (4) of section 36B.

(2) Every person who owns a private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, hackney carriage, motor cab, taxi or public service vehicle which was manufactured without the required number of seat belts as set out in subsections (1), (2) and (3) of section 36B, shall install the required seat belts on or before the 30th day of September, 2001.

(3) The seat belts installed pursuant to subsection (2) shall be in accordance with the description given in subsection (4) of section 36B and shall be of the type approved by the Barbados National Standards Institution.

(4) A person who owns a motor vehicle described in subsection (1) and who contravenes that subsection is guilty of an offence and is liable on summary conviction for a first offence to a fine of \$500 and on any subsequent conviction to a fine of \$1 000.

[2001-11]

Wearing of seat belts compulsory

36D.(1) Every person travelling in a motor vehicle referred to in section 36B(1) shall wear a seat belt whilst that motor vehicle is in motion, or the engine of the motor vehicle is turned on.

(2) Every driver and front seat passenger of a public service vehicle shall wear a seat belt whilst the public service vehicle is in motion or the engine is turned on.

(3) Every driver of a motor omnibus, tour coach or motor tractor shall wear a seat belt whilst the motor omnibus, tour coach or motor tractor is in motion or the engine is turned on.

(4) A seat belt shall not be worn by more than one person at a time.

(5) Any person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months or to both.

[2001-11]

Exception

36E.(1) A driver and any person travelling in any motor vehicle referred to in section 36D(1), (2) or (3) shall not be convicted of an offence under this Part if that person is the holder of a valid certificate signed by a qualified medical practitioner registered to practise in Barbados to the effect that it is inadvisable on medical grounds for that person to wear a seat belt.

(2) Where the holder of a certificate referred to in subsection (1) is informed by a member of the Police Force in uniform or by a transport inspector in uniform that he may be prosecuted for an offence under section 36D, he is not in proceedings for that offence entitled to rely on the exception afforded to him by the certificate unless the certificate is produced to the member of the Police Force or to the transport inspector

(a) at the time he is so informed; or

(b) within 7 days of the date on which he was so informed, at such police station as he may have specified to the member of the Police Force or at the Licensing Authority.

(3) A driver of a motor vehicle referred to in section 36D shall not be convicted of an offence under section 36D(5) if he was at the material time reversing the motor vehicle.

[2001-11]

Child safety seat

36F.(1) No child shall travel in a private motor car, private goods vehicle, hired car or self-driven car unless that child

(a) if under the age of 4 years, is seated in a child safety seat that is positioned in a back seat of the motor vehicle and is secured by a seat belt; or

(b) if 4 years of age or older, is wearing a seat belt which is securely fastened.

(2) Where a child safety seat referred to in subsection (1) is a rear facing seat, it may be placed in the front passenger seat of the motor vehicle, if that motor vehicle is not equipped with an air bag on the front passenger side of the motor vehicle.

[2001-11]

Offence

36G. A driver of a motor vehicle who contravenes section 36F is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months or to both.

[2001-11]

Exception

36H.(1) Where the driver of a motor vehicle permits a child to travel in a motor vehicle in contravention of the provisions of section 36F, that driver shall not be convicted of an offence if he can produce a valid certificate signed by a qualified medical practitioner registered to practise in Barbados to the effect that it is inadvisable on medical grounds for that child to wear a seat belt.

(2) Where the driver of the motor vehicle referred to in subsection (1) is informed by a member of the Police Force in uniform or by a transport inspector in uniform that he may be prosecuted for an offence under section 36D, he is not in proceedings for that offence entitled to rely on the exception afforded to the child by the certificate unless the certificate is produced to the member of the Police Force or transport inspector

(a) at the time he is so informed; or

- (b) within 7 days of the date on which he was so informed, at such police station as he may have specified to the member of the Police Force or at the Licensing Authority.

[2001-11]

PART IV
MOTOR VEHICLE INSURANCE

Users of motor vehicles to be insured against third party risks

37.(1) No person shall use or cause or permit any other person to use a motor vehicle on a public road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, a policy of insurance or such security in respect of third-party risks as complies with the requirements of this Act.

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months, or both; and, in addition thereto (unless the court for special reason thinks fit to order otherwise, and without limiting or affecting the power of the court to order a longer period of disqualification), is liable to be disqualified from holding or obtaining a driving licence under this Act for a period of 12 months from the date of the conviction.

(2A) It is a defence to a charge under this section if the person charged proves

- (a) that he is not the owner of the motor vehicle; and
- (b) that he neither knew nor had reason to believe that the motor vehicle was not insured in accordance with this Part.

[1983-30]

(3) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought

- (a) within a period of 6 months from the date of the commission of the offence; or
- (b) within a period that exceeds neither 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of offence,
[1983-30]

whichever period is the longer.

(4) This section does not apply to any motor vehicle owned by the Crown or by any statutory board that the Minister may by order specify if the vehicle is used exclusively in the service of the Crown or of the statutory board, as the case may be.

Duty to notify change in policy of insurance

37A.(1) A person to whom a road licence is issued shall notify the Licensing Authority of any change in respect of the insurance of that vehicle, within 7 days of that change, if the change relates to any of the legal requirements in respect of a policy of insurance under this Part.

(2) A person who without reasonable excuse fails or refuses to comply with subsection (1) is guilty of an offence.

[1983-30]

Requirements in respect of policies

38.(1) For the purposes of this Act, a policy of insurance is a policy that is issued by a vehicle insurer and, subject to subsection (2), insures the persons or categories of persons specified in the policy against

- (a) liability in respect of any sum to a maximum of
 - (i) \$10 000 000, which such persons or categories of persons shall become liable to pay in respect of death of or bodily injury to one person in any one accident; or
 - (ii) \$30 000 000, which such persons or categories of persons shall become liable to pay in respect of death or bodily injury in the aggregate to any number of persons in any one accident; and
[2004-19]
- (b) any sum not exceeding \$50 000 which such persons or categories of persons shall become liable to pay in respect of damage to property,
[1983-30; 1985/95]

arising out of the use of a motor vehicle on a public road.

(2) Notwithstanding subsection (1), a policy of insurance is not required to cover

- (a) liability for the death of or bodily injury to a person that arises out of and in the course of his employment by the persons or categories of persons insured;
- (b) any contractual liability; or
- (c) damage to
 - (i) the motor vehicle or any part thereof or property in or on the motor vehicle of the person insured;
 - (ii) property owned by or in the control of the persons or categories of persons insured; and

- (iii) any bridge, weighbridge, road or anything in or below the surface of the road due to the weight of or vibration caused by a motor vehicle.

(3) Where

(a) payment is made

- (i) by an insurer under a policy of insurance, or
- (ii) by the owner of a motor vehicle in relation to the use of which a security under this Act is in force,

in respect of death of, or bodily injury to, any person, arising out of the use of a motor vehicle on a public road; and

- (b) the person who has died or has suffered bodily injury has to the knowledge of the insurer or the owner received treatment in a hospital in respect of the fatal or other bodily injury,

there shall, subject to subsection (5), also be paid by the insurer or the owner to the hospital, the expenses reasonably incurred by the hospital in affording treatment, up to an amount not exceeding such amount as the Minister may by order prescribe for each person so treated.

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

“expenses reasonably incurred” means, in relation to a person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital, representing the average daily cost per patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the patients therein;

“hospital” means an institution which provides medical or surgical treatment for inpatients.

(5) Subsection (3) does not apply where a charge has been made by the hospital in respect of treatment.

(6) Notwithstanding anything in any enactment, a person issuing a policy of insurance is liable to indemnify the persons or categories of persons specified in the policy in respect of any liability that the policy purports to cover in respect of those persons or classes of persons.

(7) A policy of insurance is of no effect for the purposes of this Act unless there is issued by the insurer in favour of the person by whom the policy is effected a certificate, in this Act referred to as a certificate of insurance, in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed; and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Unlimited liability respecting all passengers

38A. Notwithstanding any agreement, enactment or rule of law to the contrary but subject to sections 38(2), (3) and (4), liability under a policy of insurance for the purposes of this Part where that liability arises out of the use of a motor vehicle on a public road shall be in respect of all passengers carried in that vehicle, whether for reward or otherwise.

[1983-30]

Requirements in respect of securities

- 39.(1)** For the purposes of this Act, a security
- (a) must be given by an insurer; and
 - (b) must consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to such amount as the Minister may by order prescribe, any failure by the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under section 38 which may be incurred by him or them.

(2) A security is of no effect for the purposes of this Act unless there is issued by the person giving the security in favour of the person to whom it is given a certificate, in this Act referred to as a “certificate of security”, in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed; and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Certain conditions to policies or securities to be of no effect

40.(1) Any condition in a policy or security issued or given for the purposes of this Act providing that no liability arises under the policy or security or that any liability so arising ceases in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security is of no effect in connection with a claim mentioned in section 38(1).

(2) Nothing in this section operates to render void any provision in a policy or security requiring a person insured or secured to repay to the insurer or the giver of the security any sums that the latter is liable to pay under the policy or security and have been applied to the satisfaction of the claims of third parties.

[1998-34]

Production of evidence of insurance before registration

41.(1) A person shall, at the time of registration of a motor vehicle under section 5 and on every occasion that he is paying tax under section 15, produce to the Licensing Authority evidence of the expiry date of the policy of insurance in relation to that vehicle and evidence that

- (a) on the date on which the licence comes into operation there will be in force a policy of insurance or security as required by this Act in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission; and

- (b) the motor vehicle is not a motor vehicle to which section 37(4) applies.
- (2) A record of the information required by subsection (1) must be kept by the Licensing Authority and shall be available at all times to any member of the Police Force.
- (3) A road licence must not be issued under section 16(1) to any person who fails to comply with subsection (1).

Requirements as to production of certificate of insurance or of security

42.(1) Any person driving a motor vehicle on a public road shall, on being required by a member of the Police Force, give his name and address and the name and address of the owner of the motor vehicle, and produce his certificate of insurance.

(2) A driver of a motor vehicle who does not have with him his certificate of insurance at the time he is required to produce it shall name to the member of the Police Force who requires its production a police station at which he elects to produce it, and he shall produce the certificate at that police station within 24 hours from the date on which he is required to produce it.

[1998-34]

(3) Where, owing to the presence of a motor vehicle on a public road, an accident occurs involving personal injury to another person and the driver of the motor vehicle does not at the time produce his certificate of insurance to a member of the Police Force or to a person who, having reasonable grounds for so doing, has required its production, the driver shall as soon as possible, and in any case within 24 hours of the occurrence of the accident, report the accident at a police station or to a member of the Police Force, and thereupon produce his certificate.

[1998-34]

(4) Notwithstanding subsection (3), a person is not to be convicted of an offence under this section by reason only of failure to produce his certificate of insurance if, within 5 days after the occurrence of the accident, he produces it in

person at a police station specified by him at the time the accident was reported.

[1998-34]

(5) The owner of a motor vehicle shall give such information as he may be required by or on behalf of any police officer not below the rank of Superintendent to give, for the purpose of determining whether the motor vehicle was or was not being driven in contravention of section 37 on any occasion when the driver was required under this section to produce his certificate.

(6) For the purposes of this section, “produce his certificate of insurance” means produce for examination the relevant certificate of insurance or certificate of security or such other evidence as may be prescribed that the motor vehicle is not or was not being driven in contravention of section 37.

Duty of insurers to satisfy judgments against persons insured in respect of third party risks

43.(1) Where, after a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected, judgment in respect of any liability required to be covered by a policy under section 38(1), (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to this section and to any limitations on the total amount payable under the policy in consequence of that subsection, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(1A) Where a third party obtains judgment against a person who is insured under a policy of insurance that is required by virtue of section 37(1) and that third party is not a party to the contract and the liability covered by the policy is not required to be covered under the Act, then, notwithstanding any enactment or rule of law

to the contrary, the third party may recover the full amount of the judgment from the insurer.

[1983-30]

- (2) No amount is payable by an insurer under subsection (1) or (1A)
- (a) in respect of any judgment, unless before or within 7 days from the commencement of the proceedings in which the judgment was given, or such other period as the court thinks fit, the insurer had notice of the bringing of the proceedings; or
 - (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
 - (c) in connection with any liability, if before the happening of the event that was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and
 - (i) before the happening of the event, the certificate was surrendered to the insurer, or the person to whom the certificate was issued made and delivered to the insurer an affidavit sworn before a Justice of the Peace stating that the certificate had been lost or destroyed,
 - (ii) after the happening of the said event but before the expiration of a period of 14 days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or the person to whom the certificate was issued made an affidavit as referred to in sub-paragraph (i), or
 - (iii) either before or after the happening of the event, but within a period of 14 days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

[1983-30]

- (3) No sum is payable by an insurer under subsection (1) or (1A) if, in an action commenced before, or within 3 months after, the commencement of the

proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact that was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it.

[1983-30]

(4) Notwithstanding subsection (3), an insurer who has obtained a declaration in an action does not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of the action, unless before or within 7 days from the commencement of that action he has given notice thereof to the person who is the plaintiff in the proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of an action is so given may be made a party thereto.

(5) Where the amount that an insurer becomes liable under this section to pay to any person exceeds the amount for which he would, apart from this section, be liable under the policy in respect of that liability, he is entitled to recover the excess from that person.

(6) For the purposes of this section,

- (a) “liability covered by the terms of the policy” means a liability covered by the policy of insurance or which would be covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy;
- (b) “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions; and
- (c) a reference in this Act to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance must, in relation to policies under which more than 1 certificate is issued, be construed as a reference to all the certificates

and must, where any copy has been issued of any certificate, be construed as including a reference to that copy.

Rights of third parties against insurers on bankruptcy, etc., of the insured

44.(1) Where under any contract of insurance a person (in this Act referred to as “the insured”) is insured against liabilities to third parties,

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company, in the event of
 - (i) a winding-up order being made,
 - (ii) a resolution for a voluntary winding-up being passed,
 - (iii) a receiver or manager of the company’s business or undertaking being duly appointed, or
 - (iv) possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

then, if either before or after either of those events, any liability is incurred by the insured, his rights against the insurer under the contract in respect of the liability are, notwithstanding anything in any Act or rule of law to the contrary, transferred to and vested in the third party in respect of whom the liability was so incurred.

(2) Where an order is made under section 118 of the *Bankruptcy Act*, Cap. 303 for the administration of the estate of a deceased debtor according to the law of bankruptcy, then, if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor’s rights against the insurer under the contract in respect of that liability shall,

notwithstanding anything in that Act, be transferred to and shall vest in, the person to whom the debt is owing.

(3) A contract of insurance respecting the liability of an insured to third parties that purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of subsection (1) or upon the making of an order under section 118 of the *Bankruptcy Act*, Cap. 303 in respect of his estate is void.

(4) Upon a transfer under subsection (1) or subsection (2), an insurer is, subject to section 46, under the same liability to a third party as he would have been under to the insured, but

(a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act affects the right of the insured against the insurer in respect of the excess; and

(b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act affects the right of the third party against the insured in respect of the balance.

(5) For the purposes of this Act, the expression “liabilities to third parties”, in relation to a person insured under any contract of insurance, does not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Act does not apply

(a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or

(b) to any case to which subsections (1) and (2) of section 43, of the *Workmen’s Compensation Act, 1963* (Act 1964-3), applies.

Duty to give information to third parties

45.(1) In the event of

- (a) a person becoming bankrupt or making a composition or arrangement with his creditors;
- (b) an order being made under section 118 of the *Bankruptcy Act*, Cap. 303 in respect of the estate of any person; or
- (c) a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to any company, or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge,

the bankrupt, debtor, personal representative of the deceased debtor or company and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver or manager or person in possession of the property shall give, at the request of any person claiming that the bankrupt, debtor, deceased debtor or company is under liability to him, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act, and for the purpose of enforcing those rights, if any.

(2) A contract of insurance is void in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of information in the events specified in subsection (1) or to prohibit or prevent the giving thereof in those events.

(3) Where the information given to any person in pursuance of subsection (1) discloses reasonable ground for supposing that there have or may have been transferred to him under this Act rights against any particular insurer, that insurer is subject to the same duty as is imposed by subsection (1) on the persons mentioned in that subsection.

(4) The duty to give information imposed by this section includes a duty to allow all contracts of insurance, receipts for premiums and other relevant documents in the possession or power of the person on whom the duty is imposed to be inspected, and copies thereof to be made.

Settlement between insurers and insured persons

46. Where the insured has become bankrupt, or, in the case of the insured being a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed, with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up, as the case may be, nor any waiver, assignment or other disposition made by, or payment made to, the insured after that commencement operates to defeat or affect the rights transferred to the third party under this Act; but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Bankruptcy of insured persons not to affect certain claims by third parties

47. Notwithstanding anything contained in sections 44, 45 and 46, where a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected, the happening in relation to the person insured by the policy of an event specified in subsections (1) and (2) of section 44, does not affect the liability of that person as is required to be covered by a policy under section 38, but nothing in this section affects any right against the insurer conferred by this Act on the person to whom the liability was incurred.

Avoidance of restriction on scope of policies covering third party risks

48.(1) Where a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected, so much of the policy

as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:

- (a) the age or physical or mental condition of persons driving the vehicle;
- (b) the condition of the vehicle;
- (c) the number of persons that the vehicle carries;
- (d) the weight or physical characteristics of the goods that the vehicle carries;
- (e) the times at which or the areas within which the vehicle is used;
- (f) the horse-power or value of the vehicle;
- (g) the carrying on the vehicle of any particular apparatus;
[1983-30]
- (h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by this Act; or
- (i) persons named in the policy who may or may not drive a vehicle,
[1984-41; 1985/95]

is void as respects the liabilities required to be covered by a policy under section 38(1).

(2) Nothing in this section requires an insurer to pay any amount in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any amount paid by an insurer in or towards the discharge of any liability of a person covered by the policy by virtue only of this section is recoverable by the insurer from that person.

[1983-30]

Avoidance of contracts so far as restrictive in respect of death or injury to passengers

49. Any contract for the conveyance of a passenger in a motor vehicle in which passengers are carried for hire or reward is void in so far as it purports to negative or to restrict the liability of any person in respect of any claim that may be made against that person in respect of the death of, or bodily injury to, the passenger being carried in or upon, or while entering or getting on to or alighting from, the motor vehicle, or purports to impose any conditions with respect to the enforcement of any such liability.

Duty of persons against whom claims are made to give information as to insurance

50.(1) A person against whom a claim is made in respect of any liability and who is required to be covered by a policy under section 38(1) shall, on demand by or on behalf of a person making a claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Act or would have been so insured if the insurer had not avoided or cancelled the policy, and, if he was or would have been so insured, should give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof.

(1A) An insurer who has issued a policy of insurance to a person who is required to be insured under a policy of insurance by virtue of section 37(1), shall on demand by or on behalf of a person making a claim, supply a copy of the policy or of the certificate of insurance issued to the insured.

[1983-30]

(2) Any person who, without reasonable excuse, fails to comply with this section or wilfully makes any false statement in reply to a demand made under subsection (1) or (1A) is guilty of an offence.

[1983-30]

Duty to surrender certificate of cancellation of policy

51.(1) Where a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was issued shall, within 7 days from the taking effect of the cancellation, surrender the certificate to the insurer, or, if it has been lost or destroyed, make and deliver to the insurer an affidavit sworn before a Justice of the Peace to that effect, and if he fails so to do he is guilty of an offence.

(2) Where a certificate of insurance is not surrendered in accordance with subsection (1), the insurer shall immediately give notification of that fact to the Supervisor of Insurance, the Commissioner of Police and the Licensing Authority.

(3) An insurer who without reasonable excuse fails or refuses to comply with subsection (2) or section 51A(2) is guilty of an offence.

Special duties of insurer

51A.(1) Without affecting or limiting the operation of section 51(2) all insurers shall send written notification of

(a) all policies or certificates that have not been renewed or that have been cancelled; and

[1983-30]

(b) all vehicles that have been accepted as total losses.

to the Supervisor of Insurance, the Commissioner of Police and the Licensing Authority.

(2) Notification

(a) for the purposes of paragraph (a) of subsection (1) shall be given within 15 days after the end of the month in which the expiry or cancellation occurred; and

[1998-34]

- (b) for the purposes of paragraph (b) of subsection (1) shall be given within 15 days of the acceptance of a total loss.

Certificate of road worthiness

51B. No vehicle that has been accepted by an insurer as a total loss may be licensed by the Licensing Authority unless a certificate of road worthiness is issued in respect of that vehicle by a person approved by the Chief Technical Officer.

Application of sections 43, 47, 48, 50 and 51 to securities

52. The provisions of sections 43, 47, 48, 50 and 51 apply in relation to securities having effect for the purposes of this Act as they apply in relation to policies of insurance, and in relation to securities, references in those provisions to being insured, to a certificate of insurance, to an insurer, and to persons insured shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security, and to the persons whose liability is covered by the security.

Payments and insurance in relation to emergency treatment of injuries

53.(1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury, including fatal injury to any person caused by, or arising out of, the use of a motor vehicle on a public road, and the treatment or examination so required, in this section referred to as emergency treatment, is effected by a medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with section 55, pay to the practitioner, or, where emergency treatment is effected by more than one medical practitioner, to the medical practitioner by whom it is first effected,

- (a) such amount in respect of each person in whose case the emergency treatment is effected by him; and

- (b) such amount in respect of any distance in excess of 2 kilometers which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first-mentioned place,

as the Minister may, by order, prescribe.

(2) Where emergency treatment is first effected in a hospital, the provisions of subsection (1) with respect to the payment of a fee, so far as applicable, have effect with the substitution of references to the hospital for references to a medical practitioner.

(3) Liability incurred under this section by a person using a vehicle, shall, where the event out of which the liability was incurred was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damages by reason of that wrongful act as damage sustained by the person using the vehicle.

(4) In section 38(1), reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury; but subsection (2) of that section is not to be construed as having effect as respects liability to make a payment under this section.

Payment for hospital casualties

54.(1) Subject to subsection (2), where a payment, other than a payment under section 53 is made, whether or not with an admission of liability by an insurer or by the owner of a vehicle,

- (a) in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road; and
- (b) the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising,

the insurer or owner shall pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme.

- (2) The amount to be paid shall not exceed \$1 000 for each person treated as an in-patient, or \$100 for each person treated as an out-patient.
- (3) For the purposes of this section “expenses reasonably incurred” means
 - (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and
 - (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

Claims for payment for emergency treatment

55.(1) The Commissioner shall, if requested by a person who alleges that he is entitled to claim a payment under section 53, furnish to that person any information at his disposal as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

(2) A claim for a payment under section 53 may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made, must be made by request in writing served on that person within 7 days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant, or, in the case of a hospital, by an executive officer thereof, and must contain the name and address of the claimant, the circumstances in which the emergency treatment was

effected, and that it was first effected by the claimant, or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the person who was using the vehicle, or by sending it in a prepaid registered letter addressed to him at his usual or last known address.

(5) An amount payable under section 53 is recoverable in civil proceedings as a debt due from the person who was using the vehicle to the medical practitioner, or to the Crown where the amount is payable to the hospital.

(6) A payment made under section 53 to a practitioner or hospital operates as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any amount in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under section 53 is not a payment by an insurer or owner for the purposes of section 38.

Deposits

56. No part of any amount deposited by any person with the Accountant-General under this Act is, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Act, which have been incurred by him, have not been discharged or otherwise provided for, applicable in discharge of any other liabilities incurred by him.

Forgery etc., of certificates

- 57.(1)** Any person who, with intent to deceive,
- (a) forges, alters, uses or lends to or allows to be used by any other person a certificate of insurance or certificate of security under this Act; or
 - (b) makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) is liable
 - (a) on conviction on indictment to imprisonment for 2 years; or
 - (b) on summary conviction to a fine of \$1 000 or to imprisonment for 6 months, or both.
- (3) Any person who for the purpose of obtaining the issue of a certificate of insurance or of a certificate of security under this Act makes any false statement or withholds any material information is liable to a fine of \$500 or to imprisonment for 6 months, or both.
- (4) Any person who issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months, or both.
- (5) Where any member of the Police Force has reasonable cause to believe that any certificate of insurance or certificate of security produced to him in pursuance of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and, where any document is so seized, the person from whom it was seized shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section, be summoned before a magistrate's court to account for his possession of the document, and the court shall make such order respecting the disposal of the document, and award such costs, as it considers proper.

Refusal to give name and address or giving false name or address

58. The driver of any motor vehicle who commits an offence under this Act or the regulations and fails to give his name and address, or gives a false name or address, is guilty of an offence under this Act.

Offences and general penalty

59.(1) Any person who contravenes this Act or any regulations made under this Act is guilty of an offence and, unless a penalty is otherwise specifically provided, is liable on summary conviction to a fine of \$500 or to imprisonment for a period of 3 months or to both.

(2) Where a person is required under this Act or the regulations to do or to abstain from doing any act or thing and fails to comply with the requirement, a magistrate may, on convicting that person, in addition to any other penalty which he imposes, order the person to comply with the requirements and annex to the order such condition as to time or mode of action or otherwise as he considers necessary to enforce compliance therewith.

(3) Any person who fails to comply with an order of a magistrate made under this section may, in the discretion of the court, be ordered to pay a sum of \$10 for every day during which he fails to comply with the order, or to be imprisoned until he complies with the order.

(4) A person is not, for the purposes of subsection (3), liable to the payment of any sum amounting in the aggregate to more than \$500 or to imprisonment for any periods amounting in the aggregate to more than 3 months in addition to any other fine or term of imprisonment to which he may otherwise be liable.

[1990-35]

Offences triable summarily

60. Save as otherwise expressly provided, all offences under this Part are triable summarily.

Administration

60A.(1) The Supervisor of Insurance within the meaning of the *Insurance Act*, Cap. 310 is responsible for the administration of this Part and may in the exercise of his functions request information from an insurer.

[1983-30]

(2) In this Part, unless the context otherwise requires, “Minister” means Minister responsible for Finance.

PART V**DRIVING LICENCE****Driving without a licence**

61.(1) Subject to section 63, no person shall drive a motor vehicle of any class or description on a road unless he is the holder of a driving licence authorising him to drive a motor vehicle of that class or description.

(2) No person shall employ or permit any person to drive a motor vehicle of any class or description on a road unless the person he employs or permits to drive such motor vehicle is the holder of a valid driving licence authorising him to drive a motor vehicle of that class or description.

(3) Any person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

Minimum age for driving

62. A person shall not drive on a road a motor vehicle of any class or description if he is under such age as the Minister by order prescribes and different ages may be prescribed in respect of different vehicles or different classes of vehicles.

Learner's permit

63.(1) A person who is not the holder of a driving licence may, for the purpose of learning to drive, drive a motor vehicle of a particular class on a road if he holds a learner's permit.

(2) A learner's permit is obtainable, subject to this Act, on application therefor to the Licensing Authority and on payment of such fee as the Minister of Finance by order prescribes.

(3) Where the Licensing Authority grants a learner's permit to any person, there may be set out in the permit such conditions and restrictions as are considered necessary for the safety of the public.

(4) Without prejudice to the generality of subsection (3), the Licensing Authority may, in a learner's permit, set out the times during which the holder of the permit may not drive on roads specified in the permit.

(5) The holder of a learner's permit shall not drive a motor vehicle of any class or description unless

(a) he is under the supervision of a driver who

(i) has been the holder of a driving licence for a vehicle of that class or description for a period of not less than 3 years;

[1990-35]

(ii) is in possession of a valid certificate of competence issued by the Licensing Authority under section 79A; and

[1990-35]

(iii) is present with him in the vehicle while he is driving such vehicle; and

[1990-35]

(b) there is clearly displayed in a conspicuous position on the front and on the rear of the vehicle, as directed by the Licensing Authority, the letter "L" in red on a white background in accordance with the specifications set out in the *Fifth Schedule*.

- (6) Notwithstanding anything contained in this section, the holder of a learner's permit shall not drive, and shall not be permitted to drive, a vehicle while it is being used to draw a trailer or convey passengers.
- (7) Subsection (5)(a) does not apply to the holder of a learner's permit who
- (a) is undergoing a driving test; or
 - (b) is driving a vehicle constructed or adapted to carry only 1 person.
- (8) A person who is learning to drive and contravenes any of the conditions set out in a learner's permit is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, and in addition thereto the court may cancel the learner's permit.
- (9) A learner's permit is valid for such period as may be prescribed, and is, upon payment of such fee as the Minister of Finance by order prescribes, renewable for a period not exceeding the period for which it was first granted.
- (10) The Licensing Authority may refuse to renew a learner's permit if the person to whom it has been issued fails to submit himself for a test within 9 months from the day the permit was first issued.

Unauthorised use of learner licence plates

63A. A person

- (a) who is not the holder of a learner's permit; and
- (b) who drives a motor vehicle on which there is clearly displayed in a conspicuous position on the front and the rear of the motor vehicle the letter "L" in red on a white background is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or to both.

[1992-2]

Liability of instructor and person learning to drive to be co-extensive

64. Where a person who is learning to drive is charged with an offence under this Act, the driver who is present with him in the vehicle by reason of section 63(5) is also chargeable with the same offence and both are equally punishable.

Driving test

65.(1) The Licensing Authority may require an applicant for a driving licence to produce a certificate, signed by a person approved by the Licensing Authority, that the applicant has passed a driving test showing that he is competent to drive.

(2) Driving tests may be conducted by such examiners as the Licensing Authority authorises for the purpose.

(3) The nature of a driving test is at the discretion of the Licensing Authority or the examiner appointed by him.

(4) For the purpose of this section, motor vehicles are divided into the classes specified in section 68(2).

(5) Subject to subsection (1), the test that a person is required to pass before a driving licence is granted to him authorising him to drive a motor vehicle of a class or description, is a test carried out on a vehicle of that class or description, and the person conducting the test must satisfy himself that the person taking the test

- (a) is conversant with the contents of the Highway Code referred to in section 119 or with the rules of the road;
- (b) is competent to drive without danger to, and with due consideration for, other users of the road; and
- (c) is able to comply with any other requirements specified for the purpose in the regulations.

(6) Where an applicant requires a driving licence to drive a vehicle of a particular class or construction, the examiner shall, after satisfying himself by means of such tests as he considers suitable that the applicant is qualified to drive a vehicle of that particular class or construction, issue to the applicant a certificate of competence on which there is clearly set out all the restrictions subject to which that certificate is issued.

(7) The Licensing Authority shall clearly set out in a driving licence the restrictions referred to in subsection (6).

Physical fitness and character of applicant for driving licence or learner's permit

66.(1) Subject to subsection (2), the Licensing Authority shall not issue a driving licence or a learner's permit to any person unless it is satisfied that his vision, hearing and physical and mental fitness are adequate for him to hold a driving licence; and in no case shall the Licensing Authority issue a licence to a person who has been convicted of an offence involving the use of a motor vehicle in the conveyance of stolen goods.

(2) Notwithstanding subsection (1), the Licensing Authority may issue a driving licence or a learner's permit to any person to drive a particular motor vehicle on being satisfied that that motor vehicle is so equipped that the motor vehicle can be efficiently controlled by that person.

(3) Where the Licensing Authority refuses to issue a driving licence or learner's permit to an applicant, the applicant may appeal against the decision of the Licensing Authority to a magistrate for District "A", whose decision is final.

(4) For the purposes of obtaining a driving licence, an applicant may be required to produce a medical certificate, signed by a medical practitioner, that the applicant is fit to be in charge of a motor vehicle, and the Licensing Authority may order the applicant to undergo such test as the Licensing Authority determines, to ascertain the fitness or ability of the applicant to drive the motor vehicle.

Application for driving licence

67.(1) An application for a driving licence or a learner's permit must be made to the Licensing Authority in such form as the Minister approves.

(2) Any person who, in, or in connection with, an application for a driving licence or a learner's permit, makes a statement that to his knowledge is false is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

Validity of driving licence and classification of motor vehicle

68.(1) A driving licence is not valid for the driving of any motor vehicle other than a motor vehicle of the class specified in that driving licence; but a driving licence may, by endorsement thereon by the Licensing Authority, be extended to any other class of vehicle.

(2) For the purposes of this section motor vehicles are classified as follows

- (a) private motor cars;
- (b) motor cycles;
- (c) public service vehicles;
- (d) light and heavy goods vehicles;
- (e) land tractors and motor tractors; and
- (f) other class of vehicles determined by order made by the Minister.

Restrictions on grant of driving licence for certain vehicles

69.(1) Subject to section 62, a driving licence shall not be issued or endorsed as valid to an applicant who is under the age of 18 years, for the purpose of driving

- (a) a public service vehicle;
- (b) a motor tractor;
- (c) a heavy goods vehicle; or

- (d) a motor omnibus.
- (2) Subject to this section and to section 62, any person who is 16 years of age or older, and not disqualified by virtue of this Act, may obtain a driving licence to drive a light goods vehicle, land tractor or a heavy motor cycle.
- (3) Notwithstanding anything contained in this section, no driving licence shall be issued to a person who has been convicted of an offence or a number of offences the effect of which, in the opinion of the Licensing Authority, makes it undesirable that he be issued with a driving licence.
- (4) A person who has been refused a driving licence by virtue of subsection (3) may apply to a magistrate for District "A" to have the matter reviewed by him.

Driving when under prescribed age

70. A person who drives or causes or permits another person to drive, a motor vehicle on a road while he is under the minimum age prescribed for the driving of a motor vehicle of the class he is driving is guilty of an offence, and is liable on summary conviction, in the case of a first offence, to a fine of \$200 or to imprisonment for a term of 3 months, or both; or, in the case of a second or subsequent conviction, to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

Driving test fee

71.(1) Every person who presents himself for a driving test shall pay, in respect of such test and certificate of competence, such fee as the Minister of Finance by order prescribes.

(2) The fee payable pursuant to this section is payable irrespective of the result of the test.

Form of driving licence

72.(1) A driving licence

- (a) must be in such form as the Licensing Authority determines;

(b) must be signed by the holder thereof; and

(c) is not valid unless it is so signed.

(2) Every applicant for a driving licence must, at the time of his making application therefor, supply three recent photographs of himself, 1 of which must be affixed to the driving licence.

Driving licence fee

73. There is payable, on the issue of a driving licence, such fee as the Minister responsible for Finance by order prescribes.

Production of driving licence

74.(1) The driver of a motor vehicle on a road shall, on being required by a member of the Police Force, produce his driving licence for examination so as to enable that member of the Police Force to ascertain the name and address of the holder of the driving licence.

(2) Any person who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

(3) Notwithstanding subsection (2), a person is not to be convicted under this section if he produces his driving licence within 48 hours at a police station specified by him at the time its production was required.

Register of driving licences

75.(1) The Licensing Authority shall keep a record of all driving licences issued, and the record must contain

(a) the name and address of the holder;

(b) the date of its issue;

(c) the class of vehicle to be driven by the holder; and

(d) a record of all convictions of the holder in respect of traffic offences.

(2) The contents of the record referred to in subsection (1) are in all proceedings *prima facie* evidence of all the facts contained therein.

Duration and renewal of driving licence

76.(1) Subject to subsection (2), unless previously suspended, cancelled or revoked, a driving licence

- (a) may be issued by the Licensing Authority for a period of 1 year, 3 years or 5 years from the date of issue;
- (b) may be renewed at the request of the holder for a further period of 1 year, 3 years or 5 years; and
- (c) shall be issued or renewed in the month in which the holder was born and on payment of such fee as the Minister responsible for Finance by order prescribes.

(2) Notwithstanding subsection (1), where the month in which the holder of a driving licence was born falls

- (a) prior to 1st September, 1985; or
- (b) after the expiry date specified in the licence,

the holder shall renew the licence on the expiry date specified in the licence; and the expiry date of the renewed licence shall fall in the month in which the holder of the licence was born.

(3) Where a driving licence is renewable under this section

- (a) before the expiry date specified in the licence, in calculating the fee payable on the renewal of the licence account shall be taken of the payment already made in respect of the unexpired period of the licence;
- (b) after the expiry date specified in the licence and the holder of the licence applies for renewal on the expiry date in pursuance of subsection (2), the holder shall be required to pay a licence fee calculated on the period

commencing from the expiry date and ending on the last day of the month in which the holder was born; or

- (c) on a date prior to that on which the licence is presented for renewal, then subject to subsection (8), the licence shall be renewed and the holder given an expiry date falling in the month in which he was born; but the holder shall be required to pay a licence fee calculated on the period commencing from the expiry date specified in the licence when presented for renewal and ending on the expiry date given on renewal.

(4) Subject to subsection (5), the Licensing Authority may, before granting the renewal of a driving licence, require an applicant of any age to produce a medical certificate as to his physical fitness.

(5) Where the holder of a driving licence is 70 years of age or over, the licence of that holder shall not be renewed unless he produces to the Licensing Authority a medical certificate signed by a medical practitioner as to his physical fitness.

(6) Notwithstanding subsection (5), the Licensing Authority may order a person to whom subsection (5) refers to undergo a test given by the Authority in order to ascertain the ability of the applicant to drive the motor vehicle in respect of which a licence is being sought.

(7) Notwithstanding subsection (1), a driving licence shall not be

(a) granted to an applicant of 70 years of age or over; or

(b) renewed in respect of a holder of 70 years of age or over

for a period of more than 1 year at any given time.

(8) Where a driving licence has not been renewed for a period of 3 years, the Licensing Authority may request the applicant to undergo a driving test in accordance with section 65.

[1985-17; 2008-17]

Re-issue of lost or defaced driving licence

77.(1) Where a driving licence is lost, defaced, mutilated, or rendered illegible, the Licensing Authority may, on application being made to it, issue a new driving licence, on payment of such fee as the Minister responsible for Finance, by order, prescribes, without requiring the applicant to undergo a further driving test.

(2) The Licensing Authority shall record on a new driving licence any endorsements made in the register of driving licences in respect of the driving licence.

Restrictions on issue of new driving licence after expiration of former licence

78.(1) On the expiration of a driving licence by effluxion of time and on application by the holder thereof for the issue of a new driving licence, the Licensing Authority shall, subject to sections 66(2), 76 and 77, issue a new driving licence to the applicant without subscribing thereon any endorsements other than those made within the last 3 years prior to the expiration of the driving licence.

(2) The Licensing Authority may suspend or refuse to renew a driving licence or a learner's permit where the holder thereof or an applicant therefore has, within the last 3 years prior to such suspension or refusal, been convicted of

- (a) causing death by dangerous driving;
- (b) any offence under section 84 or 85;
- (c) repeated offences under any one or more of the other sections of this Act; or
- (d) repeated offences caused by breaches of the regulations,

upon the recommendation of the court and upon certification from the court of such conviction or payment of a fine.

Demerit points

79.(1) Where a person has been convicted under this Act or the regulations of an offence set out in Column 2 of the Sixth Schedule, the Licensing Authority shall record in respect of that person the number of demerit points set out opposite that offence in Column 3 of that Schedule.

(2) Where a person appeals against a conviction for an offence referred to in subsection (1),

- (a) no demerit points shall be recorded in respect of that conviction unless the conviction is confirmed on appeal; and
- (b) if demerit points have been recorded in respect of such conviction before an appeal is entered, the points and any suspension imposed in consequence thereof shall be removed until the appeal is heard or otherwise disposed of.

(3) Where a person is convicted of 2 or more offences arising out of the same circumstances, the demerit points to be recorded are those relating to the offence in respect of which the greatest number of demerit points is imposed, but where equal demerit points are imposed for a number of offences, demerit points for 2 convictions only are to be recorded.

(4) Where a period of 3 years has elapsed after the entry of demerit points on the record of a person, the Licensing Authority shall cause those points to be expunged from the record if no further demerit points have been recorded against him during that period.

(5) Where, under subsections (8) to (11) or by an order of the court, a driving licence has been suspended for a period of 3 months or more and the period of suspension has expired, the Licensing Authority shall cause all demerit points to be expunged from the record of the holder of the driving licence.

(6) Where a total number of more than 10 but less than 14 demerit points has accumulated in the record of any person, the Licensing Authority shall cause a

notice to be sent to that person informing him of the number of demerit points accumulated.

(7) Where a total number of 14 or more but less than 18 demerit points has accumulated in the record of a person, the Licensing Authority may require that person, to appear before him for an interview and furnish such information, evidence or material as is required to show cause why his driving licence should not be suspended.

(8) Where a person fails to comply with subsection (7), the Licensing Authority may, after serving on that person 10 days' notice by registered mail of his failure to comply with that subsection suspend the driving licence of that person until the subsection has been complied with.

(9) The Licensing Authority may suspend the driving licence of any person for such period as it thinks reasonable if he is of the opinion that that person has failed to show cause why his driving licence should not be suspended.

(10) If within a period of 1 year a total number of 14 or more demerit points have accumulated in the record of any person, the Licensing Authority shall suspend the driving licence of that person for a period of 6 months.

(11) Where, in a period exceeding 1 year, a total number of 18 or more demerit points have accumulated in the record of a person, the Licensing Authority shall suspend the driving licence of that person for a period of 3 months.

(12) Where a driving licence is suspended under this section or section 78, the period of suspension shall be concurrent with the unexpired portion of any other suspension.

(13) A person whose driving licence has been suspended by the Licensing Authority under this section may, within 10 days of the decision of the Licensing Authority, appeal to the High Court against that decision, and the decision of that court is final.

(14) A person who drives a motor vehicle while his driving licence is suspended under this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both, and, in

addition, his driving licence shall be suspended for a further period of 6 months.

PART VA
DRIVING INSTRUCTIONS

[This Part will come into operation by proclamation.]

Driving Instructor requirements

79A.(1) Subject to section 79C, no person shall give instructions in the driving of a motor vehicle for money or money's worth, unless he is the holder of a certificate of competence issued by the Licensing Authority under subsection (2).

(2) The Licensing Authority may on application to the Authority for a certificate of competence referred to under subsection (1) issue the certificate to the applicant on payment of such fee as the Minister of Finance prescribes, certifying that the applicant has satisfied the Authority of his competence to perform the duties of driving instructor.

(3) Any person who applies for a certificate under subsection (2) shall be required by the Licensing Authority to undergo an instructor's test conducted by such examiners as the Licensing Authority authorises for the purpose.

(4) The nature of an instructor's test referred to under subsection (3) is at the discretion of the Licensing Authority or the examiner appointed by the Authority for the purpose but shall include

(a) a written examination on road safety, and the technique of driving a motor vehicle correctly; and

(b) a practical test of ability and fitness to drive and instruct.

(5) Where any instructions in the driving of a motor vehicle are given in contravention of this section, the person by whom they are given and, if that person is employed by another to give the instructions, that other person, are both

guilty of an offence and are liable on summary conviction to a fine of \$1 000 each or to imprisonment for a term of 12 months.

[1990-35]

Instructor's Code

79B.(1) The Licensing Authority shall prepare a code to be known as the "Instructor's Code" containing such directions as appear to the Licensing Authority to be proper for the guidance of driving instructors.

(2) The test referred to in section 79A(4) shall include questions on the "Instructor's Code" and the Highway Code.

[1990-35]

Transitional

79C. All persons who are driving instructors at the commencement of sections 79A to 79C of this Act shall, within a period of 90 days of the commencement, comply with the requirements specified in section 79A.

[1990-35]

PART VI

INTERNATIONAL CIRCULATION OF MOTOR VEHICLES

International circulation of motor vehicles

80.(1) The Cabinet may, by order, for the purpose of giving effect to any convention for facilitating the International Circulation of vehicles

- (a) provide for the granting and authentication of certificates or other documents relating to vehicles, or the drivers thereof, that may be required for purposes of travel abroad by persons resident in Barbados;

- (b) make such modifications to this Act and the regulations as may be necessary for the purpose of giving effect to paragraph (a); and
 - (c) make special provision in relation to vehicles brought temporarily into Barbados by persons resident outside Barbados and persons so resident who are temporarily in Barbados.
- (2) An order under this section may
- (a) provide specially for any matter that appears to the Cabinet to be related to matters regulated by a convention referred to in subsection (1);
 - (b) provide for the extension of any privilege conferred thereby to persons resident outside Barbados who are temporarily in Barbados but not entitled to the privilege by virtue of such convention;
 - (c) provide for the extension of any privilege referred to in paragraph (b) in relation to vehicles brought temporarily into Barbados by persons referred to in that paragraph, if the persons or vehicles satisfy the conditions specified in the order; or
 - (d) provide for the payment, in respect of any certificate or other document referred to in subsection (1)(a), and in respect of such other matters for the purposes of this Part of such fees as appear to the Cabinet to be appropriate, having regard to any services performed in connection therewith in pursuance of the order.

[1985-17]

PART VII

DRIVING AND OTHER OFFENCES AND GENERAL CONDITIONS RELATING TO THE USE OF ROADS

Causing death by reckless or dangerous driving

81.(1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly or at a speed or in a manner dangerous to

the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic that is actually on the road at the time or might reasonably be expected to be on the road at the time, is guilty of an offence and is liable on conviction on indictment to imprisonment for a term of 10 years.

(2) Where, upon the trial of a person for an offence under this section, the jury is not satisfied that his driving was the cause of the death but is satisfied that he is guilty of driving as described in section 82(1), it may find him guilty of an offence under that section whether or not section 86 has been complied with in respect of that offence.

Reckless or dangerous driving

82.(1) Any person who drives a motor vehicle on a road recklessly, or at a speed, or in a manner dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic that is actually on the road at the time or might reasonably be expected to be on the road at the time, is guilty of an offence and is liable on summary conviction

- (a) in the case of a first conviction, to a fine of \$1 000 or to imprisonment for a term of 12 months, or both; or
- (b) in the case of a second subsequent conviction, to a fine of \$2 500 or to imprisonment for a term not exceeding 2 years, or both.

(2) The court shall order particulars of any conviction under this section or section 85 to be endorsed on any driving licence held by the person convicted.

(3) A person convicted of an offence under subsection (1) shall, unless the court orders otherwise, having regard to the lapse of time since the date of the previous or last previous conviction, or for any special reason, be disqualified, for such period as the court orders from the date of the conviction, from holding or obtaining a driving licence.

(4) A member of the Police Force may arrest, without a warrant, the driver of any motor vehicle who, within the view of that member of the Police Force, commits an offence under this section if

- (a) the driver refuses to give his name and address when requested so to do;
- (b) the member of the Police Force has reason to believe that the name or address given is false; or
- (c) the motor vehicle does not bear a registration number plate.

Driving without due care and attention

83.(1) 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 is guilty of an offence, and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

(2) A person convicted of an offence under subsection (1) may be disqualified from holding or obtaining a driving licence for a period of 12 months.

Maximum speed

84.(1) A person who drives a motor vehicle of a class or description specified in the regulations at a speed greater than the speed specified in the regulations or in an order made under subsection (4) as being the maximum speed for a vehicle of that class or description on the road on which it is being driven is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

(2) A person charged with an offence under this section is not to be convicted on the evidence of only 1 witness to the effect that in the opinion of that witness the person charged was driving the vehicle at a speed in contravention of subsection (1).

(3) Any person, whether as registered owner or as the temporary possessor under a hiring agreement, who aids, abets, counsels or procures a person who is

employed by him to drive a motor vehicle on a road to commit an offence under this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000, or to imprisonment for a term of 12 months, or both.

(4) The Minister may, by order, make temporary adjustments of an experimental nature in respect of the maximum speed for any class or description of vehicle on any road.

(5) Before the Minister makes an order under subsection (1), he must,

(a) by notice published in the *Official Gazette* on at least 3 occasions over a period of 1 month, inform the public of his intention to make the order; and

(b) specify the new maximum speed in the notice and the days on which and the times during which it will be in operation.

(6) An order made under this section is subject to negative resolution and remains in operation for such period as may be specified in the order, or, if no period is specified in the order, until such time as the order is revoked.

Driving, attempting to drive or being in charge of motor vehicle while under influence of drink or drug

85.(1) Any person who drives, attempts to drive, or is in charge of a motor vehicle on a road while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle is guilty of an offence and is liable on summary conviction

(a) to a fine of \$1 000 or to imprisonment for a term of 12 months, or both, in the case of a first conviction; and

(b) to a fine of \$2 500 or to imprisonment for a term of 2 years, or both, in the case of a second or subsequent conviction.

(2) A person convicted of an offence under this section shall, unless the court for any special reason thinks fit to order otherwise, be disqualified from the date

of the conviction for a period of not less than 1 year and not more than 5 years from holding or obtaining a driving licence.

(3) Where there is an appeal against a conviction under this section, a period of disqualification runs from the date of the conviction if the appeal is dismissed or allowed; but, if the appeal is discontinued, a period of disqualification runs from the date of the discontinuance of the appeal.

(4) For the purposes of this section, a person is unfit to drive if his ability to drive properly is for the time being impaired.

(5) Any member of the Police Force may arrest without a warrant any person whom he suspects on reasonable grounds of committing an offence under this section.

Restrictions on prosecution under certain sections

86.(1) Subject to subsection (2), a person is not to be convicted of an offence under section 83 or 84 unless

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under the relevant section would be taken into consideration;
- (b) within 14 days of the commission of the offence a summons for the offence was served on him; or
- (c) within 14 days of the commission of the offence a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on him or on the person in whose name the vehicle was registered as being the owner thereof at the time of the commission of the offence.

(2) Failure to comply with subsection (1) is not a bar to the conviction of the accused in any case where the court is satisfied that

- (a) the name and address of the accused or the name and address of the registered owner of the vehicle could not with reasonable diligence

have been ascertained in time for a summons to have been served on or sent to the accused or owner of the vehicle; or

- (b) the accused by his own conduct contributed to the failure to comply with those subsections.

Use of motor vehicle without consent of owner

87.(1) A person who takes and drives away a motor vehicle without the consent of its owner or other lawful authority, or, knowing a motor vehicle to have been so taken, drives it or allows himself to be carried in or on it without consent of its owner or other lawful authority, is guilty of an offence and is liable

- (a) on conviction on indictment, to a fine of \$2 500 or to imprisonment for a term not exceeding 12 months, or both; or
 - (b) on summary conviction, to a fine of \$1 000 or to imprisonment for a term not exceeding 6 months, or both.
- (2) It is a defence to a charge brought under subsection (1) if the accused establishes that he reasonably believed that
- (a) he had lawful authority to drive away the motor vehicle; or
 - (b) the owner would, in the circumstances of the case, have given his consent if such consent had been requested.
- (3) Where, on a trial on indictment for larceny of a motor vehicle, the jury is of the opinion that the accused is not guilty of larceny of the motor vehicle but is guilty of an offence under this section, it may find him guilty of that offence, and thereupon he is liable to be punished accordingly.
- (4) A member of the Police Force may arrest without a warrant any person reasonably suspected by him of having committed, or of attempting to commit, an offence under this section.

(5) Where a person is convicted under this section, the court may, in addition to any punishment it imposes, or without imposing any punishment, order the person convicted to pay to the owner of the motor vehicle

- (a) such amount as in the opinion of the court would have been charged if the motor vehicle had been hired by the person convicted; or
- (b) such amount as in the opinion of the court represents fair compensation for any damage done to the motor vehicle,

or both.

Unlawful interference with motor vehicle

88. Any person who, without the permission of the owner, gets on or into a motor vehicle or attempts to manipulate any of the levers, the starter, brakes, controls or machinery of a motor vehicle, or in any way interferes with or damages a motor vehicle while that vehicle is on a road or parking place, is guilty of an offence, and is liable on summary conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 1 month, or both, but a person is not to be convicted under this subsection where that motor vehicle is obstructing his vehicle or that of any other person.

Leaving vehicle in dangerous position

89.(1) No person in charge of a vehicle shall cause or permit that vehicle or any trailer drawn thereby to remain stationary on any road in such a position, in such condition or in such circumstances, as to be likely to cause danger or obstruction to other traffic using the road.

(2) A person in charge of a motor vehicle or trailer referred to in subsection (1) shall take requisite steps to indicate its presence and position on the road, by lighting or otherwise, and take immediate steps to have it removed as near as possible to the left hand side of the road.

(3) Any member of the Police Force, the Chief Technical Officer or any person authorised by the Chief Technical Officer may require the owner, driver or other

person in charge of any vehicle or trailer referred to in this section to remove that vehicle or cause it to be removed; and a requirement to remove a vehicle includes a requirement that the vehicle shall not be removed to any road or to any particular position on a road.

(4) The Chief Technical Officer or the Commissioner may remove a motor vehicle or trailer if the owner, driver or other person in charge of it fails to remove it after being required to do so under subsection (3) or cannot be found after reasonable steps have been made unsuccessfully to ascertain his whereabouts and the removal of the motor vehicle or trailer is necessary.

(5) The owner of the vehicle or trailer that has been removed pursuant to subsection (4) shall pay any cost incurred by the Chief Technical Officer or the Commissioner in removing that vehicle or trailer.

(6) Any person removing a vehicle under this section may do so by towing or driving the vehicle or in such other manner as he considers necessary, and may take such measures in relation to the vehicle as are necessary to enable him to remove such vehicle.

(7) Where under this section a member of the Police Force or a person authorised by the Chief Technical Officer removes or makes arrangements for the removal of a vehicle from a road, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

(8) Any person in charge of a vehicle who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for a term of 3 months, or both; and, in addition, the expenses incurred in removing a vehicle are recoverable as a debt due to the Crown in civil proceedings before a magistrate for District "A" notwithstanding that the amount sought to be recovered exceeds the normal monetary limit on the jurisdiction of the magistrates' courts.

(9) Nothing in subsection (2) affects the operation of subsection (1).

Duty of person in charge of vehicle involved in accident on a road

90.(1) A person riding, driving or in charge of any vehicle of any description shall, if an accident occurs by reason of the presence of such vehicle on a road,

- (a) immediately stop;
- (b) give to any person interested in the accident
 - (i) his name and address,
 - (ii) the name and address of the owner of the vehicle,
 - (iii) the registration number of the vehicle,
 - (iv) the name of the insurance company with which the vehicle is insured, and
 - (v) the names of all persons in the vehicle at the time of the accident; and
- (c) report the accident at a police station as soon as reasonably practicable, but before the expiration of a period of 24 hours after its occurrence.

(2) Paragraph (c) does not apply if a report is made, at the time and place of the accident, to a member of the Police Force.

(3) Any person who contravenes or fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for a term of 3 months, or both.

Power of Police to test or cause motor vehicles to be tested after accident

91.(1) Where an accident occurs owing to the presence of a motor vehicle on a road, a member of the Police Force may inspect and test the motor vehicle or cause it to be inspected and tested by an inspector or examiner, and may for this purpose, require that the motor vehicle shall not be driven or taken away from the scene of the accident until it has been so inspected and tested.

- (2) Any person who
- (a) obstructs an inspector, examiner or a member of the Police Force in the performance of his duty under this section;
 - (b) contravenes or fails to comply with this section; or
 - (c) fails to comply with a requirement by a member of the Police Force made under subsection (1),

is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months, or both.

PART VIII

LEGAL PROCEEDINGS, SUSPENSION, CANCELLATION, ENDORSEMENT OF DRIVING LICENCE

Procedure on failure of jury to agree on alternative verdict

92.(1) Where, upon the trial of a person for an offence under section 81, the jury find the accused not guilty of the offence charged but fail to agree on the alternative verdict provided for in subsection (2) of that section, a charge for an offence under section 82 shall not be preferred against the accused without the consent of the Director of Public Prosecutions.

(2) Where, pursuant to subsection (1), a person is charged with an offence under section 82, he may be convicted of that offence notwithstanding that section 86 has not been complied with in respect of that offence.

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

93.(1) Where, upon the trial of a person for an offence under section 82, the court is of the opinion that the offence is not proved, then, without prejudice to

any other power the court possesses, it may at any time during the hearing or immediately thereafter

- (a) grant permission for a charge for an offence under section 86 be preferred; or
- (b) allow such charge to be preferred forthwith against the accused, and, subject to subsection (2), may thereupon proceed with the charge.

(2) In any case referred to in subsection (1) the accused or his attorney-at-law shall be informed of the new charge and shall be given an opportunity, whether by way of cross-examination of any witness whose evidence has already been given against the accused, or otherwise, of answering the new charge, and the court may adjourn the hearing if it considers that the accused is prejudiced in his defence by reason of the new charge being so preferred.

(3) Where

- (a) a charge to which section 86 relates has been brought against an accused and that section has been complied with; or
- (b) a charge has been brought against an accused under section 82, in which case section 86 does not apply,

the accused may be convicted on a charge preferred pursuant to subsection (1), notwithstanding that that subsection has not been satisfied in respect of the charge so preferred.

Power of court before which a person is convicted in connection with the driving of a motor vehicle

94.(1) Any court before which a person is convicted of any offence in connection with the driving of a motor vehicle may,

- (a) if the person convicted holds a driving licence,
 - (i) suspend the licence for such time as the court thinks fit,

- (ii) cancel the licence and disqualify the person convicted from obtaining another licence for a stated period, or
 - (iii) endorse upon the licence particulars of any order the court makes under this section, together with the particulars of the conviction;
or
 - (b) if the person convicted does not hold a driving licence, declare him disqualified from obtaining a licence for such period as the court thinks fit.
- (2) Any disqualification imposed pursuant to subsection (1) may, at the discretion of the court, be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

Production of driving licence for endorsement

- 95.(1)** Any person who is convicted of an offence in connection with the driving of a motor vehicle shall, if he holds a driving licence, produce it within such time as the court directs for the purpose of endorsement thereon of the particulars of the conviction.
- (2) Any person who contravenes or fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months, or both.

Custody of driving licence while suspended or cancelled

- 96.(1)** Where a court orders the suspension or cancellation of a driving licence or disqualifies a person from obtaining a driving licence, the owner of that suspended or cancelled driving licence shall surrender it to the court within 7 days of the order.
- (2) At the expiration of the period of suspension of a driving licence, the court shall return the licence to the holder on demand.

(3) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the court must upon receiving the driving licence, indicate thereon the class or description of vehicle that the holder of the driving licence is disqualified from driving, and thereupon return the licence to the holder.

Effect of suspension of driving licence or disqualification by order of court

97. A driving licence suspended by a court, or, as the case may be, under section 78 or 79 by the Licensing Authority, is of no effect during the period of suspension, and a person who has been disqualified by the court from obtaining a driving licence is not competent to hold a driving licence during the period of disqualification.

Power of court to suspend driving licence pending determination of certain charges

98.(1) Where a person is charged with an offence under section 81, 82 or 85, the court may order the suspension of the driving licence or the learner's permit of that person, pending the determination of the charge.

(2) A driving licence or learner's permit suspended under subsection (1) shall, upon being suspended, be surrendered by the holder thereof to the court before which he is charged.

(3) Any person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 3 months, or both.

Liability of person disqualified from holding or obtaining driving licence

99.(1) Any person disqualified under this Part from obtaining a driving licence who

(a) applies for or obtains a driving licence while he is disqualified;

- (b) drives a motor vehicle on a road while he is disqualified; or
- (c) if the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives on a road a motor vehicle of that class or description,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000, or to imprisonment for a term of 12 months, or both.

(2) Subsection (1) applies in the case of a suspension of a driving licence as it does in the case of a disqualification.

Non-disclosure of refusal of driving licence

100. Any person who has been refused a driving licence and subsequently applies for or obtains a driving licence without disclosing the fact that he has been previously refused a licence is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

Non-disclosure of endorsement

101. Where

- (a) a driving licence has been ordered to be endorsed; and
- (b) the holder of a driving licence is not yet entitled to a driving licence free from endorsement pursuant to section 103,

then, if such holder applies for or obtains a driving licence without stating in the application particulars of the endorsement, he is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months, or both, and in addition thereto any licence so obtained is of no effect.

Particulars of endorsement to be copied on new driving licence

102. Subject to section 103, any particulars endorsed on a driving licence previously held by a person must be copied on any new driving licence issued to him.

Issue of new licence free from endorsement

103.(1) A person in respect of whom an order has been made under this Part requiring the endorsement of any driving licence held by him, who during a continuous period of 3 years or upwards since the order was made has had no other such order made against him, is entitled on application, subject to payment of such fee as the Minister responsible for Finance by order prescribes and the surrender of his current licence, to have issued to him a new driving licence free from endorsement.

(2) For the purposes of subsection (1), in reckoning the period of 3 years since the making of an order requiring an endorsement, any period during which the person was by virtue of the order disqualified from holding or obtaining a driving licence is to be excluded.

(3) Subject to this section, a person who by an order of a court made pursuant to this Act is disqualified from holding or obtaining a licence may make application to the court that made the order for removal of the disqualification; and on any such application being made, the court may, after having regard to

- (a) the character of the person disqualified;
- (b) his conduct subsequent to the order;
- (c) the nature of the offence; and
- (d) any other circumstances of the case,

order the removal of the disqualification as from the date specified in the order, or refuse the application.

- (4) No application may be made under subsection (3) for an order for the removal of a disqualification before the expiration of
- (a) 6 months from the date of the disqualification, if the disqualification was ordered for a period less than one year;
 - (b) one-half of the period of the disqualification from the date of the disqualification if the disqualification was made for a period less than 6 years but not less than one year; and
 - (c) 3 years in any other case;

and in determining the expiration of the period after which a person may apply under this subsection for removal of a disqualification, no account is to be taken of any time during which the disqualification was suspended or the person was not disqualified.

[1985-17]

(5) Where an application made pursuant to subsection (3) is refused, a further application must not be entertained unless it is made after the expiration of a period of 3 months after the date of the refusal.

(6) The court must order particulars of any order it makes for the removal of a disqualification to be endorsed on the driving licence, if any, previously held by the applicant for the order; and it may also order the applicant to pay the whole or part of the costs of the application.

104. *[Repealed by 2007-27.]*

104A. *[Repealed by 2007-27.]*

105. *[Repealed by 2007-27.]*

Special offences in respect of public service vehicles

106. A person who, for the purpose of transporting passengers, drives or conducts a minibus in respect of which there is not in existence a valid permit issued under regulations, or uses or permits a vehicle to be used as a public service

vehicle on a road in contravention of this Act or the regulations made pursuant to this Act, is guilty of an offence and is liable

- (a) in the case of a first conviction, to a fine of \$500 or to imprisonment for a term of 3 months; and
- (b) in the case of a second or subsequent conviction, to a fine of \$1 500 or to imprisonment for a term of 2 years.

[1990-35]

PART IX
GENERAL

**Appointment and regulation of stands for public service vehicles, etc.
by Minister**

107.(1) The Transport Authority may by notice published in the *Official Gazette* designate stands and parking places for use exclusively for public service vehicles, hackney carriages, maxi-taxis and taxis plying or standing for hire, and inform the Commissioner accordingly in writing.

(2) The driver of a public service vehicle, hackney carriage, maxi-taxi or taxi that causes that public service vehicle, hackney carriage, maxi-taxi or taxi to stand or ply for hire on a road or place not designated under subsection (1) for the use of a vehicle of that kind is guilty of an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for a term of 3 months, or both.

[1984-4]

[1984-4; 2007-27]

Fraudulent imitation, destruction, etc., of number plates, licence, etc.

108. Any person who fraudulently

- (a) imitates, alters, mutilates; or

(b) uses, allows to be used by or lends to any other person, any registration number plate, motor vehicle road licence or driving licence issued or purported to have been issued under this Act is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or to both.

[This Section will come into operation by proclamation.]

[1990-35]

Penalty for offence not specifically provided for

109. Any person who commits an offence under this Act or the regulations for which no penalty is specifically provided is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

Failure to give certain information

110.(1) A driver or conductor of a motor vehicle who commits an offence under this Act or under any regulations made pursuant to this Act and who

(a) refuses to give his name and address on being required to do so by a member of the Police Force or a transport inspector in uniform; or

[1990-35; 2007-27]

(b) gives a false name and address,

is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 12 months, or to both.

(2) Where an offence against this Act or the regulations has been committed in respect of a motor vehicle, it shall be the duty of the owner of that motor vehicle to give, if required to do so by a member of the Police Force, any information that is within his power to give that may lead to the identification and apprehension of the driver or conductor of that vehicle at the time when the offence was committed.

[1990-35]

(3) An owner of a vehicle who fails to comply with subsection (2) is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of 6 months on summary conviction or to both.

[1990-35]

General power of arrest

111.(1) Subject to subsection (2), a member of the Police Force may arrest without a warrant any person who within his view commits an offence under this Act or any regulations, orders or rules made pursuant to this Act.

(2) The power of arrest conferred by subsection (1) may be exercised only in the following cases:

- (a) in the case of a driver or conductor, where such driver or conductor, on being requested to give his name and address or to produce his licence for examination, refuses to do so; and
- (b) in any other case, where a person upon request refuses to give his name and address; or
- (c) there are reasonable grounds for suspecting that a person referred to in paragraph (a) or (b) has given a false name or address.

False statement

112. Any person who makes any statement which to his knowledge is false in connection with

- (a) an application for a road licence;
- (b) an application for a driving licence;
- (c) the endorsement of a driving licence;
- (d) any change or correction in a road licence;
- (e) the registration of a motor vehicle; or

- (f) the giving of any information lawfully demanded or required under this Act, the regulations or an order made under this Act,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or to both.

Duplicate of certificate, licence, etc.

113.(1) Subject to section 70(1), any authority or person having power under this Act to issue a certificate, licence or other document may, on receipt of such fee as the Minister of Finance by order prescribes, issue a duplicate certificate, licence or other document on proof to the satisfaction of that authority or person that the original certificate, licence or other document has been lost, destroyed, defaced, mutilated or rendered illegible.

(2) Where a duplicate of a certificate, licence or other document has been issued and the original thereof is subsequently found while that duplicate is still in force, the person to whom the original was issued shall, if it is not in his possession, take all reasonable steps to obtain possession of it, and upon obtaining possession of it deliver it to the authority or person who issued it.

(3) Any person who

- (a) knowingly retains in his possession both an original and a duplicate certificate, licence or other document; or
- (b) has in his possession and refuses to deliver to the owner any certificate, licence or other document

is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months, or to both.

Vehicles used in contravention of Act or regulations

114. Where an act committed by means of a motor vehicle is in contravention of this Act or any statutory instrument made pursuant to this Act,

the driver of the motor vehicle at the time the act was committed and the owner of such vehicle are both guilty of an offence unless,

- (a) in the case of the driver, the act was not due to his neglect or default; and
- (b) in the case of the owner, the act was committed without his consent and
 - (i) was not due to any act on his part; and
 - (ii) he had taken all reasonable precautions to prevent the commission thereof.

Power of entry

115. Any person authorised in writing by the Commissioner or the Licensing Authority or the Transport Authority may at any reasonable time enter any premises for the purpose of

- (a) ascertaining whether any vehicle is being kept on such premises for use in contravention of this Act or the regulations; and
- (b) inspecting any vehicle on such premises.

[2007-27]

Motor vehicle deemed to be kept for use

116. Every motor vehicle and trailer shall, in all proceedings under this Act, be deemed to be kept by the owner thereof for use until the contrary is proved.

Power to enquire whether motor vehicle licensed according to maximum gross weight to be weighed

117.(1) Any member of the Police Force, the Licensing Authority or any person authorised in writing by the Licensing Authority may require the driver of a motor vehicle or trailer licensed according to its maximum gross weight to satisfy him that the maximum gross weight of the motor vehicle or trailer does

not exceed that endorsed on the road licence issued in respect of that motor vehicle or trailer, or permitted under this Act or the regulations or any order; and may require such person to drive him with the motor vehicle or trailer to the nearest weighbridge for the purpose of determining the maximum gross weight of the motor vehicle or trailer.

(2) Any person who, upon being required pursuant to subsection (1) to proceed to the nearest weigh bridge, fails to do so is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

(3) Notwithstanding anything contained in this section, no driver or other person in charge of a motor vehicle or trailer shall be required to unload such motor vehicle or trailer or cause it to be unloaded for the purpose of weighing that motor vehicle or trailer unladen.

Making good damage to road or bridge

118.(1) Where by reason of any offence against this Act any damage is caused to a road, the authority responsible for the repair of such road may cause that damage to be made good and may, before or after the damage is made good, recover the estimated or actual cost, as the case may be, of the damage from the owner of the vehicle by means of which the offence was committed.

(2) A certificate signed by a person authorised in that behalf by the authority responsible for the repair of the damage to the road is, without proof of the signature of that person, *prima facie* evidence of the cost of making good damage referred to in subsection (1) and of the amount payable to the authority by the owner of the motor vehicle or trailer by means of which the damage was committed.

(3) Any amount payable by virtue of this section and remaining unpaid after the expiration of 3 months after a demand has been made for payment thereof is recoverable as a debt due to the authority in civil proceedings before a magistrate, notwithstanding that the amount sought to be recovered exceeds the normal monetary limit on the jurisdiction of the magistrates' courts.

Issue of Highway Code by Commissioner

119.(1) The Commissioner shall, within a reasonable time after 1st June, 1981, prepare a highway code, in this section referred to as “the code”, containing such directions as appear to him to be proper for the guidance of persons using the road.

(2) A code prepared pursuant to subsection (1) is subject to affirmative resolution.

(3) The Commissioner shall cause the Code to be printed and issued to the public at such price as the Cabinet, by order published in the *Official Gazette*, determines.

(4) Failure on the part of any person to observe the Code prepared pursuant to this section does not by itself render that person liable to prosecution, but may in any proceedings, whether civil or criminal, be relied upon by any party to the proceedings as tending to establish or negative the culpability or liability that is in question in those proceedings.

Non-application of certain sections to vehicle when used for certain purposes

120. Sections 84 and 89 do not apply to a motor vehicle while it is being used

- (a) by a member of the Fire Service for the purpose of proceeding to a fire in answer to a fire alarm;
- (b) by a member of the Police Force in the execution of his duty; or
- (c) as an ambulance,

and the urgency of the situation requires a non-compliance with those sections.

Enforcement and administration of traffic laws

121.(1) This section applies to any offence that has been created by any enactment and made punishable on summary conviction, being an offence committed in respect of a vehicle by reason of that vehicle

- (a) having been left or parked on a road at night without lights or reflectors;
- (b) having been left obstructing the free passage of traffic on a road, or left waiting or parked on a road;
- (c) being loaded or unloaded on a road;
- (d) having been left in a parking place, there having been a failure to pay a charge made in respect of such vehicle at such parking place;
- (e) having been used in contravention of a traffic sign, road signal or light signal;
- (f) having been loaded with industrial materials or domestic waste and spilling its load on a highway;
- (g) having been driven on a road at a speed greater than the maximum speed specified for a vehicle of that class;
- (h) carrying more passengers than it is licensed to carry;
[1994-8]
- (i) being a public service vehicle, travelling on a route other than a specified route;
- (j) having its number plates obscured;
- (k) not having a registration card affixed to the vehicle;
- (l) being driven with unauthorised lights;
- (m) being driven without functioning obligatory lamps;
[1992-2; 1994-8]

- (n) using a limited trade licence for the purpose other than a specified purpose;
[1992-2]
- (o) having been drawn up alongside any other motor vehicle or reversed to the kerb stone of any footpath or the side of any road contrary to regulation 31(9)(b) of the regulations;
- (p) having been left upon any footpath;
- (q) being a motor omnibus, minibus or route-taxi and stopping at a place other than a stopping place,
[1994-8]

but does not operate in respect of any area or place unless the Minister by order published in the *Official Gazette*, so declares.

(2) The Minister may, by an order made pursuant to subsection (1), exclude the application of this section in respect of any offence.

(3) A member of the Police Force or a Traffic Warden may serve on a person who commits an offence under this section, notice in such form as the Minister approves offering him an opportunity of discharging any liability that would arise out of a conviction for that offence by payment of a fixed penalty under this section; and the person is, upon payment of the fixed penalty before the expiration of a period of 21 days from the date of the notice or such longer period as is specified therein, or before the date on which proceedings are begun, whichever is the later, exempt from any prosecution for such offence.

(4) Where a person is given notice under subsection (3), no proceedings shall be taken against him in respect of the offence to which the notice relates, by any member of the Police Force or by any Traffic Warden until after expiration of a period of 21 days from the date of the notice or such longer period specified in such notice.

(5) In subsection (4), “proceedings” means any criminal proceedings in respect of the offence specified in the notice under subsection (3).

(6) Payment of a fixed penalty under this section shall be made to the clerk of the magistrate's court as stated in the notice given pursuant to subsection (3), and an amount paid by way of fixed penalty in respect of any offence is to be treated for the purpose of this section as if it were a fine imposed on summary conviction for that offence; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the clerk of the magistrate's court by the date specified in the certificate is, if the certificate purports to be signed by such clerk, *prima facie* evidence of the facts stated therein.

(7) A notice referred to in subsection (3) may be served personally on the person in charge of the vehicle if he is present, or, if he is not present, by affixing it to the vehicle, and must

- (a) contain a statement of the offence alleged;
- (b) contain such particulars of the offence as are necessary for giving reasonable information of the allegation;
- (c) specify the period during which, by virtue of subsection (3), proceedings may not be taken for the offence;
- (d) contain the amount of the fixed penalty; and
- (e) specify the magistrate's court to the clerk of which the fixed penalty is to be paid.

(8) A notice affixed to a vehicle shall not be removed or interfered with except by, or under the authority of,

- (a) the driver or a person in charge of that vehicle; or
- (b) the person liable for the offence in question.

(9) Any person who, in contravention of subsection (8), removes a notice from a vehicle is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of 1 month.

(10) The fixed penalty referred to in this section is one of the following:

- (a) \$50;
[1992-2]
- (b) 1/2 the maximum fine to which a person not previously convicted is liable on summary conviction of that offence, whichever is less; or
- (c) such fine as the Minister prescribes, not exceeding 1/2 the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of that offence.

(10A) Without affecting subsection (10), the fixed penalty for

- (a) carrying up to 5 passengers in excess of the authorised number is \$25; and
- (b) carrying 6 or more passengers in excess of the authorised number is, in addition to the penalty provided by paragraph (a), \$25 in respect of every passenger carried in excess of the 5 referred to in that paragraph up to a maximum of 10 passengers in excess of the 5 so referred to.

[1992-2; 1994-8]

(10B) The fixed penalty referred to in paragraph (a) of subsection (10) does not apply to the offence of exceeding the speed limit.

(2) The fixed penalty for exceeding the speed limit by up to 20 kilometres per hour is \$75.

(11) In proceedings for an offence to which subsection (1) applies, no reference may be made before or after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless, in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving or affixing of such a notice or to such a payment or non-payment.

[1992-2; 1994-8]

Special regulations

122. The Minister may by regulations, subject to affirmative resolution, make provision respecting any matter incidental to the operation of section 121 and in particular for prescribing

- (a) the form of notice given pursuant to subsection (3) of that section; and
- (b) the information to be supplied by the person on whom the penalty is imposed to the clerk of the magistrate's court.

Application to persons in public service of Crown

123. This Act applies to persons in the public service of the Crown.

General regulations

124.(1) The Minister may make regulations respecting

- (a) the prescribing of anything that is by this Act required or authorised to be prescribed;
- (b) the forms to be used under this Act;
- (c) the construction, fittings, dimensions and design of any motor vehicle;
- (d) the fitting of appliances on motor vehicles and the maintaining of those appliances in working order, including
 - (i) mirrors;
 - (ii) trafficators;
 - (iii) warning or other devices;
- (e) the number, position, kind of lights and reflectors to be carried on all vehicles, together with the times during which they are to be used or exhibited, and the conditions regarding their use;
- (f) the duties and powers of inspectors with regard to the inspection of any kind of vehicle;

- (g) the inspection of any kind of vehicle and the time, place and manner of inspection;
- (h) the classification of roads, and the prohibition or restriction of the use of any classified road by vehicles of any specified class or description;
- (i) the precedence of vehicles and pedestrians at crossings and the erection of traffic signals and other notices;
- (j) the speed limits for different classes of vehicles on roads;
- (k) the driving of any vehicle on any specified road otherwise than in a specified direction;
- (l) the appointment of stands and parking places generally and the regulation of the use of such stands and parking places, including the imposition of charges in respect of parking places;
- (m) *[Repealed by 2007-27.]*
- (n) *[Repealed by 2007-27.]*
- (o) *[Repealed by 2007-27.]*
- (p) driving licences for hackney carriages and taxis;
[2007-27]
- (q) the issue of licences for the operation of hackney carriages, hired cars, maxi-taxis, taxis, limousines and contract carriages;
[1984-4; 2007-27; 1990-35]
- (r) the carriage of goods and other material on motor vehicles;
- (s) the constitution and functions of the Licensing Authority;
- (t) generally, for the better carrying out of the provisions of this Act, and, in particular, for the safety, control and regulation of traffic (whether on special occasions or otherwise), the use of vehicles of any class on any road, and the conditions under which vehicles may be constructed, maintained and used.

- (1A) The Minister responsible for Finance may make regulations respecting
- (a) the forms to be used for the purposes of Part IV;
 - (b) applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records or documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Commissioner;
 - (c) the issue of copies of any certificates referred to in paragraph (b) or other documents which are lost or destroyed;
 - (d) the custody, production, cancellation and surrender of any certificates referred to in paragraph (b) or other documents; and
 - (e) the application of Part IV in relation to motor vehicles brought into Barbados by persons making only a temporary stay therein.

[1983-30]

(2) Notwithstanding subsection (1), the Chief Technical Officer may with the approval of the Minister make regulations for the purpose of preventing or restricting the use of vehicles on any bridge where he is satisfied that use of the bridge by those vehicles is likely to cause damage to the bridge or to any person.

(3) Regulations made under this section or section 122 may provide that a breach of any of the regulations so made is an offence.

Saving of common law and other statutory liabilities

125. Nothing contained in this Act affects any liability of the driver or owner of a motor vehicle at common law or by virtue of any enactment for the time being in force in Barbados.

SECOND SCHEDULE

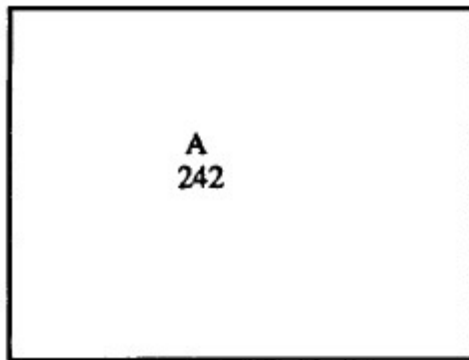
(Sections 7(3), 10(4), 10A, 10B & 11(2))

Registration Number Plates

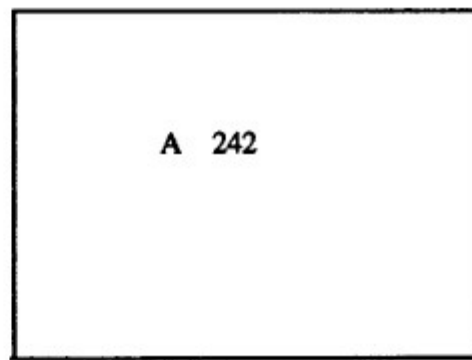
1. Each number shall be rectangular and bear the letter indicating the parish in respect of which the motor vehicle is registered or the purpose for which the motor vehicle is used and the separate number assigned to the motor vehicle by the Licensing Authority, the letter and number being arranged in conformity with the arrangement of letters and figures shown on one or other of the alternative diagrams but when the number “9999” has been assigned to a motor vehicle, the numbers “1-9999” may be reassigned in series, each series having a letter of the alphabet prefixed to the number.

2. Subject to paragraph (3), the rules respecting number plates are as follows:
 - (a) the number plates may, at the option of the owner, be of either of the shapes shown on the alternative diagrams or one of one shape and one of the other;
 - (b) the background of the number plates must be
 - (i) black with white letters and figures, or
 - (ii) of a white reflective nature with black letters and figures for the front number plate and of a yellow reflective nature with black letters and figures for the rear number plate;
 - (c) each letter and figure must be 79 millimetres in height;
 - (d) every part of every letter and figure must be at least 14 millimetres in breadth;
 - (e) the total width of the space occupied by a letter or figure, except in the case of the figure 1, must be at least 64 millimetres;

- (f) the space between adjoining letters or figures must be 13 millimetres;
- (g) there shall be a margin between the nearest part of any letter or figure and the top and bottom of the plate of at least 13 millimetres and between the nearest part of any letter or figure and the sides of the plate of at least 25.4 millimetres;
- (h) in the alternative diagram No. 1, the space between the upper and lower lines shall be at least 19 millimetres; and
- (i) in the alternative diagram No. 2, the space between the letter and the figure shall be at least 38 millimetres.



Alternative Diagram No. 1



Alternative Diagram No. 2

[1985-17]

3. In the case of the number plates for a motor cycle, each of the dimensions mentioned in this Schedule shall be halved and the shape of the number plate need not be rectangular, so long as the minimum margin between any letter or figure and the top, bottom and sides of the number plate is preserved.

4. Notwithstanding the provisions of the Schedule, in the case of any motor vehicle registered after such day as is prescribed the number plates required by section 10 shall be of such shape and size and the letters and figures on such

number plates shall be of such size and shall be separated by such space as is prescribed.

[1990-35]

THIRD SCHEDULE

(Section 27)

Certificate of Weight Unladen of a Vehicle

I hereby certify that I have this day weighed the following motor vehicle

(a) Class of Vehicle:.....

(b) Registration No:.....

(c) Engine No:.....

the property of.....

inclusive of the body, accumulators, loose tools, spare wheels and other usual equipment and a full supply of water and fuel used for the purposes of propulsion and that

the weight of the said.....

as equipped is.....Kilograms.

Dated.....

Signed.....

Chief Technical Officer/Official Weigher

FOURTH SCHEDULE*(Sections 10(5) & 16(1))***PART I**

Column 1	Column 2
REGISTERING PARISH	LETTER
Saint Andrew	A.
Saint Peter	E.
Saint George	G.
Saint John	J.
Saint Lucy	L.
Saint Michael	M.
Saint Joseph	O.
Saint Philip	P.
Saint James	S.
Saint Thomas	T.
Christ Church	X.

PART II*Public Service Vehicles*

Column 1	Column 2
USE	LETTER
Taxi	Z.
Maxi-taxi	ZM.
Route-taxi	ZR.

THE LAWS OF BARBADOS

Printed by the Government Printer, Bay Street, St. Michael
by the authority of the Government of Barbados

Column 1	Column 2
USE	LETTER
Self-driven or Hired car	H.
Limousine	HL.
Minibus	B.
Motor Omnibus	BM.
Tour Coach	BT.

[1992-2]

PART III

Vehicles Owned by the Government of Barbados or a Statutory Board

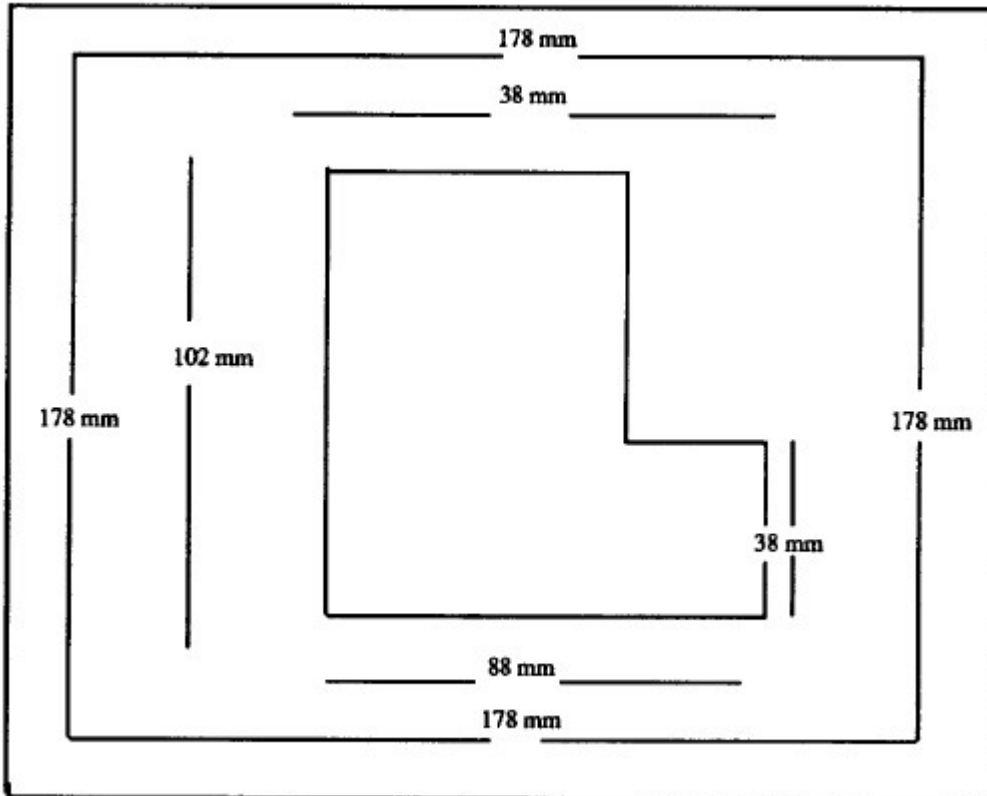
Column 1	Column 2
USE	LETTER
(a) Vehicles owned by the Government of Barbados and assigned to Government Ministries and Departments for the business of Government	MP
(b) Vehicles owned by the Government of Barbados and assigned to the Barbados Defence Force for the business of the Force	D, or 1-D to 10-D
(c) Vehicles owned by a Statutory Board and used for the business of the Boards	ML

[1990-35]

FIFTH SCHEDULE

(Section 63 (5))

Red Letter on White Background



SIXTH SCHEDULE*(Section 79(1))*

Column 1	Column 2 Offence	Column 3 Number of demerit points
1.	Not reporting an accident involving injury.	7
	Not stopping after an accident.	7
2.	Driving without due care.	4
	Driving without reasonable consideration.	4
	Dangerous driving.	4
	Exceeding speed limit (by 50 or more k.p.h.)	7
3.	Exceeding speed limit (by 40 or more k.p.h.)	6
	Failing to obey stop sign.	6
	Failing to obey a light signal.	6
	Failing to comply with the lawful direction of a member of the Police Force.	4
	Overtaking improperly.	4
4.	Not making appropriate signal when stopping, turning, slowing down.	2
	Exceeding speed limit (by 20 or more k.p.h.)	2
	Negligently interrupting free passage of traffic.	2
	Causing unnecessary obstruction.	2
	Parking on restricted place.	2
5.	Carrying excess passengers.	4
6.	Going off route.	2

THE LAWS OF BARBADOS

Printed by the Government Printer, Bay Street, St. Michael
by the authority of the Government of Barbados

Column 1	Column 2 Offence	Column 3 Number of demerit points
7.	Soliciting passengers.	4
8.	Overchanging for hire.	6

[1992-2]