

SAINT LUCIA

—
No. 10 of 2003

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No. 10] *Motor Vehicle and Road Traffic Act* [2003.

No. 10] *Motor Vehicle and Road Traffic Act* [2003.

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

20th January, 2003.

SAINT LUCIA

No. 10 of 2003

AN ACT to provide for the registration, licensing and control of vehicles and for the regulation of paid parking and for ticketable offences and for matters connected therewith.

[ON ORDER]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

PART I
PRELIMINARY

Short title and commencement

1.— (1) This Act may be cited as the Motor Vehicle and Road Traffic Act 2003.

(2) This Act shall come into force on the date or dates to be fixed by the Minister, by Order.

Interpretation

2. In this Act —

“air contaminant” means a solid, liquid, gas, odour or combination of any of them that contributes to air pollution;

“air pollution” means the presence in the outdoor atmosphere of an air contaminant in quantities that may —

- (a) cause discomfort to or endanger the health or safety of persons,
- (b) cause injury or damage to property or to plant or animal life, or
- (c) interfere with visibility or other normal conduct of transport or business;

“Appeal Board” means the Licensing Appeal Board established under section 44;

“applicable law” means The Motor Vehicles Insurance (Third-Party Risks) Act, 1988 or any Act replacing it;

“Board” means the Saint Lucia Transport Board established under section 48;

“charge” means a charge attaching to a vehicle given to a creditor, by agreement or operation of law, as security for payment of a debt owing to that creditor;

“Commissioner” means the Commissioner of Police;

“Custodian” means a person designated as such under section 157;

“diplomat” has the same meaning as in the Diplomatic & Consular Services (Immunities & Privileges) Act, 1986 or any Act replacing it;

“driver” in respect of a stationary motor vehicle means a person in charge or in control of it;

“emergency motor vehicle” includes —

- (a) an ambulance;
- (b) a motor vehicle used by a police officer or a member of a fire department in the discharge of his or her duties;
- (c) any motor vehicle used in response to a disaster;

“head of mission” has same meaning as in the Diplomatic & Consular Services (Immunities & Privileges) Act, 1986 or any Act replacing it;

“inspector” means a person appointed as such under section 16;

“Licensing Authority or Authority” means the Authority established under section 4;

“Licence number” means the number assigned under section 19;

“Licensing Officer” means an officer appointed under section 6.;

“Minister” means the Minister with responsibility for Transport;

“motor cycle” means a motor vehicle with less than four wheels and the weight of which unladen does not exceed 800 pounds;

“motor dealer” means a person who, in the course of business —

- (a) engages in the sale or exchange of motor vehicles, or who holds himself or herself out as engaging in the sale or exchange of motor vehicles, or
- (b) advertises, exhibits or offers motor vehicles for sale or exchange by him or her;

and includes a person who carries on any of the activities described in paragraphs (a) to (b) in respect of at least 5 motor vehicles within a twelve month period but does not include a person exempted by regulation;

“Motor Dealer’s Licence” means a licence issued under section 35;

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

“motor vehicle rental operation” means any undertaking in respect of which a licence is necessary under section 37;

- “no parking zone” means the part of a public road established as such under section 132;
- “omnibus” means a motor vehicle designed to carry 9 - 16 persons for reward;
- “paid-parking zone” means the part of a public road designated as such under section 132;
- “parking” includes having a motor vehicle stationary for any length of time;
- “parking attendant” means a person appointed as such under section 142;
- “Permanent Secretary” means the Permanent Secretary in respect of the portfolio of Transport;
- “person in charge of motor vehicle” includes the registered owner;
- “prescribed” means prescribed by regulations made by the Minister under this Act;
- “public officer” has the same meaning as in the Saint Lucia Constitution Order, 1978;
- “public omnibus” means a motor vehicle in respect of which an omnibus route permit is issued under section 54;
- “public motor vehicle” means a public omnibus or a taxi;
- “public road” means a road other than a road used by the public for vehicular traffic with permission of the owner or the licensee of the road;
- “Register” means the record of motor vehicles and trailers kept by the Licensing Authority under section 7;
- “registered address” means the last known address as appears in the records of the Licensing Authority;
- “registered creditor” means a person, other than a Parking Authority, who has a charge endorsed under section 8 against a motor vehicle;
- “registered owner or owner” means a person inscribed on the Register as owner of the motor vehicle, except a Parking Authority inscribed under section 171;
- “registration number” means the number issued under section 19;

“reserved parking zone” means the part of a public road established as such under section 132;

“regulated parking area” means a network of streets designated as such under section 132;

“road” means any way or course, whether public or not, available for vehicular or pedestrian use;

“taxi” means a motor vehicle designed to carry not more than forty-five persons, that with its driver is operated for hire but does not include a public omnibus;

“taxi stand” means reserved parking for designated taxis from which fares may be solicited;

“ticketable offence” means an offence designated as such by regulations made under section 193;

“traffic” includes vehicles designed to be moved by human power, pedestrians and animals being ridden, driven or led;

“traffic control device” means any thing placed or erected by authority of the Minister or the Commissioner or a person authorized by either of them for the purpose of controlling traffic and includes a sign, signal, line, meter, marking, space, or barrier;

“traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

“traffic offence” means an offence in Part VII of this Act;

“traffic officer” means a police officer or a Traffic Warden;

“trailer” means a vehicle that is at any time drawn on a road by a motor vehicle, except —

(a) a vehicle designed and adapted exclusively for use in agricultural operations;

(b) a side car attached to a motorcycle, and

(c) a disabled motor vehicle that is towed by a tow car;

“vehicle” means any device in, on or by which a person or property is or may be transported or drawn, on a road but does not include a device designed to be moved by human power;

Binding on the Crown

3. This Act is binding on the Crown.

PART II
LICENSING AUTHORITY

Establishment and Constitution of Licensing Authority

4. There is hereby established a Licensing Authority which shall comprise a person designated by Cabinet, or, if no such designation is made, the Permanent Secretary.

Functions of the Licensing Authority

5. The Licensing Authority is responsible for the administration of the registration, licensing and permit systems established under this Act.

Licensing Officers

6.— (1) The Licensing Authority shall designate any qualified public officer as a Licensing Officer, and may assign the Licensing Officer any duties under this Act.

(2) In carrying out his or her duties, a Licensing Officer may exercise the authority conferred on the Licensing Authority under this Act.

PART III
REGISTRATION OF MOTOR VEHICLES AND TRAILERS

Duty to keep a Register

7.— (1) The Licensing Authority shall keep a Register of all the motor vehicles and trailers registered under this Act.

(2) The Register shall be in the form and contain such information as the Minister may prescribe by regulations.

Registration of charges

8.— (1) Any person who has a charge on any motor vehicle or trailer, either under an instrument of security or, under this Act, may apply to the Licensing Authority to have the charge endorsed on the Register.

(2) The endorsement shall include —

- (a) the name and address of the creditor of the charge;
- (b) the particulars of the source of the charge including the registration number and date of the instrument of security, or, the section of this Act under which the charge is created;

- (c) the amount of the debt; and
- (d) any other information that the Licensing Authority considers relevant.

(3) The Licensing Authority shall cancel the endorsement upon receipt of proof that satisfies the Licensing Authority that payment has been effected.

(4) Failure to endorse a charge under this section does not affect the validity or enforceability of the charge.

Duty to give access

9.— (1) Upon application, the Licensing Authority shall supply information contained in the Register to any person who satisfies the Licensing Authority that he or she has reasonable cause for requesting the information.

(2) The Licensing Authority shall charge the prescribed fees for supplying information under this section.

Registration of motor vehicles and trailers

10. Unless exempted under section 11, the owner of a motor vehicle or trailer shall register the motor vehicle or trailer under this Act before using or permitting its use on a road.

Vehicles and trailers exempted from registration

11.— (1) The following are exempted from registration —

- (a) a motor vehicle designated for the use of the Governor-General for official or personal duties;
- (b) while in possession of the motor dealer, a motor vehicle or trailer imported into Saint Lucia under a motor dealer's licence;
- (c) a private motor car or motor cycle brought into Saint Lucia by a visitor for his or her own use for a period not exceeding three months subject to such conditions as may be prescribed.

(2) The Minister may prescribe classes of trailers to be exempted from registration.

Vehicles and trailers ineligible for registration

- 12.** The Licensing Authority shall not register —
- (a) a motor vehicle or trailer which has a net weight of more than eight and a half tons;
 - (b) a motor vehicle or trailer which has wheels which are not fitted with pneumatic tyres;

Exception for industrial machinery

13. Industrial machinery, whether or not it is entirely fitted with pneumatic tyres and whether or not it exceeds eight and a half tons, may be used on a road without registration if —

- (a) the industrial machinery is a road roller;
- (b) the road used is not maintained with public funds;
- (c) the distance travelled on the road is not more than one and a half miles; or
- (d) there is a subsisting permit issued under section 33 authorizing such use.

Application for registration

14. Subject to section 11, the owner of a motor vehicle or trailer shall apply for registration by submitting to the Licensing Authority, an application in the prescribed form, accompanied by —

- (a) proof that the motor vehicle is insured in accordance with the applicable law;
- (b) the prescribed fee, unless exempted under section 15;
- (c) an inspection report if required under section 16.

Exemptions from payment registration fee

15. A motor vehicle or trailer is exempted from the payment of the prescribed registration fee if it is to be registered for —

- (a) use of a Department of Government or any local authority;
- (b) use of a public body or a charitable organization exempted by Cabinet from the payment of such fee;
- (c) use of a diplomat or head of mission for official or personal purposes.

Inspection Report

16.— (1) The Licensing Authority may require the applicant to submit a report from an inspector certifying that —

- (i) the inspector has examined the motor vehicle or trailer;
and
- (ii) it is fit for the use for which registration is requested.

(2) For the purposes of subsection (1), the Licensing Authority shall, by Order, designate qualified persons to be inspectors.

Registration of motor vehicle or trailer

17.— (1) Upon application in accordance with this Act, the Licensing Authority shall register a motor vehicle or trailer by recording the relevant particulars of the motor vehicle or trailer on the Register if the Authority is satisfied that —

- (a) the owner is at least 18 years old;
- (b) the motor vehicle or trailer is fit for the purpose for which registration is required;
- (c) the motor vehicle or trailer complies with any standards prescribed by the Minister on the recommendation of the Saint Lucia Road Transport Board; and
- (d) the applicable law is complied with.

(2) Before registering any motor vehicle or trailer, the Licensing Authority shall verify all the particulars entered in the application, and may, if it deems it necessary, require the vehicle to be examined by an Inspector for the purpose of ensuring that it is of such construction and in such condition as may be necessary for the purpose for which registration of the vehicle is sought.

(3) Before registering any commercial vehicle, freight passenger vehicle, public omnibus or trailer, the Licensing Authority shall ascertain, in the manner prescribed, the maximum gross weight and the maximum number of passengers which the vehicle may be authorised to carry, and such maximum number of passengers shall be entered in the register and in the certificate of registration

Conditions of registration

18. The Licensing Authority may in registering a motor vehicle or trailer impose conditions, including —

- (a) the maximum weight that it may transport;
- (b) the maximum number of passengers;
- (c) the vehicle length, height and axle load; and
- (d) any conditions it may consider reasonable.

Issue of registration number etc.

19.— (1) Upon registration of a motor vehicle or trailer, the Licensing Authority shall issue to the owner —

- (a) a registration number;
- (b) a licence number;
- (c) a certificate of registration.

(2) The licence number of a motor vehicle or trailer registered shall include the prescribed letters denoting that the motor vehicle or trailer is registered for any of the following purposes —

- (a) use by a Department of the Government of Saint Lucia;
- (b) use by a Minister of Government or elected members of Parliament;
- (c) use by a Diplomat or head of a mission;
- (d) use as a taxi;
- (e) use as a public omnibus;
- (f) use for private purposes;
- (g) use for commercial purposes;
- (h) use for hiring purposes other than a public omnibus or a taxi.

(3) The Minister may by Order, add to or delete from the list in subsection (2).

Period of validity

20.— (1) The registration of a motor vehicle or trailer is valid until cancelled under section 25.

(2) The registration may however be suspended or amended under this Act.

Change of ownership

21.— (1) In this section, change of ownership does not include transfer under an instrument of security.

(2) Before the expiration of seven days after a change of ownership, an application shall be made for amendment of the Register.

(3) The application shall be in the prescribed form and accompanied by the prescribed fee, documents establishing change in title and, if the transfer is by voluntary act, the Certificate of registration and proof of payment of insurance shall also be annexed.

(4) The transferee and the transferor commit an offence if subsection (2) is not complied with and are liable on summary conviction to a fine of one thousand dollars and a further fine of fifty dollars for every day that the offence continues or to imprisonment for one year.

(5) The provisions of subsection (3) shall not apply in respect of motor vehicles or trailers registered before 1990 in respect of the Certificate of Registration.

Change of use after registration

22.— (1) An owner who wishes to use a motor vehicle or trailer for a use other than a use authorised under its registration shall apply to the Licensing Authority to amend the Register.

(2) The application shall be in the prescribed form and accompanied by the prescribed fee.

(3) The Licensing Authority may require the applicant to give the Licensing Authority any additional information which the Licensing Authority considers necessary for determining the application.

Notice of change in name, address or motor vehicle

23.— (1) The owner of a registered motor vehicle or trailer shall give notice to the Licensing Authority of any change in the owner's name by marriage or otherwise or address, within one month of the change.

(2) The owner of a registered motor vehicle or trailer shall immediately give notice to the Licensing Authority of changes made to the motor vehicle or trailer in any of the following ways —

- (a) replacement of the chassis or engine with another; or
- (b) replacement of the body with another.

(3) The notice shall be in the prescribed form and shall be accompanied by the Certificate of Registration.

Endorsement of changes

24.— (1) On application under sections 21 or 22 or upon receipt of a notice under section 25 the Licensing Authority shall make any amendments to the Register that are necessary.

(2) The Licensing Authority may amend or issue another Certificate of Registration.

Cancellation and suspension of registration

25.— (1) The registration of a motor vehicle shall remain valid so long as the vehicle is kept in use, and shall only be cancelled if the Licensing Authority is satisfied that the vehicle has been destroyed or rendered permanently unserviceable or permanently removed from Saint Lucia, or if it has not been re-registered for one year.

(2) The owner of any motor vehicle which has been destroyed or rendered permanently unserviceable or has been permanently removed from Saint Lucia shall notify the Licensing Authority of such fact within one month of the happening of such event.

(3) The Licensing Authority shall suspend the registration of a motor vehicle or trailer if —

- (a) an insurer in accordance with the applicable law, notifies the Licensing Authority, in the approved manner, that the insurance policy in respect of the motor vehicle, is no longer in effect;
- (b) the registered owner fails to pay a fine under this Act;
- (c) a charge is endorsed against the motor vehicle or trailer under section 167.

(4) For purposes of subsection (3) (a), a suspension shall not be effected before the expiry of 30 days after receipt of notice by the Licensing Authority and the registered owner shall within that period, notify the Licensing Authority of any new insurance, if any, of the motor vehicle or trailer.

PART IV

CATEGORIES OF LICENCES AND PERMITS

Vehicle or trailer licence

26.— (1) For purposes of this section, the Minister shall, by Order in the *Gazette*, prescribe —

- (a) categories of vehicles or trailers for which a vehicle licence is required;
- (b) the period of validity of the vehicle licence in respect of each category;
- (c) the fees payable in respect of each category of licence.

(2) subject to any order made under subsection (1), no subject to Subsection (1) a person shall use or permit the use of a motor vehicle or trailer on a road for which a motor vehicle or trailer licence is required under this section.

(3) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue a motor vehicle or trailer licence to the owner of a motor vehicle or trailer of a category prescribed under this section, if the motor vehicle or trailer complies with the prescribed requirements.

(4) A motor vehicle or trailer licence may be issued subject to any conditions that the Licensing Authority considers necessary.

(5) A motor vehicle or trailer licence is renewable, on payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply with the necessary modifications in relation to an application for renewal.

Power to prescribe classes of driver's licences

27.— (1) The Minister may prescribe classes of driver's licences and may specify any of the following in respect of each class —

- (a) the minimum amount of driving experience or other qualifications that the holder of the class of licence is required to have;
- (b) the minimum age, which shall not be less than seventeen years, of the drivers to whom the class of licence may be issued;
- (c) the category of motor vehicle that the holder of the class of

licence is licensed to drive.

Issue, endorsement and renewal

28.— (1) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue, endorse or renew a driver's licence if the Licensing Authority determines that the applicant —

- (a) is fit and able, having regard to the prescribed requirements and the applicant's physical condition, to drive the category of motor vehicle of the class of the driver's licence for which the application is made;
- (b) is not disqualified from driving under this Act or under the applicable law, or any other law.

(2) For purposes of subsection (1)(a) the applicant shall —

- (a) provide reports of tests of the applicant's vision, hearing and physical fitness, certifying that these are adequate to enable him or her to drive without threatening road safety;
- (b) submit to any driving tests as prescribed;
- (c) provide any information that the Authority considers necessary, including information for identifying the applicant;

(3) A valid driving licence authorizes the holder to drive a motor vehicle of the category that is specified in the licence subject to any conditions attaching to the licence.

(4) A driver's licence is unless cancelled, valid —

- (a) for one year in the case of a first licence, or
- (b) for three years in the case of subsequent licences,

and is renewable, on payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section shall apply with the necessary modification in respect of an application for renewal.

(5) A holder seeking a renewal of a licence under subsection (4)(a) shall as a condition of renewal, attend and successfully complete a defensive driving course prescribed by the Authority.

(6) Further to the provisions of subsection (2)(b), in the case of an application for renewal of a licence, submission to a driving test shall be

compulsory for any applicant who is —

- (a) not less than 65 years of age and seeks the renewal of a drivers licence entitling him or her to drive a public service vehicle;
- (b) not less than 70 years of age and seeks the renewal of a drivers licence entitling him or her to drive any vehicle other than a public service vehicle.

(7) A holder who fails to renew his or her driver's licence after its expiry is liable to the prescribed penalty fee, unless the holder satisfies the Authority that the failure was due to unavoidable reasons or circumstances.

Issue and renewal of a Learner's permit

29.— (1) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue or renew a learner's permit to an applicant who qualifies under this Act for the category of motor vehicle to which the application relates.

(2) The Licensing Authority shall require the applicant to —

- (a) provide reports of tests of the applicant's vision, hearing and physical fitness, certifying that the applicant's vision, hearing, mental and physical fitness are adequate to enable him or her to drive without threatening road safety;
- (b) attend and successfully complete a defensive driving course as prescribed.

(3) A learner's permit authorises the holder to drive a motor vehicle of the category stipulated in the permit subject to the following restrictions —

- (a) the holder shall not drive unless accompanied by a holder of a valid driver's licence for that category of motor vehicle who has held a valid driver's licence for at least five years;
- (b) the holder shall drive only during the hours prescribed for learning to drive;
- (c) the holder shall not drive in any prescribed area in which motor vehicles driven by learners are prohibited;
- (d) the motor vehicle displays the letter L in the prescribed manner;
- (e) the holder shall not drive a motor vehicle while it is being used

- to draw a trailer or for conveying passengers; and
 (f) any other restriction that the Licensing Authority considers necessary.

(4) A learner's permit is valid for six months and may be renewed and the provisions of this section shall apply with the necessary modifications in respect of an application for renewal.

(5) For purposes of subsection (3)(e) passenger does not include the driving instructor and the holder of the learner's permit driving the vehicle.

(6) Where a contravention of subsection (3)(e) occurs, the driving instructor shall be deemed to have committed the contravention and shall be liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or both.

Issue of a visitor's driving permit

30.— (1) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue a visitor's driving permit to a person who is a visitor to Saint Lucia and who holds a valid licence issued in the person's country of residence.

(2) A visitor's permit may be issued subject to any conditions that the Licensing Authority considers necessary and shall be valid for not more than three months.

(3) A visitor's driving permit authorizes the permit holder to drive only the category of vehicle that the permit holder is authorised to drive under the licence issued in the person's country of residence.

Temporary permit for carrying passengers on unauthorized vehicle

31.— (1) In this section —

“commercial motor vehicle or trailer” means a motor vehicle or trailer registered under this Act exclusively for the transport of goods;

“agricultural motor vehicle or trailer” means a motor vehicle or trailer registered exclusively for use for agricultural purposes;

(2) The Licensing Authority may authorise, by temporary permit, the conveyance of persons on a commercial or agricultural motor vehicle

or trailer, although such conveyance is inconsistent with the conditions of registration of the motor vehicle or trailer.

(3) The authorization under subsection (2) may be subject to any conditions that the Licensing Authority considers necessary including conditions relating to —

- (a) the number and class of passengers;
- (b) the manner of conveyance;
- (c) the purpose of conveyance;
- (d) number of journeys authorised;
- (e) the period during which the authorisation is valid;
- (f) proof of valid insurance.

(4) The permit shall be in the approved form and shall specify the conditions subject to which it is issued.

Temporary permit for exceeding maximum weight on roads

32.— (1) The Licensing Authority may authorise, by temporary permit, the carrying of an indivisible load on a road by a motor vehicle or trailer, although such load causes the motor vehicle or trailer to exceed its maximum weight for which the vehicle is registered under this Act.

(2) The authorization under subsection (1) may be subject to any conditions that the Licensing Authority considers necessary, including the route to be used.

(3) The permit shall be in the approved form and shall specify the conditions subject to which it is issued.

Temporary permit for use of industrial machinery on road

33.— (1) The Licensing Authority may authorise, by temporary permit, the use of industrial machinery on a road maintained by public funds, for a distance in excess of one and a half miles, although the machinery is not entirely fitted with pneumatic tyres or exceeds eight and a half tons.

(2) The Licensing Authority may issue the permit subject to any conditions that the Licensing Authority considers necessary, including the route to be used.

(3) The permit shall be in the approved form and shall specify the

conditions subject to which it is issued.

(4) If the industrial machinery is entirely fitted with pneumatic tyres, the Licensing Authority may reduce the applicable fee by not more than fifty percent.

Instructor's licence

34.— (1) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue to an applicant, an Instructor's Licence, if the applicant meets the prescribed requirements and is not disqualified under this Act or the regulations.

(2) A person is disqualified from holding an Instructor's Licence if —

- (a) the person is convicted of a sexual offence under the Criminal Code; or
- (b) the person falls within any of the prescribed class of persons disqualified from holding such a licence.

(3) The Licensing Authority may issue the licence subject to any conditions that it considers necessary.

(4) The Licensing Authority shall keep a record, in the prescribed form, of the Instructor's Licences issued under this section.

(5) An instructor's Licence authorizes only the person named in the licence to give driving instructions to a holder of a learner's permit, in a motor vehicle registered for such purpose.

(6) An Instructor's Licence is unless revoked, valid for one year from the date of issue and is renewable on the payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply, with the necessary modifications, in respect of an application for renewal .

(7) (a) No person shall operate as a driving instructor for reward unless the person holds a valid instructor's licence.

(b) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or to imprisonment for a term of not less

than one year or both.

Motor Dealer's Licence

35.— (1) A person who is desirous of carrying on business or conducting trade as a dealer in motor vehicles or trailers shall apply to the authority, in the prescribed manner, for a Motor Dealer's Licence.

(2) On application in the prescribed manner, and on payment of the prescribed fee, the Licensing Authority may issue a Motor Dealer's Licence to an applicant who meets the prescribed requirements and is not disqualified under this Act or the Regulations from holding such a licence.

(3) The Licensing Authority may issue a Motor Dealer's Licence subject to any conditions that it considers necessary including a condition that the motor dealer maintains business premises in accordance with the regulations.

(4) The Licensing Authority may, on giving written notice to the motor dealer, add to or alter the conditions of the licence.

(5) The Licensing Authority may establish categories of motor dealers and may impose different conditions on each category.

(6) In addition to entitling a holder to carry on a business as a motor or trailer dealer, a Motor Dealer Licence authorises the use on a road of a motor vehicle or trailer without registration under this Act, on the condition that the motor dealer or the motor dealer's agent accompanies the vehicle or trailer and the vehicle or trailer is being —

- (a) transferred to the premises of the motor dealer; or
- (b) test driven for the purpose of a sale.

(7) A Motor Dealer's Licence is, unless cancelled valid for one year from the date of issue and is renewable on the payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply, with the necessary modifications, in respect of an application for renewal.

(8) The Licensing Authority shall keep a record, in the prescribed form, of the Motor Dealer's Licences issued under this Act.

- (9)(a) No person shall carry on a business as a motor or trailer dealer in any location unless the person holds a valid Motor Dealer's Licence authorizing the carrying on of such business at that location.
- (b) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or to imprisonment for a term of not less than one year or both.

Agent's licence

36.— (1) A person who is desirous of operating as an agent shall apply to the Authority in the prescribed manner for an Agent's Licence.

(2) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue an Agent's Licence to an applicant who meets the prescribed requirements and is not disqualified under this Act or the Regulations from holding such a licence.

(3) The Licensing Authority may issue an Agent's Licence subject to any conditions that it considers necessary.

(4) The Licensing Authority may, on giving written notice to the Agent, add to or alter the conditions of the licence.

(5) The Licensing Authority may establish categories of Agents and may prescribe different conditions for each category.

(6) An Agent's Licence authorizes a person to act on behalf of the importer of a motor vehicle or trailer, subject to the conditions contained in the licence but does not authorise the Agent to act as a Motor Dealer, or to use the motor vehicle or trailer on a road without registration under this Act.

(7) An Agent's Licence is, unless cancelled valid, for one year from the date of issue and may be renewed, on the payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply with the necessary modifications, in respect of an application for renewal.

(8) The Licensing Authority shall keep a record, in the prescribed form, of the Agent Licences issued under this Act.

(9) For purposes of this section, “Agent” means a person who, with or without remuneration, acts as a motor vehicle or trailer broker or, as an agent, sells motor vehicles or trailers on commission but does not include a person exempted by regulations.

(10)(a) A person shall not act as an Agent unless the person holds a valid Agent Licence authorizing him or her to act as such.

(b) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or to imprisonment for a term of not less than one year or both.

Motor Vehicle Rental Licence

37.— (1) A person who is desirous of carrying on the business of letting motor vehicles for hire shall apply to the Authority, in the prescribed manner, for a Motor Vehicle Rental Licence.

(2) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue a Motor Vehicle Rental Licence to an applicant who meets the prescribed requirements and is not disqualified under this Act or the Regulations from holding such a licence.

(3) The Licensing Authority may issue a Motor Vehicle Rental Licence subject to any conditions that it considers necessary.

(4) The Licensing Authority may establish categories of Motor Vehicle Rental operations and may impose different conditions for each category and the Authority may, on giving written notice to the holder of a licence, add to or alter the conditions of the licence.

(5) A Motor Vehicle Rental Licence is unless cancelled, valid for one year and is renewable, on the payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section shall apply, with the necessary modifications, in respect of an application for renewal.

(6) A Motor Vehicle Rental Licence authorizes the holder to hire out motor vehicles or trailers under the terms and subject to the conditions contained in the licence.

(7) The Licensing Authority shall keep a record, in the prescribed form, of the Motor Vehicle Rental Licences issued under this Act.

(8) In this section, “let a motor vehicle for hire” does not include the operation of a public motor vehicle or any other hire of a motor vehicle with its driver.

Cancellation and suspension of licences and permits

38.— (1) The Licensing Authority may, by notice in writing, cancel a licence, permit or an endorsement on a licence, if the holder of the licence or permit obtained the licence, permit or an endorsement by fraud or misrepresentation whether negligent or not.

(2) For purposes of this section, the notice shall be sent by registered mail, to the last known address of the licence or permit holder.

(3) The Licensing Authority shall cancel a licence or permit if the holder requests such cancellation in writing.

Decisions final

39. Decisions of the Licensing Authority in respect of the registration of motor vehicles, the issue, renewal, endorsement, suspension, cancellation or amendment of licences and permits are final and binding and shall not be appealed or reviewed, except in accordance with this Act.

Fraud

40.— (1) No person shall fraudulently alter, imitate, or use a certificate of registration, licence or permit issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for a term of not less than six months or both.

Lost or damaged certificates, licences and permits

41. If a certificate, licence or permit issued under this Act is lost or damaged in any way, the Licensing Authority may issue, on application in the prescribed manner, a duplicate certificate, licence or permit respectively.

Fees

42.— (1) The Licensing Authority shall charge fees for the issue or

renewal of any certificate, licence or permit, including the issue of a duplicate in respect of a lost or damaged certificate, licence or permit.

(2) The fees imposed may be different for each type of licence or permit, and for each category, if any, within a licence or permit.

(3) In determining the fees applicable for each type of licence or permit, the Licensing Authority may have regard to the category of vehicle and the remaining period for which the licence or permit is valid.

(4) The Licensing Authority shall consult with the Board before determining the fees to be charged under this section.

Licences and permits non-transferrable

43. A Licence or permit issued under Part IV is not transferrable.

PART V
LICENSING APPEAL BOARD

Establishment of Licensing Appeal Board

44.— (1) There is hereby established a Licensing Appeal Board consisting of three persons, appointed by the Minister, one of whom shall be an attorney-at-law.

(2) One member shall be appointed Chairperson and one as Vice-Chairperson.

(3) The Chairperson is the chief executive officer of the Appeal Board and shall supervise and direct its work and preside at its meetings.

(4) The Vice-Chairperson shall act if the Chairperson is absent, incapacitated or for any reason is unable to perform his or her duties.

(5) Each member shall be appointed for a term of not more than three years but may be removed by the Minister for cause.

(6) The Minister may appoint a person to be an alternate member for any member, other than the Chairperson and the alternate member may act temporarily in the absence of that member.

(7) An alternate member shall hold office only for the unexpired portion of the term of the former member.

(8) If a vacancy occurs in the membership, the Minister shall appoint a person to fill the vacancy in a manner that respects subsection (1).

(9) The members of the Appeal Board shall be paid such fees as the Minister may, by order, determine.

(10) The Appeal Board shall hear applications made under this Act appealing against decisions of the Licensing Authority and may regulate its own procedure.

(11) Subject to judicial review, the decisions of the Appeal Board are final and binding.

Application for appeal

45.— (1) If a person is not satisfied with a decision of the Licensing Authority under this Act, the person may appeal against the decision by notice in writing to the Appeal Board, setting out the grounds of the appeal and shall serve a copy of the notice on the Authority

(2) The notice shall be in the prescribed form and lodged with the Appeal Board within thirty days of the decision or within such longer period allowed by the Board, and the notice shall set out the reasons for the appeal.

Information from Licensing Authority

46. Within thirty days of the receipt of a notice, the Licensing Authority shall send to the Appeal Board, the reasons for its decision and any other document that the Appeal Board may require.

Powers of Appeal Board

47. After considering the information that was before the Licensing Authority, any additional information received and accepted by the Appeal Board, and any representations made to the Appeal Board on behalf of the applicant or the Licensing Authority, the Appeal Board may affirm, vary or cancel a decision of the Licensing Authority, and the Appeal Board may make the order that it considers ought to have been made.

PART VI ROAD TRAFFIC

Establishment and Constitution of the Saint Lucia Road Transport Board

48.— (1) There shall be established for the purposes of this Act a

body called the Saint Lucia Road Transport Board.

(2) The Board shall comprise –

- (a) a Chairperson appointed by the Minister in writing;
- (b) the Deputy Permanent Secretary, Ministry of Communications, Works and Transport, or a representative;
- (c) the Commissioner or a representative;
- (d) one person appointed by the Minister in writing representing the Saint Lucia Garage Proprietors' Association;
- (e) the Permanent Secretary in the Ministry of Tourism or a representative;
- (f) the Attorney General or a representative;
- (g) two persons appointed by the Minister in writing, who have a committed interest in traffic safety;
- (i) one person appointed by the Minister in writing who represents the umbrella organization of the insurance industry; and
- (j) two persons appointed by the Minister in writing as follows—
 - (i) one representative from the umbrella Taxi Association;
 - (ii) one representative from the umbrella Public Omnibus Association.

(3) The Board may act despite a vacancy in its membership.

(4) Seven of the members of the Board constitute a quorum.

(5) A member appointed under paragraphs (d), (g), (h), or (i) shall hold office, unless removed by the Minister for cause, for three years and may be re-appointed to the Board.

(6) The Board shall adopt its own rules of procedure for the conduct of business.

(7) The Board may —

- (a) appoint committees comprising such persons having such qualifications as the Board deems necessary for the proper carrying out of its functions; and
- (b) delegate to such committees any function as it considers

necessary.

(8) In establishing its committees under subsection (7), the Board may appoint persons from outside of its general membership.

(9) The members of the Board and members of the committees shall be paid such allowances as the Minister may by order determine.

Functions and duties of the Board

49.— (1) The Board shall advise the Minister on all matters pertaining to road transport, traffic and traffic safety and any matter incidental to the administration of this Act.

(2) The duties of the Board shall be to keep under review and make recommendations to the Minister respecting —

- (a) transport rates, fares and traffic circulation;
- (b) stands for public motor vehicles and routes for public omnibuses;
- (c) on-street parking including the establishment of paid-parking zones;
- (d) road services;
- (e) road user charges and passenger fares;
- (f) any other matter affecting traffic or transport referred to the Board by the Minister.

(3) The Board shall regulate the operation, including the grant of concessions, of public omnibuses on any road or route in Saint Lucia in such manner and on such conditions as it determines.

Responsible Authority

50.— (1) Subject to this Act, the responsibility for traffic control on any road belongs to the Minister, who shall consult with the Saint Lucia Road Transport Board.

(2) The Commissioner may put up or erect temporary traffic control devices for the control of traffic.

Directions by traffic officer

51. A traffic officer, in uniform, may direct traffic according to his or her discretion if the traffic officer considers that such direction is necessary, at the time, in the interest of road safety or to improve traffic

circulation.

Speed limits

52.— (1) The Minister shall, after consultation with the Board, prescribe the speed limits applicable on all roads and may set different speed limits for different roads and different categories of motor vehicles.

(2) The Minister may, by Order, make temporary adjustments in respect of the maximum speed for any category or description of motor vehicle on a road.

(3) Notice of an intention to make an Order under subsection (2) shall be published —

(a) in at least three issues of the *Gazette*;

(b) in at least two issues of a local newspaper,

during a period of one month before the Order is made.

(4) An Order made under subsection (2) is subject to a negative resolution of Parliament and shall remain in force until the date specified or until it is revoked.

(5) By having a traffic sign placed on a road limiting the speed at which a motor vehicle is driven or operated on the road, the Minister may, after consultation with the Commissioner, temporarily change the speed at which a person may drive or operate a vehicle on that road.

Taxi and public omnibus stand

53. The Minister may, after consultation with the Board, by notice published in the *Gazette*, designate any, or any part of, a road or public place as a taxi stand or a public omnibus stand.

Public omnibus route permit

54.— (1) Upon application in the prescribed manner and on payment of the prescribed fee, the Minister shall issue a public omnibus route permit to a registered owner of an omnibus who is recommended by the Board for such permit.

(2) The permit authorizes the operation of the omnibus identified in the permit for providing transportation to the public for a prescribed fare,

subject to any conditions included in the permit.

(3) The Minister shall on the recommendation of the Board, include in the permit any conditions considered necessary, including restrictions on —

- (a) the places in which the public omnibus may be parked for soliciting fares;
- (b) the route which the public omnibus may ply; and
- (c) the places in which the public omnibus may pick up or set down passengers;

(4) A public omnibus route permit is, unless cancelled, valid for two years and is renewable on payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply, with the necessary modifications, in respect of an application for renewal.

Taxi Permit

55.— (1) Upon application in the prescribed manner and on payment of the prescribed fee, the Minister shall issue a taxi permit to a registered owner of a taxi who is recommended by the Ministry of Tourism to the Board for such a permit.

(2) The permit authorizes the operation, subject to the conditions contained in the permit, of the motor vehicle identified in the permit for hire as a taxi.

(3) The Minister shall on the recommendation of the Board, include in the permit any conditions considered necessary, including restrictions on the place in which the taxi may park for soliciting business.

(4) A taxi permit is, unless cancelled, valid for two years and is renewable on payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply with the necessary modification in respect of an application for renewal.

Designation of traffic wardens

56.— (1) The Commissioner may designate any suitably trained

persons as traffic wardens.

(2) The Commissioner shall furnish every warden so designated with a card identifying the holder as a traffic warden.

(3) The identity card shall be in a form approved by the Minister and shall incorporate a recent photograph of the holder.

Scope of authority of traffic warden

57.— (1) A traffic warden shall carry out the functions assigned under this Act in the area designated by the Commissioner.

(2) If a traffic warden is not in uniform, he or she shall not carry out a function unless he or she shows the identity card issued under section 56.

Functions of traffic warden

58.— (1) A traffic warden shall ensure compliance with the traffic control devices at or near —

- (a) taxi stands
- (b) public omnibus stands
- (c) schools
- (d) any other place that the Commissioner directs.

(2) In addition, the Commissioner may assign to a traffic warden any functions in connection with the control and regulation of traffic, including pedestrians under this Act.

Powers of traffic warden

59. For the purpose of performing his or her functions a traffic warden has the following powers —

- (a) to direct traffic;
- (b) to examine a certificate, licence or permit issued under this Act or the applicable law;
- (c) to issue warnings under this Act;
- (d) to issue a ticket to any person whom the traffic warden has

reasonable grounds to believe has committed a ticketable offence;

- (e) to arrest without a warrant, any person whom the traffic warden believes from personal knowledge has committed a traffic offence for which a person may be arrested without a warrant under section 108.

Obstructing etc. traffic warden

60. A person who assaults, resists, intimidates, obstructs or hinders a traffic warden in the execution of the traffic warden's duties under this Act commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for a term of not less than six months or both.

PART VII
TRAFFIC OFFENCES

Using unregistered vehicle

61.— (1) A person who drives, parks or is in charge of a motor vehicle or trailer on a road, commits an offence if the motor vehicle or trailer—

- (a) is not registered under this Act or the registration no longer subsists; or
- (b) does not display in the prescribed manner the licence number assigned on registration.

(2) A person who is in possession of a motor vehicle or trailer on premises other than a road, under the circumstances described in subsection (1), is presumed to be in possession of such vehicle for the purpose of driving it on a road, unless the person proves the contrary.

(3) A person who commits an offence under this section is liable on summary conviction to a fine of not less than five thousand dollars or imprisonment for not less than one year or both.

(4) A person shall not be convicted of an offence under subsection (1) if the person proves that the use of the motor vehicle on the road was for the purpose of having it registered.

Using industrial machinery on a road

62.— (1) No person shall operate industrial machinery on a road unless such operation falls under the exception contained in section 13.

(2) A person who operates industrial machinery on a road contrary to subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or imprisonment for not less than one year or both.

(3) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(4) If an offence is committed under this section, the registered owner of the industrial machinery is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Operating a motor vehicle in an unroadworthy condition

63.— (1) No person shall operate a motor vehicle or trailer on a road if it is in a condition that does not meet the standard for registration prescribed under this Act and the Regulations.

(2) A person who operates a motor vehicle or trailer on a road contrary to subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or imprisonment for not less than one year or both.

(3) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(4) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Violation of conditions of registration

64.— (1) Subject to section 182, no person shall operate on a road, a

motor vehicle or trailer that is loaded in violation of the weight or the maximum number of passengers for which the vehicle is registered under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than ten thousand dollars or to imprisonment for not less than three years or both.

(3) No person shall contravene any other condition of registration of a motor vehicle or trailer under this Act.

(4) A person who contravenes subsection (3) commits an offence and is liable, on summary conviction, to a fine of not less than five thousand dollars or to imprisonment for not less than one year or both.

(5) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(6) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Using or permitting use of motor vehicle without a motor vehicle or trailer licence number

65.— (1) A person shall not use or permit the use of a motor vehicle or trailer on a road without a valid motor vehicle or trailer licence number.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for not less than six months or both;

(3) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(4) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of the like offence unless he

or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Driving motor vehicle without valid driver's licence or permit

66.— (1) For the purpose of this section a licence or permit is not valid if it —

- (a) has expired and was not renewed; or
- (b) was cancelled or suspended under this Act.

(2) No person shall drive a motor vehicle without a valid driver's licence, visitor's driving permit or learner's permit for the category of motor vehicle driven.

(3) A person who contravenes this section commits an offence and is liable —

- (a) in the case of a first offence, unless committed while under seventeen years, to a fine of not less than one thousand dollars or imprisonment for not less than six months or both; and
- (b) in the case of a second or subsequent offence or while under seventeen years, to a fine of not less than five thousand dollars or imprisonment for not less than one year or both.

(4) If an offence is committed in contravention of subsection (2) by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(5) If an offence is committed in contravention of subsection (2), the registered owner of the vehicle is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(6) If an offence is committed in contravention of subsection (2), any person who accompanied the person as driving instructor at the time of the commission of the offence, is presumed to have taken part in committing the offence and may be charged with actually committing it.

Driving while disqualified

67.— (1) A person who drives a motor vehicle on a road knowing that he or she is disqualified, having been disqualified under —

- (a) this Act, or
- (b) the applicable law,

commits an offence.

(2) A person who commits an offence under this section is liable, on summary conviction, to a fine of not less than one thousand dollars or imprisonment for not less than one year, or both.

Violation of condition of licence or permit

68.— (1) No person shall violate any condition of a licence or permit issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than five thousand dollars or to imprisonment for not less than one year or both.

(3) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of a like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Taxi and public omnibus related offences

69. — (1) No person shall —

- (a) park a motor vehicle in a taxi stand or a public omnibus stand unless the motor vehicle is authorised under a taxi permit or Public Omnibus Route Permit, respectively, to park in the stand.
- (b) ply a public omnibus route without a valid Public Omnibus Route Permit which authorizes the person to ply that route;
- (c) operate a vehicle as a taxi without a valid taxi permit;
- (d) contravene any restrictions on a Public Omnibus Route Permit or taxi permit.

(2) A person who contravenes subsection (1)(a) commits an offence and is liable, on summary conviction, to a fine of not less than one thousand dollars or to imprisonment for one year or both.

(3) A person who contravenes subsection (1)(b), (c) or (d) commits an offence and is liable, on summary conviction, to a fine of not less than ten thousand dollars or to imprisonment for not less than three years or both and in addition, to a fine of one hundred dollars for every day that the offence continues.

(4) In addition to any fine or imprisonment imposed under subsection (2) or (3) the Court may order the detention in storage of the public omnibus or taxi by the Commissioner for a period of not more than one month.

(5) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(6) If an offence is committed under this section, the registered owner of a the public omnibus or taxi is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Unauthorised hire

70.— (1) No person shall let a motor vehicle or trailer for hire unless the person holds a valid Motor Vehicle Rental Licence issued under section 37, authorizing the carrying on of such business.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or to imprisonment for a term of not less than one year or both.

(3) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(4) If an offence is committed under this section, the registered owner of the motor vehicle is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge

or consent and that he or she exercised all due diligence to prevent its commission.

Non-compliance with traffic control devices and directions

71.— (1) A driver of a motor vehicle or a pedestrian shall not —

- (a) disobey the directions of a traffic officer;
- (b) disobey a traffic control device, except on the direction of a traffic officer in accordance with this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both.

(3) Subsection (1)(b) does not apply to traffic devices used to regulate parking in a regulated parking area.

Traffic sign or other device

72. — (1) Subject to subsection (2), the Licensing Authority may cause or permit traffic signs or other devices to be placed, erected or otherwise marked on or near any road, and may authorize any traffic signs or devices so placed, erected or otherwise marked before the coming into force of this Act to be retained.

(2) The Licensing Authority may not cause or permit any traffic sign or device to be placed, erected or otherwise marked, or authorize the retention of any traffic sign, on or near any road where such sign or device is not in conformity with the provisions of this Act.

(3) The size, colour and type of any traffic sign or device may be prescribed, and in such event the traffic sign shall be of the prescribed type and substantially of the prescribed size, colour, and where the size, colour and type thereof are not prescribed, shall be of a character authorized by the Licensing Authority.

(4) Every traffic sign or device erected, placed, marked or retained on or near any road shall, unless the contrary is proved, be deemed —

- (a) to have been lawfully so erected, placed, marked or retained; and
- (b) to be of the prescribed type and substantially of the prescribed size and colour, where the size, colour and type of the same

have been prescribed, and in other cases to be of a character authorized by the Licensing Authority under this section.

(5) No person, other than the Licensing Authority or any person acting under the direction of the Licensing Authority, may except with the general or special permission, in writing, of the Licenisng Authority —

- (i) erect, place or mark any traffic sign or device on or near any road; or
- (ii) retain any traffic sign or device erected, placed or marked, or caused to be erected, placed or marked by the Licensing Authority on or near any road.

(6) Without prejudice to the operation of subsection (8), nothing in this subsection applies to any traffic sign or device —

- (i) which the owner of any land erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any private road which is situated on such land; or
- (ii) which any person erects, places, marks or retains, on or near any road in pursuance of any authority conferred upon him or her by or under any law of Saint Lucia other than this Act.

(7) For the purposes of subsection (6) —

“owner” in relation to any land includes any person in lawful occupation of such land; and

“private road” means any privately owned street, road or open space to which the public are granted access conditionally.

(8) The Licensing Authority may, by notice in writing, require the owner or occupier of any land on which there is a traffic sign or device or any object which so closely resembles a traffic sign or device that it might reasonably be taken to be such a sign or device, to remove it.

(9) If any person fails to comply with a notice under subsection (8), the Licensing Authority may effect or authorize the removal, doing as little damage as possible and may, except where such sign or device was erected, placed, marked, or retained by the Licensing Authority, recover in a Court of competent jurisdiction as a civil debt from the person so in default, the expenses incurred by the Licensing Authority in removing such a sign or device.

(10) The Licensing Authority or any person authorized by the Authority in that behalf may, on any land near to or adjoining a road, cut branches of trees, or other vegetation, or remove any other thing which obscures or is likely to cause damage to a traffic sign or device.

(11) The Licensing Authority shall prior to exercising its powers under subsection (10), give three days notice in writing to the owner or occupier of the land of its intention to exercise such powers.

(12) The Licensing Authority or any person authorized by the Authority in that behalf may enter any land near to or adjoining a road —

- (a) for the purpose of exercising any power conferred by this section upon the Licensing Authority; or
- (b) for the purpose of replacing or maintaining traffic signs or devices.

(13) The Licensing Authority shall do as little damage as possible in executing any work authorized under this section.

(14) In any case where a police officer or a traffic warden, in uniform, is for the time being engaged in the regulation of traffic in a road or where any traffic sign or device, being a sign or a device for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed, erected, marked or retained on or near any road, any person driving or propelling any vehicle or any person riding or driving any animal —

- (a) who neglects or refuses to stop the vehicle or animal or to make the vehicle or animal proceed in or keep to a particular line of traffic when directed or signaled to do so by the police officer or a traffic warden, in uniform, in the execution of his or her duty;
- (b) who fails to conform to the indication given by the traffic sign or device

commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both.

(15) Any person who —

- (a) unlawfully places, erects, marks or retains, or causes to be placed, erected, marked or retained, any traffic sign or device on or near any road; or

- (b) removes, defaces, damages, alters or obscures, or in any way interferes with, any traffic sign lawfully placed, erected, marked or retained on or near any road,

commits an offense and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than three months or both.

(16) If any person owning or having any interest in any property suffers pecuniary loss by reason of any damage to such property resulting from the exercise by the Licensing Authority of the powers conferred upon the Licensing Authority under this section, compensation shall be payable to such person in respect of such loss.

(17) Where any difference arises between any person claiming compensation under subsection 16 and the Licensing Authority as to whether such person is entitled to any such compensation or as to the amount of such compensation, such difference shall, on the written application of such person or the Attorney-General, be determined —

- (a) if the amount of the compensation claimed does not exceed five thousand dollars, by a Magistrate; and
- (b) if the amount of the compensation claimed exceeds five thousand dollars, by a Judge of the High Court,

in like manner as if such Magistrate or Judge were a single arbitrator appointed pursuant to the Arbitration Ordinance (Cap 14), and the provisions of the said Ordinance shall apply accordingly.

(18) Compensation payable under this section shall be defrayed out of moneys provided for the purpose by Parliament.

Dangerous driving

73.— (1) No person shall —

- (a) cause the death of another person by dangerous driving; or
- (b) drive dangerously on any road.

(2) A person who contravenes subsection (1)(a), commits an offence and is liable on conviction on indictment as follows —

- (a) to imprisonment for a term of not less than five years and not more than fifteen years; and

(b) in addition to the sanction specified in section 106.

(3)(a) Where a person is charged under subsection 1(a), the licence of the person to drive a motor vehicle is suspended until the charge has been determined.

(b) A person who contravenes subsection 3(a) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not more than five thousand dollars or to imprisonment of a term of not more than one year.

(4) A person who contravenes subsection (1)(b) commits an offence and is liable —

(a) on summary conviction, to a fine of not less than one thousand dollars nor more than five thousand dollars or to imprisonment for a term of not more than one year, or both and in addition to the sanction specified under section 106; or

(b) on conviction on indictment, to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than two years or to both and in addition, to the sanction specified under section 106.

(5) In determining whether driving is dangerous for the purpose of this section the Court shall consider all the circumstances of the driving including —

(a) the speed and manner of driving,

(b) the nature, condition and use of the road; and

(c) the amount of traffic that is actually on the road at the time of the alleged offence, or might reasonably be expected to be on the road at that time.

Driving without due care and without consideration

74.—(1) No person shall drive a motor vehicle on a road —

(a) without due care and attention; or

(b) without consideration for other users of the road.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not more than five thousand dollars or to imprisonment for not more than one year or both, and in addition to the sanction specified under section 106.

(3) For purposes of this section, without due care and attention shall include driving whilst using an electronic device.

Driving while intoxicated

75.— (1) In this section “intoxicated” means —

- (a) being so impaired from drugs consumed as to be incapable of having proper control of the motor vehicle; or
- (b) having a proportion of alcohol in the blood, urine or breath that
 - (i) in the case of blood, exceeds 80 milligrammes of alcohol in 100 milliliters of blood;
 - (ii) in the case of urine, exceeds 107 milligrammes of alcohol in 100 milliliters of urine;
 - (iii) in the case of breath, exceeds 35 microgrammes of alcohol in 100 milliliters of breath.

(2) No person shall drive a motor vehicle on a road, or have the care or control of a motor vehicle on a road or other public place, whether it is in motion or not, while intoxicated.

(3) A person who contravenes subsection (2) commits an offence and is liable, on summary conviction, to a fine of not more than five thousand dollars or to imprisonment for not more than one year or both, in addition to the sanction specified under section 106.

(4) If a police officer reasonably believes that a person is in violation of subsection (2), then, without prejudice to the police officer’s power of arrest without warrant under the Criminal Code, the police officer may require, by demand made to the person forthwith or as soon as practicable, that the person submit to any one or more intoxication tests, and to accompany the police officer for that purpose if necessary.

(5) After the sample for the intoxication test is provided, the police officer may detain the person at the police station, until —

- (a) it appears to the police officer, or the police officer in charge of the station, that the person is no longer impaired through alcohol or drugs from having control of a motor vehicle; or
- (b) the person is released under the care of a relative whom the police officer, or officer in charge of the station, believes is capable of securing the person until the person is no longer under the influence of alcohol or drugs.

(6) If a person is incapable of comprehending the nature of a demand under subsection (4) due to physical or mental trauma, a sample necessary for an intoxication test may be taken from the person without a demand being made under subsection (4).]

(7) A person who, without reasonable excuse, fails or refuses to comply with a demand made under this section commits an offence and is liable on conviction to a fine of not more than five hundred dollars or to imprisonment of not more than three months or to both.

(8) If a person fails or refuses to comply with a demand made under this section without reasonable excuse, the Court or jury, in determining whether that person is guilty of the offence, may draw any inference that appears proper, having regard to all the evidence, as to whether the person was intoxicated at the time when the offence was alleged to have been committed.

(9) In the absence of any evidence to the contrary, evidence of the result of an intoxication test is proof, in proceedings under this section, of the proportion of alcohol or drug in the blood, urine or breath, as the case may be, of the defendant, at the time when the offence was alleged to have been committed, if the sample was taken in accordance with this section.

(10) In proceedings for an offence under this section, a certificate of an analyst containing the results of the intoxication test is evidence of the statements contained in the certificate, without proof of the signature of the person appearing to have signed the certificate.

(11) In proceedings for an offence under this section, a certificate of a medical practitioner stating that, in his or her opinion at the time the blood sample was taken the defendant was incapable, due to physical or mental trauma, of comprehending the nature of a demand under this section, is evidence of the statements contained in the certificate without proof of the signature of the person appearing to have signed the certificate.

(12) In proceedings for an offence under this section, the proportion of alcohol or drug in the sample of the defendant at the time of the intoxication test is deemed to be the same as the proportion of drug in the blood, urine or breath, as the case may be, of the defendant when the sample was taken, unless the defendant proves otherwise.

(13) With leave of the Court, a defendant against whom a certificate of an analyst and certificate of a medical practitioner is produced, may require the attendance of the person who made the certificate for the purpose of cross-examination.

(14) A certificate shall not be received in evidence under this section unless, at least three days before the hearing, the defendant is served personally with —

- (a) a notice that the certificate will be introduced; and
- (b) a copy of the certificate.

(15) No action lies, for damages or otherwise, against any person as a result of the taking or analyzing of a blood sample under this section except an action for damages arising out of negligence in technical procedures used in taking the blood, urine or breath.

(16) The Minister may prescribe the form and content of certificates to be used for purposes of this section.

(17) For the purpose of this section, the Minister shall prescribe the method and equipment to be used for determining the proportion of alcohol or drugs in any one or more of the following —

- (a) a person's blood;
- (b) a person's urine;
- (c) a person's breath.

(18) For purposes of this section, the Minister shall by Order in the *Gazette*, designate —

- (a) a person or class of persons as approved persons for purposes of taking a sample from another person;
- (b) a person or class of persons as approved persons for purposes of analyzing a sample taken from another person.

Speeding

76.— (1) No person shall drive or operate a motor vehicle on a road at a greater speed than the prescribed speed limit for the road or for the category of motor vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than two thousand dollars or to imprisonment for one year or both.

(3) A person charged with an offence under this section shall not be convicted on the evidence of only one witness whose evidence is based only on his or her judgement of the speed at which the person charged is alleged to have been driving.

(4) This section does not apply to an emergency vehicle which is exempted from the application of this provision if there is an urgent emergency justifying a rate of speed in excess of any maximum rate of speed provided for in this Act.

(5) The Minister shall prescribe equipment for use in measuring vehicle speed on the roads.

Taking a motor vehicle without consent

77.— (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 or herself to be carried in or on it without the consent of its owner or other lawful authority commits an offence and shall be liable —

(a) on summary conviction, to a fine of two thousand dollars or to imprisonment for a term not exceeding one year or both.

(b) on conviction on indictment, to a fine of five thousand dollars or to imprisonment for a term not exceeding three years or both.

(2) It is a defence to a charge under subsection (1) if the accused establishes that he or she reasonably believes that —

(a) he or she had lawful authority to drive away the motor vehicle;
or

(b) the owner would, in the circumstances of the case, have given his or her consent if such consent had been requested.

(3) Where, on a trial on indictment for taking a motor vehicle without consent, the jury is of the opinion that the accused is not guilty of taking of the motor vehicle without consent but is guilty of an offence under this Act, it may find him, guilty of that offence and thereupon he or she is liable to be punished accordingly.

(4) Subject to section 108, a police officer in uniform may arrest without a warrant any person reasonably suspected by him or her 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 either or both of the following —

- (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.

Interfering with motor vehicle

78.— (1) No person shall interfere in any way with a motor vehicle without the permission of the registered owner or the person in charge of the motor vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both.

(3) A person shall not be convicted of an offence under this section if he or she proves that the motor vehicle was obstructing his or her motor vehicle or that of another, and the interference was reasonably necessary.

(4) If a person is convicted of an offence under this section, the Court may order compensation for the use and for any damage to the motor vehicle, in addition to, or instead of, imposing a penalty.

Damage to property

79.— (1) No person shall damage property in operating a motor vehicle on a road.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than five thousand dollars or to imprisonment for not less than one year or both.

(3) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of a like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

(4) Where a public or private road is damaged by repeated use of the road by one or more heavy duty vehicles the owner or owners of the heavy duty vehicles shall be liable to pay compensation to the Crown or other owner of the road.

(5) In addition to imposing a fine or imprisonment, the Court may order the defendant to repair the damage caused to the property or may make an order for compensation against the defendant in accordance with the Civil Code or any other enactment, to the person who suffers the loss of property.

(6) For purposes of this section, “property” includes traffic signs or devices, Roads, road curbs, bridge rails or other public property.

Endangering passengers in motor vehicle

80.— (1) No person shall cause damage to a motor vehicle or trailer or injury to any of its passengers by —

- (a) throwing an object at the motor vehicle or trailer; or
- (b) placing an object in the road.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both.

Littering

81.— (1) The registered owner and the driver of a vehicle commit an offence if —

- 1. any person in the motor vehicle litters the road or surrounding land; or
- 2. a load being carried is not properly secured on the motor vehicle and results or may result in littering of the road or surrounding land.

(2) A person who commits an offence under this section is liable —

- (a) on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both;
or
- (b) on conviction on indictment-
 - (i) if the offence was committed by an individual otherwise than in the course of business, to a fine of not less than five thousand dollars or to imprisonment for not less than one year or both; and
 - (ii) in any other case, to a fine of not less than fifty thousand dollars or to imprisonment for not less than fifteen years or both.

(3) Upon conviction, the Court may order that the defendant pay to the institution responsible for the collection and disposal of solid waste in respect of the road, compensation in an amount that the Court considers sufficient for the cost of clean up of the movables.

(4) A person shall not be convicted of an offence under subsection (1) if the person proves that the person exercised due diligence to avoid the commission of the offence.

(5) The provisions of this section are without prejudice to any provisions in any enactment relating to littering.

Improper parking

82.— (1) A person shall not leave, or cause a motor vehicle or trailer to remain stationary, in such a way that it presents a danger to others or obstructs traffic.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of not less than two thousand dollars or to imprisonment for not less than one year or both.

(3) A person shall not be convicted of an offence under subsection (1) if the person proves that he or she exercised due diligence to avoid the commission of the offence or to minimise the danger posed by the motor vehicle.

(4) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of a like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Leaving scene of accident

83.— (1) A person driving or in charge of any motor vehicle shall if, owing to the presence of the motor vehicle on a road, an accident occurs whereby personal injury is caused to any person or damage is caused to any other motor vehicle —

- (a) immediately stop; and
- (b) if required so to do by any person having reasonable grounds for so requiring, give —
 - (i) his or her 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 owner of 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 twenty-four 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 police officer in uniform.

(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 not less than five thousand dollars or to imprisonment for not less than two years or both.

False or misleading statement

84.— (1) No person shall, knowingly or recklessly, make any false or misleading statement either orally or in writing, or produce any falsified document —

- (a) to the Licensing Authority, or, a traffic officer, exercising powers or performing duties under this Act;
- (b) in respect of any other information required under this Act or the Regulations.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than two thousand dollars or to imprisonment for not less than one year or both.

Refusal or failure to permit examination of licence, permit or ID

85.— (1) No person shall —

- (a) being in possession of a licence, permit or other means of identification requested for examination by a traffic officer, refuse to produce it for examination at the request of the traffic officer;
- (b) not being in possession of a licence or permit requested for examination by a traffic officer, fail to produce it, within forty-eight hours, for such examination, at the police station designated by the traffic officer.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of not less than two thousand dollars or to imprisonment for not less than one year or both.

Sale of motor vehicle without pollution control

86.— (1) No person shall sell, offer for sale, expose or display for sale or deliver to a purchaser a motor vehicle or a motor vehicle engine of a class or type that by regulations made under this Act, is required to have installed or incorporated in it a system or device to prevent or lessen the emission into the outdoor atmosphere of an air contaminant.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than ten thousand dollars or to imprisonment for not less than three years or both.

(3) The provisions of this section are without prejudice to any provisions in any enactment relating to pollution.

Operation of motor vehicle without pollution control

87.— (1) No person shall operate a motor vehicle of a class or type that, by regulations made under this Act, is required to have installed or incorporated in it, a system or device to prevent or lessen the emission into the outdoor atmosphere of an air contaminant, unless the motor vehicle has a system or device installed on or incorporated in it and makes effective use of the system or device.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both.

(3) The provisions of this section are without prejudice to any provisions in any enactment relating to pollution.

PART VIII
ENFORCEMENT PROVISIONS

Warning notice

88.— (1) If a traffic officer believes, from personal knowledge, that a person has committed a ticketable offence, the traffic officer may issue and serve on the person a notice —

- (a) stating the act or omission complained of and the section of this Act of which the act or omission is a breach;
- (b) warning the person that, if he or she commits a further breach of a like nature, he or she may be liable to pay a fine or be imprisoned or the person's licence or permit may be cancelled or suspended.

(2) Service of a warning notice shall be effected at the time of the breach.

(3) Service of the warning notice on the person who committed the offence is effected by leaving a copy of the notice with the person or by affixing it to the motor vehicle in a conspicuous place.

(4) Service of the warning notice on the registered owner is effected by affixing the notice to the motor vehicle in a conspicuous place.

Notice of intended prosecution

89.— (1) A traffic officer may serve on any person involved directly or indirectly in a traffic accident a notice of intended prosecution.

(2) The notice shall contain a warning that the person may be prosecuted for a traffic offence under this Act.

Vicarious liability of registered owner

90. Where a ticketable offence relating to the parking of a vehicle is committed, the registered owner of the motor vehicle is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Issue and service of ticket for offence not related to parking

91.— (1) If a traffic officer believes on reasonable grounds that a person has committed a ticketable offence not related to the parking of a vehicle, the traffic officer may issue a ticket and shall serve it on the person.

(2) The issue and service shall be effected at the time of the offence.

(3) Service of a ticket on the person who committed the offence is effected by leaving a copy of the notice with the person or by affixing the ticket to the motor vehicle in a conspicuous place.

Issue and service of ticket for offence related to parking

92.— (1) If a traffic officer believes from personal knowledge that a person has committed a ticketable offence related to the parking of a vehicle, the traffic officer may issue a ticket and shall serve it on the person or the owner of the vehicle.

(2) The issue and service shall be effected at the time of the offence.

(3) Service of a ticket on the person who committed the offence is effected by leaving a copy of the ticket with the person or by affixing the ticket to the motor vehicle in a conspicuous place.

(4) Service of a ticket on the registered owner is effected by affixing the ticket to the motor vehicle in a conspicuous place.

Proof of service

93.— (1) A traffic officer who serves a ticket shall complete and sign a certificate of service stating that the ticket was, on the day set out in the certificate, served on the person whom the traffic officer believes committed the offence or, in the case of a ticket served in respect of an offence relating to the parking of a vehicle, on the registered owner of the motor vehicle.

(2) The certificate is evidence that, on the day set out in the certificate, a ticket was served on the person who the traffic officer believes committed the offence, or, in the case of a ticket served in respect of an offence relating to the parking of a vehicle, on the owner of the motor vehicle.

Contents of ticket

94. The ticket shall be in the prescribed form and shall —

(a) contain a statement signed by the traffic officer certifying, in the case of a ticket issued under section 91, that the traffic officer has reasonable grounds to believe that an offence has

been committed, or in the case of a ticket issued under section 92, that the traffic officer believes from personal knowledge that an offence has been committed;

- (b) include a description of the offence;
- (c) indicate with reasonable precision, having regard to all the circumstances, the time and place at which the offence was committed;
- (d) set out a total amount equal to —
 - (i) the fixed penalty for the offence under section 95,
 - (ii) the fees that are applicable on serving the ticket;
- (e) set out the options that the person served with the ticket has in responding to it, the time within which the person must respond;
- (f) mention that the ticket may be used as the evidence of the traffic officer; and
- (g) provide an opportunity for the registered owner or the driver to indicate whether the attendance of the traffic officer who completed the ticket is required for the purposes of cross-examination.

Fixed penalty

95. The fixed penalty in respect of proceedings commenced by a ticket shall be half the maximum penalty for the offence in respect of which the proceedings are brought.

Commencement of proceedings

96.— (1) A traffic officer shall cause a ticket to be filed in the office of the District Court as soon as practicable, but in any event, within seven (7) days, after the ticket is served.

(2) A ticket filed in respect of an offence relating to the parking of a vehicle shall be accompanied by a statement of the Licensing Authority as to the ownership of the vehicle.

Options after service of ticket

97. Within fourteen (14) days after being served a ticket, a person may —

- (a) plead guilty and pay the total amount set out in the ticket in accordance with section 98;
- (b) request a trial in accordance with section 99.

Plea of guilty and payment

98.— (1) A person who is served with a ticket may plead guilty by delivering the ticket, along with the total amount set out in the ticket, to the District Court Office specified in the ticket.

(2) Payment of the total amount constitutes a plea of guilty and endorsement of payment on the ticket constitutes a conviction and the imposition of that amount.

(3) Payment of an amount that is less than the total amount set out in the ticket constitutes payment on account of the fine and fees.

(4) Payment of an amount more than thirty days after service of the ticket constitutes a payment on account of the fine and fees.

Request for Trial

99.— (1) A person who is served with a ticket may request a trial by signing the request for trial on the ticket and delivering it to the District Court Office specified in the ticket.

(2) As soon as practicable after a person requests a trial under subsection (1), the clerk of the Court shall fix the time and place of the trial and have the defendant and the prosecution notified of its time and place.

Absence of response from defendant

100.— (1) If more than thirty days have elapsed from the date of service of the ticket and the person alleged to have committed the offence has not exercised any of the options referred to in section 97, the clerk of the Court shall fix the time and place of the trial and have the defendant and the prosecution notified of such time and place.

(2) The notice to the defendant under subsection (1) shall be accompanied by a copy of the ticket.

Trial procedure

101. Schedule I has effect in respect of a trial in proceedings commenced by means of a ticket.

Ticket as evidence

102. A ticket filed in the office of a District Court is evidence of the facts alleged in the ticket without proof of the signature or official character of the person appearing to have completed the ticket.

Evidence of ownership of vehicle

103. A statement purporting to be signed by or on behalf of the Licensing Authority certifying that a person was the registered owner of a vehicle at the time specified in the statement is evidence that the person owned the vehicle at that time, without proof of the signature or official character of the person appearing to have signed the statement.

Notice

104.— (1) Except as otherwise provided, a notice or document required or authorised to be given or delivered under this Part or under Schedule I may be given or delivered personally by ordinary mail or by other prescribed means.

(2) Evidence that a notice or document required or authorised to be given or delivered to a person under this Part or Schedule I was sent by ordinary mail or any other prescribed means to the person at his or her address appearing on a ticket, certificate of service or other document in the Court file, is evidence that the notice or document was given or delivered to the person.

Sentence

105.— (1) A person who is convicted in a proceeding commenced by means of a ticket is not liable to imprisonment.

(2) A person who is convicted in proceedings under section 101 is liable to a fine greater than the fixed penalty under section 95 for the offence.

Disqualification from driving upon conviction

106.— (1) If a person is convicted of a traffic offence or an offence under the regulations, the Court may consider the driving record of the

person and disqualify the person from driving a motor vehicle or trailer for a definite period of time, if the Court considers that the facts of the case or the person's driving record or both the facts of the case and his or her driving record when taken together, justify the disqualification.

(2) If a term of imprisonment is imposed on conviction, the period of disqualification commences from the day following the end of the term of imprisonment.

(3) The Clerk of the Court shall notify the Licensing Authority of the disqualification in writing or otherwise.

Disqualification from driving upon failure to pay fine

107.— (1) A person is disqualified from driving a motor vehicle or trailer if he or she fails to pay a fine imposed upon conviction for a traffic offence or an offence under the Regulations, and thirty days has passed since the termination of all proceedings including appeal.

(2) The disqualification continues until the fine is paid.

(3) The Licensing Authority shall inform the person of the disqualification by sending a written notice by registered mail to the address contained in the record of the Licensing Authority.

(4) The Clerk of Court shall inform the Licensing Authority in writing of the failure to pay and when payment is made and the disqualification lifted.

Power of traffic officer to arrest without warrant

108.— (1) A traffic officer in uniform or with proper identification may arrest without a warrant any person whom the traffic officer believes from personal knowledge commits any of the following traffic offences —

- (a) driving a motor vehicle without a valid licence or learner's permit contrary to this Act;
- (b) plying a public omnibus route contrary to this Act;
- (c) driving with passengers exceeding the prescribed limit, in breach of the conditions of registration;
- (d) driving a motor vehicle or trailer that is loaded in excess of the maximum weight in breach of the conditions of registration;

- (e) any offence relating to dangerous driving or driving without due care and without consideration contrary to this Act;
- (f) speeding contrary to section 76;
- (g) non compliance with traffic control devices and directions contrary to section 71;
- (h) making a false or misleading statement contrary to section 84;
- (i) refusal to produce licence or permit or other means of identification for examination contrary to section 85;

(2) The provisions of this section are without prejudice to a police officer's powers of arrest under the Criminal Code.

Power of traffic officer to detain or immobilize motor vehicle or trailer

109.— (1) A traffic officer in uniform or with proper identification may detain or immobilize a motor vehicle or trailer if the traffic officer believes that —

- (a) a person operated a motor vehicle or trailer on a road and-
 - (i) the motor vehicle or trailer is not registered under this Act;
 - (ii) the motor vehicle or trailer is loaded in violation of the maximum weight in breach of the conditions of registration;
 - (iii) the motor vehicle or trailer is in an unroadworthy condition;
 - (iv) the person has no valid driver's licence or visitor's permit issued pursuant to this Act; or
 - (v) the person is disqualified from driving at the time;
 - (vi) the person is driving whilst intoxicated.
- (b) the motor vehicle is parked in such a way that it presents a danger to other users of the road or obstructs traffic and the traffic officer considers that it is necessary that the motor vehicle be removed but the registered owner or driver is absent or refuses to remove it;
- (c) the person is operating industrial machinery on a road contrary to this Act;
- (d) the person plied a Public Omnibus Route without a valid public omnibus route permit authorising the person to ply that route;

(e) the motor vehicle or trailer is being used on a road under the authority of a Motor Dealer's Licence contrary to section 35(6).

(2) The traffic officer shall arrange for transportation of the occupants of the motor vehicle or trailer to the nearest safe area where they can summon an alternative form of transportation if the traffic officer is satisfied that the detention of a motor vehicle or trailer under subsection (1) would —

(a) jeopardize the safety of the occupants of the motor vehicle or trailer, or

(b) leave the occupants stranded.

(3) Personal property present in a motor vehicle or trailer that has been detained under subsection (1), other than personal property attached to or used in connection with the operation of the motor vehicle or trailer, shall be removed by the occupants at the time of the detention of the motor vehicle or trailer.

(4) Notwithstanding subsection (1), if, at any time before a review is conducted under this Act, the Commissioner is satisfied that a motor vehicle or trailer detained or immobilized under subsection (1) is stolen property, the Commissioner shall order the person who has custody of the motor vehicle or trailer to release the motor vehicle or trailer to the owner, or to a person authorised by the owner, if the owner completes a statutory declaration in the prescribed form and pays all costs in relation to the detention.

(5) The Commissioner shall order the person who has custody of the motor vehicle or trailer under detention or immobilization to release the motor vehicle or trailer to the owner, or a person authorised by the owner, if —

(a) the motor vehicle or trailer is detained or immobilized under subsection (1)(a) or (d) and the defect for which the motor vehicle was detained is cured; and

(b) the owner or the driver pays all the prescribed detention or immobilization charges.

Notice of detention or immobilization

110.— (1) A traffic officer who causes a motor vehicle or trailer to be detained or immobilized under section 109, shall —

- (a) complete a notice of detention or immobilization;
 - (b) give a copy of the notice of detention or immobilization to-
 - (i) the driver of the motor vehicle or trailer,
 - (ii) the owner of the motor vehicle or trailer by sending it to the last known address of the registered owner as shown in the records maintained by the Licensing Authority, and
 - (iii) any person who has a charge endorsed on the Register under section 8;
 - (c) forward to the Commissioner-
 - (i) a report, in the prescribed form, and
 - (ii) a copy of the notice of detention or immobilization; and
 - (d) retain a copy of the notice of detention or immobilization.
- (2) The notice of detention shall contain —
- (a) a statement of the right to have the detention or immobilization reviewed by the Commissioner under this Act;
 - (b) the manner of making an application for review;
 - (c) a statement that if the owner of the motor vehicle or trailer does not apply for a review the vehicle will be detained for a maximum of thirty days;
 - (d) a statement that if the owner of the motor vehicle or trailer does not pay all the charges in relation to detention the motor vehicle or trailer may be disposed of, in accordance with this Act.

Storage of detained motor vehicle or trailer

111.— (1) The Commissioner shall designate, by Order, premises upon which a motor vehicle or trailer detained in accordance with this Act may be stored.

(2) A motor vehicle or trailer detained in accordance with this Act shall be stored at the designated storage premises that the traffic officer directs.

Detention fees

112.— (1) The Commissioner shall set, by Order, reasonable detention or immobilization fees for purposes of this Part.

(2) The police detention fees are a charge on the motor vehicle in respect of which they are owed and a traffic officer is entitled to detain or immobilize a motor vehicle or trailer as security for payment of the Police detention fees in respect of a motor vehicle or trailer.

Right of Commissioner to sell motor vehicle or trailer detained as security

113.— (1) The Commissioner may sell, in accordance with subsection (2), a motor vehicle or trailer detained or immobilized under this Act, if after the expiration of thirty days after the period of detention —

- (a) the release of the vehicle has not been secured; and
- (b) no request for review has been made under section 163.

(2) The Commissioner may sell a motor vehicle or trailer detained or immobilized under this section —

- (a) by private agreement, if-
 - (i) the value of the Police detention fees on the motor vehicle exceeds the estimated value of the motor vehicle or trailer; and
 - (ii) the Commissioner gives to the registered owner, at the registered address, and to any registered creditor, fourteen days notice of his or her intention to dispose of the motor vehicle if the Police detention fees are not paid.

- (b) by public auction.

Right of Commissioner to endorse charge on Register

114. The Commissioner may apply under section 8 to endorse a charge on the register for the amount of fees owed to the Commissioner, if, after the expiration of thirty days of detention in storage —

- (a) the police detention fees are unpaid and security has not been given for their payment; and
- (b) no request for review has been made under section 162.

Notice of sale by auction

115.— (1) The Commissions shall not sell by auction a motor vehicle or trailer unless at least twenty-one days prior to the sale, he or she —

- (a) delivers a notice of sale to the registered address of the registered owner of the vehicle and any registered creditor; and

- (b) publishes a notice of sale in the *Gazette* and in two issues of a newspaper circulating in the Island.
- (2) The notice shall contain —
 - (a) a description of the motor vehicle or trailer;
 - (b) the name of the registered owner;
 - (c) a statement of the manner and time within which the registered owner or registered creditor can obtain the release of the motor vehicle or trailer; and
 - (d) a statement that if the registered owner or registered creditor does not exercise any of their rights under the Act, the Commissioner shall sell the motor vehicle by auction, and the date and venue of the proposed auction.

Procedure for sale

116.— (1) The rules relating to the conduct of public auctions for the enforcement of judgements in civil proceedings apply, with the necessary modifications, to public auctions held under this section, to the extent that these rules are not inconsistent with this Act.

(2) The principles relating to the sale by private agreement of property, in execution of a charge on the property apply, with the necessary modifications to the sale by private agreement under this section.

Right of registered creditor to oppose sale

117. A registered creditor may oppose the sale of a motor vehicle or trailer by at least seven days prior to the date of sale —

- (a) giving the Commissioner notice in writing; and
- (b) revindicating the motor vehicle and trailer, by paying the detention fees and any expenses of sale.

Registration of Commissioner as owner

118. If the Commissioner receives no notice of opposition under section 117, he or she is entitled to be registered as the owner of the motor vehicle or trailer for the purposes of the sale and shall apply to the Licensing Authority under section 21 for this purpose.

Application of proceeds of sale

119.— (1) The proceeds of sale by auction or by agreement shall be applied in the following order —

- (a) the expenses of the sale;
- (b) the Police detention fees, including fees for the performance of any duty in that connection;
- (c) the claims, in order of priority established by law, of any person who by order of the Court or the operation of the law is entitled to payment by the Commissioner, out of the proceeds of the sale.

(2) Any surplus from the proceeds of sale shall upon demand be paid to the person registered as owner of the motor vehicle or trailer immediately before the registration of the Commissioner as owner.

Civil Liability of Commissioner

120.— (1) The Commissioner is liable for any loss to a motor vehicle or trailer by his or her fault or the fault of his or her servants or agents.

(2) The damages awarded shall not exceed five thousand dollars except where the loss is as a result of the gross fault of the Commissioner or his or her agents, the damages may exceed that limit.

(3) Except as provided in subsection (1) no civil liability shall attach to the Commissioner, his or her servants or agents for anything done, or omitted, in good faith under the provisions of this Act or the Regulations.

Application for review

121. — (1) A person who wishes to review a decision to detain a motor vehicle of which he or she is a registered owner or registered creditor shall apply to the Commissioner in the manner and form approved by the Minister and accompanied by the prescribed fee.

(2) The Commissioner shall, by notice served personally or by registered mail —

- (a) inform the applicant of the date, time and place of the review;
- (b) request that the applicant-
 - (i) attend the review in person or by counsel or agent, or

- (ii) submit any sworn statements or other evidence that the applicant wishes the Commissioner to consider.

(3) If the applicant fails to attend and fails to submit any evidence in accordance with this section, the Commissioner shall consider all the information that is presented to him or her by the traffic officer in relation to the detention.

(4) If the applicant attends, the Commissioner shall provide the applicant and the traffic officer a full opportunity consistent with procedural fairness and natural justice to present evidence before the Commissioner and make representations in relation to the violation or detention.

(5) On a proceeding before the Commissioner under subsection (4), the applicant is not required and shall not be compelled to give any evidence or testimony in the matter.

Burden of Proof

122. In a review by a Commissioner pursuant to section 121, the Commissioner shall establish, on the balance of probabilities, that the detention was in accordance with this Act.

Determination of Commissioner

123. Upon considering the information presented, the Commissioner shall —

- (a) determine whether the detention is in accordance with this Act; and
- (b) notify the traffic officer and the applicant of his or her determination in writing.

Consequences of determination

124.— (1) If the Commissioner determines that the detention was in accordance with this Act, the motor vehicle or trailer shall remain detained in storage in accordance with this Act.

(2) If the Commissioner determines that the detention was not in accordance with this Act, the Commissioner shall order the release of the motor vehicle or trailer.

Obstructing traffic officer

125.— (1) A person commits an offence who —

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- (a) assaults, resists, intimidates or obstructs a traffic officer in the execution of his or her duties under this Part or the regulations;
or
- (b) knowingly or recklessly makes any false or misleading statement either orally or in writing to a traffic officer engaged in exercising his or her powers under this Part or the Regulations.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment of not less than six months or both.

Interfering with detained motor vehicle or trailer

126.— (1) A person commits an offence who without the authority of the Commissioner, interferes in any way with a motor vehicle or trailer detained under this Part.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment of not less than six months or to both.

PART IX
ON-STREET PARKING

Definitions for this Part

127. In this Part,

“Corporation” means the body corporate bearing the name of “The Mayor and citizens of Castries” as constituted by the Castries Corporation Act 1967 or any Act replacing it;

“Responsible Authority” means, in respect of a regulated parking area containing a public road vested in the Corporation, the Corporation; and in respect of any other regulated parking area, the Minister;

Parking Authorities

128.— (1) There shall be a Parking Authority for every regulated parking area.

(2) The Parking Authority shall comprise the Responsible Authority, unless a legal person is constituted as a Parking Authority by a management agreement under section 131.

Duties of Parking Authorities

129. In respect of its regulated parking area, the duties of a Parking Authority include —

- (i) developing and implementing a system for the collection of parking fees in the paid-parking zones;
- (ii) administering, monitoring and enforcing the parking restrictions in accordance with the provisions of this Act;
- (iii) engaging and training a suitable number of persons to be parking attendants;
- (iv) maintaining, or providing for the maintenance of, premises for keeping detained motor vehicles or trailers;
- (v) maintaining or providing for the maintenance of parking infrastructure including roads, pavements, sidewalks and traffic signs or devices;
- (vi) any other duties that are necessary or incidental to the carrying out of its duties in relation to regulated parking areas.

Powers of Parking Authorities

130.— (1) For the performance of its duties, the powers of a Parking Authority include the power to —

- (i) detain and or immobilize motor vehicles or trailers in accordance with this Part;
- (ii) sell a motor vehicle or trailer in accordance with this Part, in enforcement of a charge on the motor vehicle or trailer for parking, detention fees which are unpaid;
- (iii) appoint in accordance with section 142 any of its employees to be Parking Attendants;
- (iv) designate as custodians, in accordance with section 157, any of its employees, or any person having a contract with it for the provision of storage services.

(2) Subsection (1) is in addition to any other powers that the Parking Authority has that are necessary or incidental to the carrying out of its duties.

Management agreement

131.— (1) Subject to the approval of Cabinet, the Responsible Authority may enter into an agreement with any legal person for the purpose of this section, constituting that legal person the Parking Authority in respect of a regulated parking area.

- (2) The agreement shall include provisions —
- (a) identifying the public roads for which the legal person is responsible;
 - (b) assigning the legal person its duties which shall include the duties under section 129;
 - (c) conferring on the legal person its powers under section 130;
 - (d) requiring the legal person to-
 - (i) keep separate accounts for its revenue from parking fees, penalties for violation and revenue from other sources;
 - (ii) take appropriate measures in order to be able to pay compensation in the event of injury, loss or damage resulting from the performance of its duties;
 - (iii) pay the parking revenue, less the agreed management fee and related expenditures, to the Responsible Authority;
 - (iv) give to the Responsible Authority any information that the Responsible Authority may require regarding its operations under this Act;
 - (v) submit to the Responsible Authority an annual report of its operations under this Act;
 - (vi) submit audited accounts to the Responsible Authority for submission to Parliament;
 - (e) limiting the term of the agreement, and providing for renewal upon consent of both parties.

Designation of parking zones and regulated parking areas

132.— (1) The Minister may control parking on any public road in Saint Lucia by designating, by traffic control devices, any, or any part of, such road as —

- (a) a no-parking zone;
- (b) a paid-parking zone; or

(c) a reserved-parking zone.

(2) The Minister may, by Order, designate a network of streets containing parking zones as a regulated parking area.

Effect of designation

133.— (1) In a no-parking zone, parking is prohibited generally.

(2) In a paid-parking zone, parking is permitted —

(a) to a holder of a special parking permit issued under section 138, subject to the conditions contained in this Act, the Regulations and the permit;

(b) to any other person, upon payment of the prescribed fee and subject to the prescribed conditions.

(3) In a reserved-parking zone, parking is prohibited unless authorised by a parking permit issued under section 137 and such authorised parking is subject to the conditions contained in this Act, the Regulations and the permit.

(4) In a free parking zone, parking is permitted subject to the prescribed conditions.

Non-application of parking restrictions

134. The parking restrictions in no-parking, paid-parking and reserved-parking zones do not apply to the following motor vehicles or trailers that may be parked on any public road —

(a) an emergency motor vehicle ;

(b) a motor vehicle designated for the use of-

(i) the Governor General;

(ii) the Prime Minister;

(iii) Ministers of Government;

(iv) the Chief Justice.

Marking of parking zones

135. The Minister shall cause the parking zones to be marked with appropriate road traffic control devices or other markings.

Parking charges

136.— (1) The Parking Authority where it is not the Responsible Authority, shall after consultation with the Minister, set parking rates for paid-parking zones in each regulated parking area.

(2) Where the Parking Authority is the Minister, he or she shall after consultation with the Board set parking rates for paid-parking zones in each regulated parking area.

(3) The Parking Authority may impose different rates within a regulated parking area and as between one regulated parking area and another.

Reserved Parking Permits

137.— (1) On application in the manner approved by the Parking Authority, and on payment of the prescribed fee, a Parking Authority may issue a reserved parking permit giving to an eligible person, or group of eligible persons, the exclusive right to park in a reserved parking zone.

(2) A Parking Authority may refuse to issue to an eligible person a reserved parking permit and shall before the expiration of thirty days from the day of its decision, give notice of its decision and reasons thereof, to the applicant.

(3) The parking Authority may exempt the following persons from the provisions of this section —

- (a) a person who has an undertaking within the regulated parking area which requires a loading or offloading zone contiguous to the undertaking;
- (b) a Minister of Government or the Parliamentary Secretary;
- (c) a person who is physically handicapped;
- (d) any other person or class of persons designated by the Minister by Order, published in the *Gazette*.

Special Parking Permits

138.— (1) On application in the manner approved by the Parking Authority, a Parking Authority may issue a special parking permit giving to a person or a class of persons who is eligible under subsection (2) of this section, the right to park in a paid-parking zone in specified circumstances, without payment of the prescribed parking charges.

(2) A person or a class of persons specified in this subsection are

eligible for receiving a special parking permit in the circumstances indicated—

- (a) the Governor General;
- (b) Ministers of Government carrying on official duties;
- (c) the head of a mission when carrying on official duties within the regulated parking area;
- (d) a person that supplies electricity, telecommunications or other public utility, when necessary for repairing, maintaining or effecting improvements to equipment or infrastructure;
- (e) the owner or occupier of a residential house located within a regulated parking area and who requests parking for a motor vehicle or trailer licensed for private purposes;

(3) The special permit authorizes parking for the time stated in the permit.

Conditions

139. The Parking Authority may include in a permit issued pursuant to section 137 or 138 any prescribed conditions.

Appeals

140.— (1) In this section, “Parking Authority” does not include the Minister.

(2) Any person who is not satisfied with a decision of the Parking Authority in respect of a decision made under this Part may, within sixty days of the decision, by notice in writing, appeal to the Minister against such decision.

(3) In reviewing the decision of the Parking Authority, the Minister shall consult with the Parking Authority.

(4) The Minister may amend or reverse the decision only if the decision is unreasonable having regard to the requirements in section 141 and the needs of the person requesting the permit.

Exercise of discretion

141. In the exercise of a discretion conferred under this Part, the Minister and the Parking Authority shall have regard to the objective of this Part which is to maximize the availability of parking in a regulated

parking area in a cost effective manner, by providing short term paid parking.

Appointment of parking attendants

142.— (1) Each Parking Authority shall, by Notice published in the Gazette, appoint suitable persons as parking attendants for the purposes of this Act.

(2) The Parking Authority shall furnish each of its parking attendants with a card identifying the holder as a parking attendant.

(3) The card shall be in a form approved by the Parking Authority and shall incorporate a recent photograph of the holder.

(4) The Parking Authority shall furnish each of its parking attendants with appropriate apparel for the job.

Duties of parking attendants

143. A parking attendant shall have the duties that the appointing Parking Authority assigns, which shall include the duty to —

- (a) monitor parking in a regulated parking area to ensure compliance with the parking restrictions;
- (b) give directions to drivers concerning compliance with parking restrictions;
- (c) issue notices of violation in accordance with section 145;
- (d) order the detention or immobilization of any motor vehicle or trailer in accordance with section 155;
- (e) prepare, upon a request of the Minister, for the purpose of a review under this Part, reports in respect of detention;
- (f) release detained motor vehicles or trailers in accordance with section 156.

Violation

144.— (1) The parking of a motor vehicle or trailer in a manner that contravenes a parking restriction constitutes a violation.

(2) If a violation is committed, the person in charge of the vehicle is liable to the penalty prescribed in accordance with the regulations and proceedings against him or her shall be taken by way of summary proceedings.

Issue and service of notice of violation

145.— (1) If a parking attendant believes from personal knowledge that a violation is committed, the parking attendant may issue, and shall serve, on the person or registered owner, a notice of violation with warning.

(2) The issue and service shall be effected at the time of the violation.

(3) Service of a notice on the person who committed the violation is effected by leaving a copy of the notice with the person or by affixing the notice to the motor vehicle or trailer in a conspicuous place.

(4) Service of a notice on the registered owner is effected by affixing the notice to the motor vehicle in a conspicuous place.

(5) The notice shall be in the prescribed form and shall set out —

- (i) the date and time of issue;
- (ii) the licence number and description of the motor vehicle or trailer;
- (iii) a statement that a violation is committed for which the registered owner is liable;
- (iv) the penalty for the violation that the person is liable to pay;
- (v) the particulars concerning the time for paying and the manner of paying the penalty to the Parking Authority;
- (vi) the right of the registered owner to have the facts of the violation reviewed and the procedure for requesting such review;
- (vii) a warning that if the motor vehicle or trailer is not removed within thirty minutes from the time of issue of the notice, the motor vehicle or trailer may be subject to detention by the Parking Authority and will only be released on the payment of the Parking Authority detention fees.

Proof of service

146.— (1) A parking attendant who serves a notice shall complete and sign a certificate of service stating that the notice was, on the day set out in the certificate, served on the registered owner of the motor vehicle or trailer.

(2) The certificate is evidence that, on the day set out in the

certificate, a notice was served on the registered owner of the motor vehicle or trailer.

Options following service of notice of violation

147. Within thirty days after being served a notice of violation with warning, the person or registered owner may —

- (a) pay the penalty in the manner set out in the notice;
- (b) make representations to the Parking Authority for time to pay the penalty;
- (c) request a review of the facts of the violation in accordance with this Part .

Effect of payment

148. If the person or registered owner pays the penalty or requests time for payment in accordance with section 147 —

- (a) the person or registered owner is deemed to have committed the violation in respect of which the penalty is paid; and
- (b) the proceedings commenced in respect of the violation under section 145 are ended.

Effect of default

149. If within thirty days of service of a notice of violation with warning, the person or registered owner fails to pay the penalty in the prescribed manner and does not exercise the right to review in the prescribed manner, the person is deemed to have committed the violation specified in the notice.

Debt due to the Crown

150.— (1) The following amounts constitute debts to the Crown and may be recovered as such in the appropriate Court —

- (a) the amount of a penalty, from the time the notice of violation with warning setting out the penalty is served;
- (b) the amount of a penalty as set out in a decision of the Review Commissioner under section 177.

(2) No proceedings to recover a debt referred to in subsection (1) may be commenced later than five years after the debt became payable.

(3) A debt referred to in subsection (1) is final and not subject to review or to be set aside or otherwise dealt with except to the extent and in the manner provided in this Act.

Certificate of default

151.— (1) Subject to subsection (2), any debt referred to in section 150 in respect of which there is default of payment, or the part of such debt that has not been paid, may be certified by the Minister.

(2) The Minister shall not certify a debt referred to in section 150 (1)(a) unless a certificate of service has been completed and signed in accordance with section 146.

(3) On production to the appropriate Court, a certificate made under subsection (1) shall be registered in that Court and, when registered, has the same force and effect, and all proceedings may be taken on the certificate, as if it were a judgement obtained in that Court for a debt of the amount specified in the certificate and all reasonable costs and charges attendant in the registration of the certificate.

Violation not offence

152. For greater certainty, a violation is not an offence and, accordingly, section 1281 to 1283 of the Criminal Code which establish the punishment for offences created by a statute which does not specify a punishment, does not apply.

Due diligence not a defence

153. A registered owner named in a notice of violation with warning does not have a defence by reason that the registered owner —

- (a) exercised due diligence to prevent the violation; or
- (b) reasonably and honestly believed in the existence of facts that, if true, would exonerate the person.

Justification and excuse

154. Every rule and principle in the Criminal Code that renders any circumstance a justification, excuse or exemption, in relation to a charge for an offence under this Act applies in respect of a violation to the extent that it is not inconsistent with this Part.

Power of parking attendant to detain or immobilize motor vehicles or trailers

155. A parking attendant may detain or immobilize a motor vehicle or trailer with the use of equipment approved by the Parking Authority if —

- (a) a notice of violation with warning has been issued in respect of the motor vehicle or trailer under section 145;
- (b) the thirty minutes allotted under section 145 to remove the motor vehicle or trailer has expired; and
- (c) the motor vehicle or trailer remains in violation of the parking restriction.

Release of detained motor vehicle or trailer

156. A parking attendant may release a motor vehicle or trailer detained or immobilized if the parking attendant receives —

- (a) proof of payment to the Parking Authority of the prescribed detention fee; or
- (b) notice in writing from the Parking Authority to release the motor vehicle or trailer on the ground that the Parking Authority is satisfied, based on representations made by the registered owner or driver and the report of the Parking Attendant, that no violation had been committed.

Designation of custodians

157. A Parking Authority may designate, in writing, any suitable person to be a custodian for the purposes of this Act.

Certificate of Designation

158.— (1) A Parking Authority shall furnish its custodians with a certificate of designation, identifying the holder and the premises in respect of which the certificate is issued.

(2) The certificate shall be in a form approved by the Parking Authority.

Duties of custodian

159. In respect of a motor vehicle or trailer handed over to Custodian for the purpose of storage, the custodian —

- (a) shall keep the motor vehicle or trailer at the premises stated in the certificate of designation;
- (b) shall not use the motor vehicle or trailer for any purpose;
- (c) shall not release the motor vehicle or trailer except under the written order of the Parking Authority issued under section 163;
- (d) shall return the motor vehicle or trailer to the person indicated in the order of the Parking Authority in the same condition in which the custodian received it, subject to section 173;

Storage of detained motor vehicles or trailers

160. A parking attendant may cause a motor vehicle or trailer to be transported to the storage premises of a custodian for detention in storage if —

- (a) the motor vehicle or trailer is detained pursuant to section 155; and
- (b) ninety minutes has elapsed since the issue of the notice of violation with warning and the conditions for release in section 156 are not met.

Storage notice

161.— (1) A Parking Attendant who causes a motor vehicle or trailer to be transported to storage premises shall —

- (a) complete a notice in triplicate;
- (b) give a copy of the notice to-
 - (i) the registered owner of the motor vehicle or trailer, by giving it to the person with care and control of the motor vehicle or trailer or delivering it to the last known address as appears from the records of the Licensing Authority; and
 - (ii) the custodian; and
- (c) retain a copy of the notice for the records of the Parking Authority.

(2) The Parking Authority shall give a copy of the notice to any person who has a charge endorsed on the records of the Licensing Authority.

- (3) The notice shall be in the prescribed form and shall contain —
- (a) a statement of the right to have any aspect of the detention reviewed under this Part and the procedure for requesting such review;
 - (b) a statement that the motor vehicle or trailer will be detained in storage-
 - (i) until the penalty for violation and all Parking Authority detention fees are paid or satisfactory security is given for the payment of such penalty and fees; or
 - (ii) until its release is ordered by the Review Commissioner under section 178;
 - (c) a statement that if, within thirty days, neither of the options in paragraph (b) are exercised, the motor vehicle or trailer will be sold in accordance with section 166 to recover such fees.

Options of registered owner following storage notice

162.— (1) Subject to subsection (2), the registered owner of a motor vehicle or trailer detained in storage may —

- (a) at any time before the sale under section 166.
 - (i) revendicate it, by paying the Parking Authority the penalty for violation and the detention fees; or
 - (ii) request a review of the detention in storage under this Part; and
- (b) at any time after sale under section 166, exercise the right of revendication, against the balance of the proceeds of sale remaining after the payment of the claims according to section 170.

(2) The registered owner may not exercise the right of revendication if the registered owner's right of ownership is prescribed under the Civil Code.

Release of motor vehicle or trailer detained in storage

163. The Parking Authority shall, in writing, direct a custodian to release a motor vehicle or trailer detained in storage to —

- (a) the registered owner, if-
 - (i) the registered owner revendicates the motor vehicle or trailer under section 170, or

- (ii) the Review Commissioner directs, that the motor vehicle or trailer be released and the conditions imposed by the Review Commissioner for release, if any, are fulfilled;
- (b) a registered creditor if the registered creditor pays the Parking Authority detention fees, and the registered owner consents to such release; or
- (c) the purchaser, if the motor vehicle or trailer is sold under section 166.

Removal of personal effects

164. Personal effects present in a motor vehicle or trailer detained in storage, other than that attached to, or used in connection with the operation of the motor vehicle or trailer, shall be returned to the registered owner upon request.

Parking Authority detention or immobilization fees

165.— (1) A Parking Authority shall charge the detention or immobilization fees set under subsection (2).

(2) A Parking Authority may, by Order published in the Gazette, set reasonable fees for all activities respecting detention or immobilization under this Part, including clamping, towing, storage and disposal.

(3) The fees are a charge on the motor vehicle in respect of which they are owed and the Parking Authority is entitled to detain a motor vehicle or trailer as security for payment of the fees owed in respect of the motor vehicle or trailer.

Right of Parking Authority to sell motor vehicle or trailer detained

166.— (1) A Parking Authority may sell, in accordance with subsection (2), a motor vehicle or trailer detained as security under section 165, if after the expiration of thirty days of detention in storage —

- (a) the penalty for violation and the detention fees are unpaid and no security has been given for their payment; and
- (b) no request for review has been made under section 162.

(2) A Parking Authority may sell a motor vehicle or trailer detained under this section —

- (a) by private agreement, if-

- (i) the value of the penalty for violation and the detention fees on the motor vehicle exceeds the estimated value of the motor vehicle or trailer; and
 - (ii) the Parking Authority gives to the registered owner, at the registered address, and to any registered creditor, fourteen days notice of its intention to dispose of the motor vehicle, if the penalty for violation and the detention fees are not paid.
- (b) by public auction.

Right of Parking Authority to endorse charge on Register

167. A Parking Authority may apply under section 8 to endorse a charge on the register for the amount of fees owed to it, if, after the expiration of thirty days of detention in storage —

- (a) the penalty for violation and the detention fees are unpaid and security has not been given for their payment; and
- (b) no request for review has been made under section 162.

Parking Authority's notice of sale by auction

168.— (1) A Parking Authority shall not sell a motor vehicle or trailer unless at least twenty-one days prior to the sale, the Parking Authority—

- (a) delivers a notice of sale to the registered address of the registered owner of the vehicle and any registered creditor; and
- (b) publishes a notice of sale in the *Gazette* and in two issues of a newspaper circulating in the Island.

(2) The notice shall contain —

- (a) a description of the motor vehicle or trailer;
- (b) the name of the registered owner;
- (c) a statement of the manner and time within which the registered owner or registered creditor can obtain the release of the motor vehicle or trailer; and
- (d) a statement that if the Parking Authority shall sell the motor vehicle by auction and the date and venue of the proposed auction.

Procedure for sale

169.— (1) The rules relating to the conduct of public auctions for the enforcement of judgements in civil proceedings apply, with the necessary modifications, to public auctions held under this Part, to the extent that the rules are not inconsistent with this Part.

(2) The principles relating to the sale by private agreement of property, in execution of a charge on the property apply, with the necessary modifications to the sale by private agreement under this Part.

Right of registered creditor to oppose sale

170. A registered creditor may oppose the sale of a motor vehicle or trailer, at least seven days prior to the date of sale —

- (a) giving the Parking Authority notice in writing; and
- (b) revindicating the motor vehicle and trailer, by paying to the Parking Authority the penalty for violation and the detention fees and any expenses of sale.

Registration of Parking Authority as owner

171. If the Parking Authority receives no notice of opposition in the manner required under section 170, it is entitled to be registered as the owner of the motor vehicle or trailer and shall apply to the Licensing Authority under section 21 for that purpose.

Application of proceeds of sale

172.— (1) The proceeds of sale by auction or by agreement shall be applied as follows in the following order —

- (a) the expenses of the sale;
- (b) the Parking Authority detention fees, including fees for the performance of any duty connected therewith;
- (c) the claims, in order of priority established by law, of any person who by order of the Court or the operation of the law is entitled to payment by the Parking Authority, out of the proceeds of the motor vehicle or trailer.

(2) Any surplus from the proceeds of sale shall upon demand, be paid to the registered owner of the motor vehicle or trailer.

Civil Liability of Parking Authority

173.— (1) The Parking Authority is liable for any loss to a motor vehicle or trailer by its fault or the fault of its servants or agents.

(2) The damages awarded shall not exceed five thousand dollars except where the loss is as a result of the gross fault of the Parking Authority or its agents, the damages may exceed that limit.

(3) Except as provided in subsection (1) no civil liability shall attach to the Parking Authority, its servants or agents for anything done, or omitted, in good faith under the provisions of this Act or the Regulations.

Review Commissioner

174.— (1) For purposes of this Part, the Minister shall appoint, by instrument in writing, a suitable person as the Review Commissioner to conduct any review pursuant to section 175.

(2) Subject to subsection (3), the Review Commissioner shall hold office for a period of two years and may be re-appointed.

(3) The Minister may for good cause, remove the Review Commissioner from office.

(4) The Review Commissioner shall be paid the prescribed fees.

(5) The Minister shall provide the Review Commissioner with the facilities necessary to enable the Review Commissioner to carry out his or her duties under this Part.

Application for review

175.— (1) A person who wishes to review —

(a) the facts of a violation; or

(b) a decision to detain a motor vehicle of which he or she is the registered owner or registered creditor

shall apply to the Review Commissioner within the time limits provided for under sections 147 or 162 as the case maybe.

(2) The application for review shall be in the manner and form approved by the Minister and accompanied by the prescribed fee.

(3) The Review Commissioner shall, by notice served personally or by registered mail —

- (a) inform the applicant of the date, time and place of the review;
- (b) request that the applicant-
 - (i) attend the review in person or by counsel or agent, or
 - (ii) submit any sworn statements or other evidence that the applicant wishes the Review Commissioner to consider.

(4) If the applicant fails to attend and fails to submit any evidence, the Review Commissioner shall consider all the information that is presented to him or her by the Parking Authority in relation to the violation or the detention.

(5) If the applicant attends, the Review Commissioner shall provide the applicant and the Parking Authority a full opportunity consistent with procedural fairness and natural justice to present evidence before the Review Commissioner and make representations in relation to the violation or detention.

(6) On a proceeding before the Review Commissioner under this section, the applicant is not required and shall not be compelled to give any evidence or testimony in the matter.

Burden of Proof

176.— (1) In a review by the Review Commissioner of the facts of a violation pursuant to section 17, the Review Commissioner shall establish, on the balance of probabilities, that the person named in the notice of violation committed the violation identified in the notice.

(2) In a review of a detention by the Review Commissioner pursuant to section 162, the Review Commissioner shall establish, on the balance of probabilities, that the detention was in accordance with this Act.

Determination of Review Commissioner

177. Upon considering the information presented, the Review Commissioner shall —

- (a) determine whether the applicant is guilty of a violation or the detention is in accordance with this Act; and
- (b) notify the Minister and the applicant of its determination in writing.

Consequences of determination

178.— (1) If the Review Commissioner determines that the applicant has committed a violation, the applicant is liable for the amount of penalty as set out in the notice of violation and on payment of that amount in the time and manner specified in the order, the vehicle or trailer shall be released to the applicant and the proceedings ended.

(2) If the Review Commissioner determines that the detention was in accordance with this Act, the motor vehicle or trailer shall remain detained in storage in accordance with this Act.

(3) If the Review Commissioner determines that the detention was not in accordance with this Act, the Review Commissioner shall order the release of the motor vehicle or trailer.

PART X
MISCELLANEOUS

Demerit Points

179.— (1) Where a person has been convicted under this Act or the Regulations of an offence set out in Schedule II the Licensing Authority shall record in respect of that person the number of demerit points set out opposite that offence in Schedule II.

(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

(i) if demerit points have been recorded in respect of such conviction before an appeal is entered, the points imposed in consequence thereof shall be removed until the appeal is heard or otherwise disposed of.

(3) Where a person is convicted of two 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 two convictions only are to be recorded.

(4) Where a period of three 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 or her 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 three 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 ten but less than fourteen demerit points have accumulated in the record of any person within a period of two years the Licensing Authority shall cause a notice to be sent to that person informing him or her of the number of demerit points accumulated.

(7) Where a total number of fourteen or more but less than eighteen demerit points have accumulated in the record of a person within a period of two years, the Licensing Authority may require that person to appear before the Licensing Authority for an interview and furnish such information, evidence or material as is required to show cause why his or her 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 ten days' notice of his or her 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 the Licensing Authority thinks reasonable if the Licensing Authority is of the opinion that that person has failed to show cause why his or her licence should not be suspended.

(10) If, within a period of one year, a total of ten or more demerit points have accumulated on the record of any person, the Licensing Authority shall suspend the driving licence of that person for a period of six months.

(11) Where, in a period exceeding one year but less than two years a total number of eighteen 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 one year.

(12) Where a driving licence is suspended under this section 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 ten days of the decision of the Licensing Authority, appeal to the Magistrate of the First District Court against that decision and the decision of that Court is final.

(14) A person who drives a motor vehicle while his or her driving licence is suspended under this section commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or to imprisonment for a term of not less than one year or both and, in addition, his or her driving licence shall be suspended for a further period of six months.

(15) The Minister may, by Order, amend Schedule II.

Power of Police to test motor vehicles after accident

180.— (1) Where an accident occurs owing to the presence of a motor vehicle on a road, a police officer in uniform may inspect and test the motor vehicle or cause it to be inspected and tested by an Inspector 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 inspected and tested.

(2) Any person who —

- (a) obstructs an Inspector or police officer in the performance of his or her duty under this section; or
- (b) contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than six months or both.

Power of entry

181. A person authorized in writing by the Licensing Authority may at all reasonable times enter any public 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.

Weighing of Motor Vehicles

182.— (1) The Licensing Authority or any person authorized in writing by the Licensing Authority or any police officer may require the driver of a motor vehicle or trailer licensed according to its maximum gross weight to satisfy him or her that the maximum gross weight of the motor vehicle or trailer does not exceed that endorsed on the licence issued in respect of the that motor vehicle or trailer permitted under this Act or the Regulations; and may require such person to drive him or her 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 fails to comply with a request to proceed to the weighbridge commits an offence and may be arrested forthwith without a warrant and he or she is on summary conviction, liable to a fine of one thousand dollars.

(3) Where there is a failure to comply with a request under subsection (1) the vehicle or trailer may be detained at the expense and risk of the owner and taken for safekeeping until such request is complied with, and any excess load found on weighing shall first be removed before the vehicle or trailer is permitted to proceed on its journey.

(4) The Licensing Authority or a person authorized in writing by the Licensing Authority may before granting a license (including a renewal) in respect of a motor vehicle or trailer, require such motor vehicle or trailer to be weighed by and at the expense of the owner in the presence of a person authorized by the Licensing Authority.

Obstructing Parking Attendant or Custodian

183.— (1) A person commits an offence who —

- (a) assaults, resists, intimidates or obstructs a parking attendant or custodian in the execution of his or her duties under this Act or the regulations; or
- (b) knowingly or recklessly makes any false or misleading statement either orally or in writing to a parking attendant engaged in exercising his or her powers under this Act or the Regulations.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for a term of not less than six months or both.

Interfering with detained or immobilized motor vehicle or trailer

184.— (1) A person commits an offence who, without the authority of a parking attendant, interferes in any way with a motor vehicle or trailer detained or immobilized under Part IX or with a device used for the detention or immobilization of such motor vehicle or trailer.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for a term of not less than six months or both.

(3) The Court convicting the person under this section may in addition order the person to pay for the cost of any damaged device used for the detention or immobilization of the motor vehicle or trailer.

Restriction on carriage of persons on motor cycles.

185.— (1) The driver of a two wheeled motor cycle may not permit more than one other person to ride on such a motor-cycle and such person shall be seated on a seat securely fastened to the motor-cycle behind the driver's seat.

(2) The driver of a motorcycle who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for not less than six months.

Reckless and dangerous cycling

186. If a person rides a cycle, not being a motor vehicle, on a road recklessly or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which actually exists at the time or which might reasonably be expected to be, on the road, he or she commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for not less than six months or both.

Careless, and inconsiderate cycling

187. If a person rides a cycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he or she commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for not less than three months or both.

Cycling when under influence of drink or drug

188.— (1) A person who, when riding a cycle, not being a motor vehicle, on a road or other public place is unfit to ride through drink or drugs commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or imprisonment for not less than one year or both.

(2) A police officer in uniform or with proper identification may arrest without a warrant a person committing an offence under this section.

(3) In this section “unfit to ride through drink or drugs” means, as regards a person riding a cycle, under the influence of drink or drug to such extent as to be incapable of having proper control of the cycle.

Regulation of cycle racing on roads

189. — (1) A person who promotes or takes part in a race or trial of speed on a road between cycles, not being motor vehicles, commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars or imprisonment for not less than three months or both, unless the race or trial is authorized under subsection (2) and is conducted in accordance with any conditions imposed under this section.

(2) For the purposes of subsection (1), the Commissioner may authorize the holding on a road of races or trials of speed of any class or description or particular race or trial of a speed, in such cases as may be prescribed and subject to such conditions as may be imposed.

(3) The Commissioner may —

- (a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorization to hold a road race or trial of speed; and
- (b) make different provision for different classes or descriptions of race or trial.

(4) Without prejudice to any other powers exercisable in that behalf, the Commissioner may give such directions with respect to the movement or, the route to be followed, by vehicular traffic, during such period, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic or danger to or from traffic, in consequence of the holding of a race or trial of speed authorized under this section, including a direction that any road or part of a road specific in the direction shall be closed during any such period to vehicles or to vehicles of a class so specified.

Restrictions on carriage of persons on bicycles

190.— (1) No person may carry or cause to be carried more than one person on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) If any person is carried on a bicycle in contravention of subsection (1), each of the persons carried commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars or to imprisonment for not less than three months.

(3) In this section references to a person carried on a bicycle include references to a person riding the bicycle.

Restrictions on cyclists

191.— (1) No persons may ride abreast on a road either upon a motor cycle or bicycle not propelled by mechanical power; but a person shall not be convicted under this section with respect to the overtaking of persons so riding and in the absence of other traffic on the road at the point of overtaking.

(2) No person may while riding a motor cycle, or a bicycle not propelled by mechanical power, on a road —

(a) hold on to any other moving vehicle; or

(b) ride such motor cycle or bicycle without at least one hand being on the handlebars of such motor cycle or bicycle.

(3) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for a term of not less than six months.

Wearing protective head gear and seat belts etc.

192.— (1) Subject to subsection (2), no person may drive or ride on, a motorcycle unless he or she is wearing such protective headgear as may be approved by the Licensing Authority.

(2) No registered owner of a motor vehicle to which this subsection applies may drive or cause his or her motor vehicle to be driven on a public road unless it is fitted with seat belts, in a manner approved by the Licensing Authority.

(3) Where a motor vehicle is fitted with air bags, no person may drive or drive in a motor vehicle to which this subsection applies unless he or she is wearing a seat belt.

(4) The Minister may make Regulations prescribing protective headgear, seat belts and air bags for motor vehicles, and such Regulations may make different provision for different classes of motor vehicles.

(5) Subsection (2) and (3) apply to private motor vehicles, including light trucks and vans, and all public service vehicles.

(6) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for not less than three months.

(7) This section comes into operation one year after the commencement of this Act.

Regulations

193.— (1) The Minister may make regulations —

- (a) prescribing the conditions of registration for each category of motor vehicles which may include-
 - (i) restrictions on the carrying of passengers;
 - (ii) restrictions on the sound system in the motor vehicle or trailer;
 - (iii) restrictions on the degree or shade of tint on the windows or windscreen of the motor vehicle or trailer.
 - (iv) the circumstances under which a taxi or omnibus permit may be cancelled.
- (b) prescribing a permit system for any class of trailers exempted from the requirement of registration;
- (c) the form of licence plates to be fixed on motor vehicles and trailers in respect of registration and licensing and the sizes and colour of the letters and figures thereon and the manner of displaying such plates;
- (d) providing for the licensing of persons who make licence plates for sale;
- (e) exempting any class or group of persons from the operation of section 36;

- (f) providing for the designation and regulation of inspectors for inspections;
- (g) prescribing any traffic control device and any drawing used to convey instructions on such device and any meaning which may attach to same;
- (h) designating any traffic offence as ticketable offence;
- (i) providing for costs relating to proceedings commenced by means of a ticket;
- (j) prescribing the charges for all activities related to the detention or immobilization of a motor vehicle under section 109;
- (k) determining the relative gravity of traffic offences under this Act using a point system or other system for the purpose of assisting the Court in exercising its powers under section 106;
- (l) requiring motor vehicles or trailers or a category or type of them and motor vehicle or trailer engines or a class or type of them, to have installed on or incorporated in them one or more systems or devices to prevent or lessen the emission into the outdoor atmosphere of an air contaminant;
- (m) prescribing the standards and specifications of the systems or devices mentioned in paragraph (l), and providing for their testing and inspection;
- (n) establishing exhaust emission standards and specifying the maximum levels of air contaminants that motor vehicles or trailers may emit into the outside atmosphere;
- (o) fixing a penalty in respect of each violation for the purpose of Part IX;
- (p) regulating the use on roads of devices designed to be moved by human power;
- (q) prescribing intoxication test for the purpose of Section 75(4);
- (r) regulating the use of electronic devices in motor vehicles;
- (s) regulating the use on roads of devices designed to be moved by human power;
- (t) prescribing anything that by this Act is to be prescribed; and
- (u) generally for carrying out the purposes and provisions of this Act.

- (2) The Regulations may —
- (a) contain penalties for offences against the Regulations;
 - (b) impose fees or charges for any service performed under the Regulations.

Liability of officers for traffic or pollution offence

194.— (1) Where a corporation is liable for a traffic or pollution offence, any officer, director or agent of the corporation who directed, authorised, assented to or acquiesced or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

(2) In any prosecution for a pollution offence, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused and that the accused exercised all due diligence to prevent its commission.

Power of Magistrate to award compensatory damages

195. A magistrate may order that a person convicted of a traffic offence, in addition to any penalty imposed, pay damages to any person who suffers injury or damage to property, as a result of the commission of the offence.

Prescription of actions

196. Proceedings for an offence under this Act are prescribed by the same period as proceedings under the Criminal Code.

Delegation

197. The Minister may delegate any power, duty or function conferred on him or her under this Act, except the power to delegate under this section and the power to make regulations.

Repeal

198. The Motor Vehicles and Road Traffic Act No. 13 of 1994 is hereby repealed.

Savings

199.— (1) All subordinate legislation made under the repealed Act in force immediately before the coming into force of this Act, so far as it is not inconsistent with the provisions of this Act, continues in force as if made under this Act until revoked under this Act.

(2) Licences and permits issued under the repealed Act and subsisting immediately before the coming into force of this Act, so far as they are not inconsistent with the provisions of this Act, continue in force as if issued under this Act until such time as they expire or fall due for renewal.

SCHEDULE I**TRIAL PROCEDURE***(Section 101)***TRIAL**

1. A District Court shall hold a trial in a proceeding commenced by means of a ticket, if —
 - (a) the defendant requests a trial in accordance with section 99; or
 - (b) more than thirty days have elapsed since the date of service of the ticket and the person alleged to have committed the offence has not exercised any of the options referred to in section 97.

ATTENDANCE OF THE TRAFFIC OFFICER

2. If a defendant in responding to a ticket indicates that the attendance of the traffic officer who completed the ticket is required for the purposes of cross-examination, the Commissioner of Police shall ensure that the traffic officer attends the trial.

COURT SHALL NOT REQUIRE DEFENDANT TO APPEAR PERSONALLY

3. Notwithstanding any provision in any enactment regarding appearance in Court by a defendant, if the defendant appears for the trial by counsel or agent, the Court shall not issue a warrant for the arrest of the defendant.

EX PARTE TRIAL WHERE DEFENDANT AND AGENT ABSENT

4. If the defendant does not appear for the trial in person or by counsel or agent and the Court is satisfied that the defendant was served with the ticket and notified of the time and place of the trial, the Court may —
 - (a) after directing the clerk to enter a plea of not guilty, proceed with the trial in the absence of the defendant; or
 - (b) adjourn the proceeding and fix a new trial date, if the prosecution requests.
5. If the defendant does not appear for the trial at the new trial date fixed under paragraph (4)(b), the Court shall, after directing the clerk to enter a plea of not guilty, proceed with the trial in the absence of the defendant.
6. If the trial begins, either on the date originally fixed or on the new date fixed under paragraph (1)(b) or 4(b), but is adjourned and the defendant does not appear for the resumption of the trial, the Court may-
 - (a) either adjourn the trial and fix a new date for its resumption on any term that the Court considers proper or resume the trial in the absence of the defendant; or
 - (b) shall resume the trial in the absence of the defendant, if the proceeding has previously been adjourned as a result of the defendant not appearing.

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7. Notwithstanding any provision in any enactment regarding appearance in Court by a defendant, if the defendant does not appear for the trial or a resumption of the trial, a warrant for the arrest of the defendant shall not be issued.

DISMISSAL WHERE CROWN ABSENT

8. If the defendant appears for the trial but the prosecution does not and the Court is satisfied that the prosecution was notified of the time and place of the trial, the Court or justice may —
 - (a) adjourn the proceeding and fix a new trial date, on any terms that the Court considers proper; or
 - (b) where there has been previous adjournments and no satisfactory reason is provided for the continued absence of the prosecution, dismiss the proceedings.
9. If the defendant appears for the trial at the new trial date fixed under paragraph 8(b) but the prosecution does not, the Court shall dismiss the proceeding.
10. If the trial begins, either on the date originally fixed or on the new date fixed under paragraph 8(b) or 4(b), but is adjourned and the prosecution does not appear for the resumption of the trial, the Court may—
 - (a) either adjourn the trial and fix a new date for its resumption, on any terms that the Court considers proper; or
 - (b) shall dismiss the proceeding, if it has previously been adjourned as a result of the prosecution not appearing.

NOTICE OF NEW TRIAL DATE

11. As soon as practicable after the Court fixes a new trial date or a new date for the resumption of the trial, the clerk of the Court shall notify the defendant and the prosecution of its time and place.

NOTICE OF CONVICTION

12. As soon as practicable after a person is convicted in his or her absence, the clerk of the Court shall cause a notice of the conviction, the amounts of any fine, fees and costs and any time allowed for their payment to be sent to the person by ordinary mail.

SCHEDULE II
TRIAL PROCEDURE

(Section 179)

Column 1	Column 2 - Offence	Column 3 Number of Demerit Points
1. (a)	Not reporting an accident involving injury	7
(b)	Not stopping after an accident	7
2. (a)	Driving without due care	4
(b)	Failing to obey stop sign	6
(c)	Driving without reasonable consideration	4
(d)	Dangerous driving	7
(e)	Exceeding speed limit (by 20 or more m.p.h.)	7
3. (a)	Exceeding speed limit (by 10 or more m.p.h.)	6
(b)	Failing to obey stop signal	6
(c)	Failing to obey a light signal	6
(d)	Failing to comply with the lawful direction of a member of the Police Force or Traffic Warden	6
(e)	Overtaking improperly	4
4. (a)	Not making appropriate signal when stopping, turning, slowing down	2
(b)	Exceeding speed limit (by 5 or more m.p.h.)	2
(c)	Negligently interrupting free passage of traffic	2
(d)	Causing unnecessary obstruction	2
(e)	Parking on restricted place	2

Passed in the House of Assembly this 1st day of October, 2002.

MATTHEW ROBERTS,
Speaker of the House of Assembly.

Passed in the Senate this 20th day of December, 2002.

HILFORD DETERVILLE,
President of the Senate.