

## CHAPTER 295

### ROAD TRAFFIC

1981-40

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

#### Amended by:

<i>1983-30</i>	<i>1990-35</i>	<i>2007-27</i>
<i>1984-4</i>	<i>1992-2</i>	<i>2008-17</i>
<i>1984-16</i>	<i>1994-8</i>	<i>2009-26</i>
<i>1984-41</i>	<i>1998-34</i>	<i>2017-26</i>
<i>1985-17</i>	<i>2001-11</i>	<i>2018-31</i>
<i>1985/95</i>	<i>2004-19</i>	<i>2020-17</i>
<i>1989-12</i>	<i>2007-1</i>	<i>2022-21</i>

#### Law Revision Orders

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Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985	1998	2008
1993	2002	
1995	2007	

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#### Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



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*Red Letter on White Background*

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**BARBADOS**

**ROAD TRAFFIC  
1981-40**

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

[Commencement: 1st June, 1981]

**PART I**

**PRELIMINARY**

**Citation**

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

**Definitions**

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

“all terrain vehicle” means a recreational motorized vehicle that

- (a) is designed to travel on 3 or more low pressure tyres, has a seat designed to be straddled by the operator and has handlebars for steering control;

(b) is primarily designated to travel over unimproved terrain, but is capable of travelling on a public road; and

(c) may be used for hire as a tour vehicle;

[2017-26, s. 2]

“articulated vehicle” means a motor vehicle drawing a trailer that is so attached to the motor vehicle by partial superimposition thereon that a substantial part of the weight of the trailer is borne by the motor vehicle;

[2018-31, s. 2]

“at night” means

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

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

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

“carriageway” means the part of the highway that is improved, designed or primarily used for vehicular traffic, but does not include the shoulder of the highway;

[2017-26, s. 2]

“coach” means a motor vehicle

(a) adapted or constructed to convey not less than 24 passengers and not more than 48 sitting passengers or such other number as the Licensing Authority may determine; and

(b) used for the purpose of conveying passengers on a contractual basis, but that at the time of conveying passengers does not operate as a motor omnibus, minibus, maxi-taxi or route-taxi;

[2007-1, s. 2]

“commercial vehicle” means a motor vehicle or trailer that is used for hire, reward or in a business enterprise;

[2018-31, s. 2]

“Commissioner” means the Commissioner of Police;

“construction zone” means an area of a public road on which construction, maintenance or repair work is being carried out;

[2017-26, s. 2]

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

“contract carriage” means a motor vehicle kept for hire or reward under a contract where

(a) that motor vehicle is used for the conveyance of not more than 6 persons;

(b) payment for the use of that motor vehicle is at or for a fixed rate or amount; and

(c) that motor vehicle does not stand or ply for hire on any road or place in public view or to which the public have access;

[2022-21, s. 2]

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

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

“disabled parking permit” means a parking permit issued by the Licensing Authority pursuant to section 88A for use by a person with a disability or an organisation or corporation engaged in the transportation of persons with disabilities;

[2017-26, s. 2]

“drive” means

(a) in relation to a motor vehicle, having control over the steering, movement and propulsion of the motor vehicle; and

(b) in relation to an animal, having control of the animal;

[2017-26, s. 2]

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

(a) a person in charge of a motor vehicle for the purpose of driving, where the vehicle is stationary on a road;

(b) a person acting as a steersman of a motor vehicle; and

(c) any person driving a vehicle or animal;

[2017-26, s. 2]

“driving licence” means

(a) a licence referred to in section 61 authorising the holder to drive a motor vehicle on a road or highway, but does not include a learner’s permit; or

(b) a licence or other authorisation granted to a person of another jurisdiction authorising that person to drive a motor vehicle on a road or highway other than solely for the purpose of learning to drive;

[2017-26, s. 2]

“examiner” means

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

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

(c) a person authorised by the Licensing Authority to conduct tests and examine applications for driving licences; or

(d) a person appointed for the purpose of weighing vehicles;

[2007-1, s. 2]

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

“garage” means a place where motor vehicles are received for

- (a) storage;
- (b) inspection;
- (c) examination; or
- (d) repair,

whether compensation is paid or not;

[2017-26, s. 2]

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

“hackney carriage” [Repealed.]

[2007-1, s. 2]

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

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

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

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

“highway” includes a road, a common and public highway, an overpass, an underpass, carriageway, median strip, bridge, traffic island and any part of which is intended for and used by the general public for the passage of

vehicles, animals and pedestrians and includes all road reserves, nature strips, footpaths and cycle paths thereof;

[2017-26, s. 2]

“hired car” means a motor vehicle kept for hire or reward under a contract where

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

[2022-21, s. 2]

“hired vehicle” means an all terrain vehicle, hired car, taxi, maxi-taxi, coach, limousine, or other vehicle kept for hire, but does not include a motor omnibus, minibus or route-taxi;

[2007-1, s. 2]

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

“insurer” means

- (a) a company or association of underwriters under the *Insurance Act*, Cap. 310; or
- (b) any person or body of persons carrying on in Barbados the business of giving security of the nature of insurance and has deposited and keeps deposited with the Accountant-General an amount prescribed by order by the Minister or approved securities to that amount in respect of that business and approved by the Minister;

“land tractor” means a motor tractor that

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

“learner’s permit” means a permit issued under section 63;  
*[2017-26, s. 2]*

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

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

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

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

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

“limousine” means a motor vehicle that

- (a) is constructed so that
  - (i) the wheel base is not less than 156.5 inches or 397.51 centimetres;
  - (ii) the overall length is not less than 248.0 inches or 629.92 centimetres;
  - (iii) the overall width is not less than 76.5 inches or 194.3 1 centimetres;

- (b) has a weight which when unladen is not less than 2350 pounds or 1150 kilograms;
- (c) has an engine the capacity of which is not less than 1900 cubic centimetres;
- (d) is constructed or adapted to carry not less than 4 and not more than 12 passengers;
- (e) is kept at an establishment for hire or reward; and
- (f) when driven for hire or reward, is driven by a chauffeur in uniform for the exclusive use of the hirer;

[2007-1, s. 2]

“maximum gross weight” means in relation to a vehicle the sum of the weight as specified in paragraphs 1(e) and 2(c) of Form F of the to the *Road Traffic Regulations, 1984* (S.I. 1984 No. 141);

[2007-1, s. 2]

“maxi-taxi” means a motor vehicle that is

- (a) constructed or adapted to carry not less than 8 passengers and not more than 14 passengers; and
- (b) kept at an establishment, at an airport or seaport to convey passengers for hire or reward to their destinations;

[1992-2; 2007-1, s. 2]

“median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction or traffic travelling in the same direction by a physical barrier, or a raised or depressed, paved or unpaved separation area that is not intended to allow the crossing of vehicular movement;

[2017-26, s. 2]

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

“minibus” means a motor vehicle adapted or constructed to convey not less than 16 and not more than 24 sitting passengers and 10 standing



passengers and used for hire or reward to convey passengers on a specific route;

[2007-1, s. 2]

“Minister” means the Minister responsible for Transport;

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

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

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

[1990-35]

“motor tractor” means a mechanically propelled vehicle

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

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

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

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

- (a) is proceeding in the same direction; or

(b) is stationary on the same side of the road;

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

(a) a person in whose name the vehicle is registered;

(b) the person in charge or in possession of the motor vehicle where the registered owner is absent from Barbados;

(c) the person in possession of the vehicle under a contract for hire purchase;

(d) where there are several persons entitled to its immediate possession, the person whose entitlement is paramount,

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

[2017-26, s. 2]

“parking” means the standing of a vehicle whether occupied or not, except when standing temporarily for the purpose of loading or unloading passengers or goods;

[2017-26, s. 2]

“parking place” means a place

(a) designated as such by the Minister by order; and

(b) where vehicles of any particular class or description may wait;

[2007-1, s. 2]

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

“policy of insurance” includes a covering note;

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

[2007-1, s. 2]

“private motor vehicle” means a motor vehicle that is used exclusively for private purposes and not used for hire, reward or in a business enterprise;  
*[2018-31, s. 2]*

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

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

(a) is carrying passengers at separate fares; or

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

*[1984-4]*

“registration number” means the number assigned by the Licensing Authority to an owner of a motor vehicle or bicycle and includes a letter which indicates

(a) the parish in which the motor vehicle or bicycle is registered; or

(b) the trade for which the motor vehicle is used,

respectively;

*[2018-31, s. 2]*

“registration number plate” means an identification plate which bears the registration number of a motor vehicle;

*[2017-26, s. 2]*

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

“road licence”*[Repealed]*.

*[2018-31, s. 2]*

“route taxi” means a motor vehicle that is constructed or adapted to carry not less than 10 passengers and not more than 20 passengers and is used for hire or reward to transport passengers on a specific route;

[2007-1, s. 2; 2018-31, s. 2]

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

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

[2022-21, s. 2]

“sidewalk” means a pedestrian pathway or pavement at the side of a road or highway over which the public have a right to travel on foot or in a wheelchair;

[2007-1, s. 2]

“taxi” means a motor vehicle constructed or adapted to carry not more than 7 passengers for hire or reward;

[2007-1, s. 2]

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

[1992-2]

“trailer” means

- (a) a vehicle not having independent motor power that is designed to be drawn by a motor vehicle, but does not include a side-car attached to a motor cycle; or
- (b) a vehicle that is drawn by another motor vehicle on a highway;

[2017-26, s. 2]

“tour coach” [Repealed].

[2007-1, s. 2]

“tractor” means a motor vehicle, not used for carrying passengers, that is designed and used for work in connection with

- (a) agriculture;
- (b) forestry;
- (c) land levelling;
- (d) landscaping;
- (e) dredging;
- (f) mining;
- (g) road works, including the cleaning and upkeep of highways and pavements;
- (h) warehousing activities and other related activities;
- (i) fishery; or
- (j) any other activity designated by the Minister by order;

[2007-1, s. 2]

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

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

[1989-12]

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

[2007-27]

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

[1992-2]

“vehicle” means

- (a) a carriage, wagon, cart, motor vehicle, bicycle, tricycle, van, handcart, sledge, truck, barrow, wheelchair or any other machine for the carriage of goods or persons on land;

(b) every conveyance capable of being propelled or drawn on wheels or tracks by any means;

(c) where the context permits, an animal being driven or ridden;

[2017-26, s. 2]

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

[1992-2]

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

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

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

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

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

[1992-2]

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

[1992-2]

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[1992-2]

### **Appointment of weighers**

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

## **PART IA**

### **ROAD TAX**

*[2018-31, s. 4]*

### **Abolition of payment of road tax**

**4A.(1)** No owner of a motor vehicle shall be required to pay road tax on or after 1<sup>st</sup> July, 2018 in respect of the use of a motor vehicle or the keeping of a motor vehicle for use on a road.

(2) Notwithstanding subsection (1), any road tax owed to the Licensing Authority by an owner of a motor vehicle prior to 1<sup>st</sup> July, 2018 may be recoverable by the Crown in summary proceedings or process on the complaint of the Licensing Authority.

(3) Where an owner of a motor vehicle owes the Licensing Authority road tax in respect of the

- (a) use of a motor vehicle; or
- (b) keeping of a motor vehicle for use on a road,

prior to 1<sup>st</sup> July, 2018, the Licensing Authority may refuse to register the motor vehicle under section 5 until the road tax is paid.

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*[2018-31, s. 4]*

**Waiver of road tax**

**4B.(1)** Notwithstanding sections 4A(2) and 4A(3), where a person registers a motor vehicle with the Licensing Authority between the period 11<sup>th</sup> June, 2018 and 1<sup>st</sup> July, 2018, 75 per cent of the amount payable to the Licensing Authority as road tax in respect of the motor vehicle shall be waived.

(2) Where an owner of a motor vehicle who registered a motor vehicle between the period 11<sup>th</sup> June, 2018 and 1<sup>st</sup> July, 2018 paid to the Licensing Authority the full amount payable as road tax for the motor vehicle, he may apply in writing to the Minister of Finance for a refund of 75 per cent of the road tax paid.

(3) Where the Minister of Finance receives notification in accordance with subsection (2) and is satisfied that the owner of the vehicle paid the full amount payable as road tax for the motor vehicle, the Minister shall grant the owner a refund of 75 per cent of the road tax paid.

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[2018-31, s. 4]

**PART II****REGISTRATION****Registration of motor vehicles**

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

(2) Every new owner of a motor vehicle shall at the time of the initial registration of that motor vehicle pay to the Licensing Authority such fee for the initial registration as the Minister of Finance by order prescribes.



- (3) Every new owner of a commercial vehicle shall at the time of the initial registration of that motor vehicle pay to the Licensing Authority such fee for the initial registration as the Minister of Finance by order prescribes.
- (4) Every owner of a motor vehicle shall annually register the motor vehicle with the Licensing Authority on the anniversary date on which the vehicle was first registered.
- (5) Every owner of a commercial vehicle shall on the anniversary date of the initial registration of the vehicle pay to the Licensing Authority the annual registration fee for that vehicle as the Minister of Finance by order prescribes.
- (6) Subject to subsections (2), (3) and (5), the Licensing Authority shall not register a motor vehicle until the fees payable in respect of the motor vehicle are paid.
- (7) On the initial registration of a motor vehicle, the owner of the motor vehicle shall submit the following to the Licensing Authority:
  - (a) an application to register the motor vehicle in such form as the Licensing Authority approves; and
  - (b) the particulars specified in the *First Schedule*.
- (8) Subject to subsection (7), where the Licensing Authority does not approve the application, the Licensing Authority shall not register the motor vehicle.
- (9) A person who knowingly submits false information in respect of an application to register a motor vehicle is guilty of an offence and is liable on summary conviction to a fine of \$5000 or to imprisonment for a term of 12 months or to both.
- (10) Where a motor vehicle is registered pursuant to this section and the Licensing Authority subsequently obtains evidence that a person submitted false information on the application to register the motor vehicle, the Licensing Authority may deregister the motor vehicle.

(11) The Licensing Authority shall enter any particulars received pursuant to subsection (7) in a register established for that purpose.

(12) Where the Licensing Authority registers a motor vehicle, the owner of the motor vehicle shall be assigned a registration number for his use.

(13) Every registration number assigned pursuant to subsection (12) is valid for a period of one year from the date so assigned.

(14) Notwithstanding subsection (13), the Licensing Authority may re-assign a registration number to another person where the person to whom it was first issued fails to

- (a) register the motor vehicle in accordance with this section; or
- (b) indicate that the registration number should be retained for his use.

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*[2018-31, s. 3; 2018-31, s. 5]*

### **Production of evidence of insurance**

**5A.(1)** Where a person desires to register a motor vehicle pursuant to section 5, he shall produce to the Licensing Authority the following information:

- (a) a valid policy of insurance or such security in respect of third-party risks as required by this Act in relation to the user of the motor vehicle; and
- (b) evidence that the motor vehicle is not a motor vehicle to which section 37(4) applies.

(2) The Licensing Authority shall not register a motor vehicle or issue a registration number in respect of that motor vehicle where the person who applies to register the motor vehicle fails to comply with subsection (1).

(3) The Licensing Authority shall

- (a) keep a record of the information received pursuant to subsection (1); and

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- (b) cause the record to be available at all times to any member of the Police Force.

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[2018-31, s. 6]

### **Penalty for non-payment of registration fee**

**5B.(1)** An owner of a motor vehicle who keeps it or allows it to be kept for use without paying the registration fee that is payable pursuant to section 5 is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months or to both.

(2) Where a person is found guilty of an offence pursuant to subsection (1), the Licensing Authority may recover the registration fee pursuant to section 25.

(3) A motor vehicle shall be deemed to be kept for use until the contrary is proved.

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[2018-31, s. 7]

### **Registration of bicycles**

**5C.(1)** No person shall use or keep a bicycle for use on a road unless it is registered in accordance with this section.

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

(3) A person shall, upon making an application for registration of a bicycle, furnish the Licensing Authority with his name and address and such other information as the Licensing Authority may require, and the Licensing Authority shall enter those particulars in a register kept by it for that purpose.

(4) The Licensing Authority shall, upon receiving the fee referred to in subsection (2), assign to the owner of the bicycle for his use, a special number,

to be known as the registration number, and this number shall be placed on a number plate which shall be affixed in a conspicuous manner in the rear of the bicycle.

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[2018-31, s. 7]

### **Limited trade licence**

**6.(1)** Any importer, dealer or repairer of mechanically propelled vehicles may, on application to the Licensing Authority, obtain

- (a) a limited trade licence; and
- (b) limited trade licence plates

upon payment of such fee as the Minister of Finance, by order, prescribes.

[2009-26, s. 2]

**(2)** The Licensing Authority may issue a limited trade licence to an applicant

- (a) on being satisfied that the applicant is a *bona fide* importer, dealer, or repairer of mechanically propelled vehicles; and
- (b) on receiving the fee referred to in subsection (1).

**(3)** Any dealer, importer or repairer of mechanically propelled vehicles of the classes liable to registration and licensing under Parts II and III who desires to obtain a limited trade licence in respect of such vehicles shall apply to the Licensing Authority in the parish in which his business premises are situate and make the prescribed declaration.

[2018-31, s. 8]

**(4)** A limited trade licence must contain

- (a) the name and address of the person to whom it is issued;
- (b) the number of the limited trade number plate referred to in section 7;
- (c) the date of expiry of such licence;
- (d) the amount of fees paid in respect of such licence;

- (e) the date stamp of the office of issue; and
  - (f) the serial number of such licence.
- (5) The Licensing Authority shall not issue more than 6 limited trade licences to an applicant.

**Limited trade number plates**

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

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

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

*[2018-31, s. 9]*

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

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

*[2018-31, s. 9]*

(6) A registration card issued pursuant to subsection (5) shall be properly fixed in a holder attached to the limited trade number plate that is attached to

the front of the motor vehicle in respect of which it is being used, so as to be clearly visible from in front of the vehicle.

### **Purposes for which limited trade licence to be used**

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

- (a) tested or taken for trial in the ordinary course of construction or repair;
- (b) returned to its garage or depot immediately after being tested, taken for trial or being repaired;
- (c) driven to or from a public weigh-bridge for ascertaining its weight;
- (d) driven to or from any place for its inspection or registration by the Licensing Authority;
- (e) tested or taken for trial for the benefit of a prospective purchaser;
- (f) delivered to the place where a purchaser intends to keep it;
- (g) taken from the premises of an importer or repairer of, or dealer in, mechanically propelled vehicles, direct to other premises;
- (h) driven to or from a workshop where
  - (i) a body is to be fitted to it,
  - (ii) a body has been fitted to it, or
  - (iii) the vehicle has been painted or repaired;
- (i) used for the purpose of carrying another vehicle that has broken down;
- (j) driven to or from any garage, auction room or other place
  - (i) at which vehicles are usually stored, or

(ii) at which vehicles are usually or periodically offered for sale, and at which that vehicle is to be, or has been, stored, or is to be, or has been, offered for sale; or

(k) removed from 1 place of storage to another, it having been laid up by its owner.

(2) No vehicle shall, with or without a trailer, be used on a road under a limited trade licence for any purpose other than a purpose specified in subsection (1).

(3) The Licensing Authority shall revoke any limited trade licence issued to a dealer, importer or repairer of a mechanically propelled vehicle where the dealer, importer or repairer has been convicted of 2 or more offences in contravention of section 6, 7, 8 or 9.

[1992-2]

#### **Limited trade licence book**

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

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

(a) the purpose for which the licence is being used; and

(b) the proposed route of the vehicle in respect of which the licence is being used.

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

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Licensing Authority, or a person acting under the authority of the Licensing Authority.

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

(5) No person shall

(a) damage, deface or mutilate the book;

(b) make an entry therein that he knows to be false;

(c) alter or obliterate any entry made therein;

(d) make an entry therein that is not authorised by this Act to be made;  
or

(e) alter or obliterate any copy of an entry after it has been removed from the book by virtue of subsection (3).

(6) Any person who

(a) uses a vehicle on a road in contravention of this Part;

(b) permits a vehicle to be used on a road in contravention of this Part;

(c) aids or abets any person in contravening this Part; or

(d) fails to produce the book when required to do so in accordance with this section,

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

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



### Registration number plates

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

- (a) one in a conspicuous position at the front; and
  - (b) the other in a conspicuous position at the rear of the motor vehicle, so that every letter and figure on the number plates is upright and may be easily read from a position behind or in front of the motor vehicle, as the case may be.
- (2) Where a vehicle is being drawn by a motor vehicle,
- (a) a registration number plate shall be affixed to the rear of the vehicle being drawn; and
  - (b) in the case of a vehicle being drawn by a tractor or a motor vehicle used specially for the purpose of towing vehicles, the registration number plate on the vehicle being drawn shall be identical with that on the tractor or motor vehicle drawing the vehicle.
- (3) In the case of a motor cycle or a motor bicycle, the front registration number plate shall be so affixed as to be easily read from a position on either side of the motor cycle or motor bicycle; and the rear registration number plate shall be affixed in an upright position in the manner described in subsection (1).
- (4) Registration number plates shall be of the description specified in Part I of the *Second Schedule*.

[2018-31, s. 10]

(4A) The registration number plates referred to in subsection (4) shall be manufactured by a person registered under section 10E and shall comply with the requirements specified by the Licensing Authority.

[2007-1, s. 3; 2017-26, s. 3]

(5) The parish mentioned in column 1 of Part I of the *Fourth Schedule* in which the motor vehicle is registered shall be represented on the registration number plates of the motor vehicle by the letter mentioned in column 2 opposite that parish, except that

(a) in the case of a commercial vehicle, the use for which that vehicle is kept as specified in column 1 of Part II of the *Fourth Schedule*;

[2007-1, s. 3; 2018-31, s. 10]

(b) in the case of a vehicle owned by the Government of Barbados or by a statutory board, the use for which that vehicle is kept as specified in column 1 of Part III of the *Fourth Schedule*; and

[2007-1, s. 3]

(c) in the case of a duty free agricultural vehicle, the use for which that vehicle is kept as specified in column 1 of Part IV of the *Fourth Schedule*;

[2007-1, s. 3]

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

[1990-35]

### **Number plates for limousines**

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

[1990-35; 2018-31, s. 11]

### **Number plates for vehicles of Government and of Statutory Boards**

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

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

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[1990-35; 2018-31, s. 12]

### **Registration number plates for public service vehicles**

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

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

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[1992-2; 2007-27]

### **Registration number plates for commercial vehicles other than limousines**

**10D.** Notwithstanding section 10, the registration number plates to be affixed to commercial vehicles other than limousines shall be in accordance with Part I of the *Second Schedule* except that the background of the registration number plates shall be white and the letters and figures thereon blue.

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[2018-31, s. 13]

**Registration of manufacturers of registration number plates**

**10E.(1)** Subject to section 10F, no person shall

- (a) manufacture registration number plates unless he is registered under this section; or
- (b) obtain registration number plates from a manufacturer who is not registered under this section.

(2) A person who manufactures registration number plates is, on application to the Licensing Authority in such form as the Licensing Authority approves and on payment to the Barbados Revenue Authority of such fee as the Minister of Finance by order prescribes, entitled to be registered as a manufacturer of registration number plates.

(3) A person shall, upon making an application under subsection (2), furnish the Licensing Authority with

- (a) the name and address of the person, business or company to be registered;
- (b) the certificate of registration issued under the *Registration of Business Names Act*, Cap. 317 or the certificate of incorporation issued under the *Companies Act*, Cap. 308 in the case of a registered business or a company; and
- (c) any other relevant particulars that the Licensing Authority may require.

(4) The Licensing Authority shall, on receiving proof of payment of the fee prescribed pursuant to subsection (2), issue a certificate of registration.

(5) A certificate of registration issued in accordance with subsection (4) is valid for a period of one year from the date of issue.

(6) The Licensing Authority shall keep a record of the manufacturers of registration number plates registered under this Act.

(7) A manufacturer of registration number plates shall not issue a number plate in respect of a motor vehicle to any person unless that person presents the following:

- (a) an identification card;
- (b) a valid driving licence;
- (c) a valid registration card evidencing payment of the relevant tax in respect of the motor vehicle; and
- (d) a valid certificate of insurance in respect of the motor vehicle.

(8) A person who contravenes subsection (1) or (7) is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or to both.

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[2017-26, s. 4]

### **Transitional provisions**

**10F.(1)** Every person who is a manufacturer of registration number plates at the commencement of the Road Traffic (Amendment) Act, 2017 shall, within a period of 4 months after the date of commencement, comply with the requirements specified in section 10E.

(2) A person shall be permitted to obtain registration number plates from a manufacturer who is not registered in accordance with section 10E for a period of 4 months after the date of commencement of the Road Traffic (Amendment) Act, 2017.

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[2017-26, s. 4]

### **Diplomatic and consular representatives**

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

- (a) a consul;

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

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

[2018-31, s. 14]

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

[2018-31, s. 14]

- (3) Where a vehicle that is registered under subsection (1) is that of
- (a) a consul, the registration number plates must bear the letters “FC”;
  - (b) a diplomat or a head of a regional or international organisation, the registration number plates must bear the letters “CD”; or
  - (c) a member of a staff of a regional or international organisation, the registration number plates must bear the letters “IM”.
- (4) Where a vehicle that is registered under subsection (1) is
- (a) the vehicle of a diplomatic mission or the official vehicle of a regional or international organisation, the registration number plates must bear the letters “CD”; or

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

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[1990-35]

### **Number plates for special purposes etc.**

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

(2) This section applies to a motor vehicle that is being used

- (a) on a special occasion;
- (b) for a special purpose; or
- (c) during a special period,

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

### **Provisional Licence**

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

(2) The Licensing Authority may issue a provisional licence and registration number to an applicant

- (a) on being satisfied that the licence is required to facilitate the completion of requirements for registration of a motor vehicle; and
- (b) on receiving the fee referred to in subsection (1).

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- (3) A provisional licence is valid
- (a) on any day except Saturdays, Sundays and public holidays;
  - (b) from 7:00 hours to 17:00 hours.
- (4) A provisional licence must contain
- (a) the name and address of the person to whom it is issued;
  - (b) the number of the provisional licence plate referred to in subsection (5);
  - (c) the period for which the licence is valid;
  - (d) the fee paid in respect of the licence;
  - (e) the date-stamp of the office of issue; and
  - (f) the serial number of such licence.
- (5) The Licensing Authority may, upon receiving the fee referred to in subsection (1), issue with each provisional licence and registration number provisional licence plates bearing that number.
- (6) A person to whom a provisional licence is issued shall affix the provisional licence plates, in a conspicuous manner, one to the front and one to the rear of the vehicle, upon which they are being used.
- (7) Provisional licence plates must be in accordance with Part I of the *Second Schedule*, except that the background of the licence plates must be white, the border thereof and the figures and letters thereon must be red and the licence plates must bear the letters "LA".  
*[2018-31, s. 15]*
- (8) Provisional licence plates remain the property of the Crown and the person to whom the licence is issued shall return the licence plates to the Licensing Authority on the expiration of the period for which the licence was issued.



- (9) Any person who
- (a) uses provisional licence plates or permits such plates to be used on a vehicle in contravention of subsection (3);
  - (b) fails to return provisional licence plates to the Licensing Authority in accordance with subsection (8); or
  - (c) mutilates, damages or otherwise defaces any provisional licence plate,

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

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[1992-2]

**Driving of unregistered motor vehicle etc.**

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

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

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

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

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**PART III****LICENSING AND FEES**

[2018-31, s. 16]

**Definition of motor vehicle in this Part**

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

**Investigation of vehicle**

**15.(1)** Where an owner of a motor vehicle informs the Licensing Authority in writing that

- (a) the motor vehicle was not used, kept for use or allowed to be kept for use for a period of not less than 3 months; and
- (b) he is desirous of using the motor vehicle at a future date,

the Licensing Authority shall send a transport inspector to investigate the condition of the motor vehicle.

(2) Where the Licensing Authority sends a transport inspector to do an investigation pursuant to subsection (1), the owner of the motor vehicle shall pay to the Licensing Authority, prior to the investigation, such fee for the investigation as the Minister of Finance by order prescribes.

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[2018-31, s. 17]

**15A.** *[Repealed by Act 2009-26.]*

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[2009-26, s. 5]

**15B.** *[Repealed by Act 2009-26.]*

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[2009-26, s. 5]

### Registration identifier

**15C.** Where the Licensing Authority registers a motor vehicle pursuant to section 5, the Licensing Authority shall issue to the owner of the vehicle either a

- (a) registration card; or
- (b) registration sticker and a registration card.

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[2018-31, s. 18]

### Registration card

**16.(1)** The Licensing Authority shall, in respect of every motor vehicle that is registered pursuant to section 5, issue to the owner of the motor vehicle a registration card which specifies the following information:

- (a) the name of the owner of the motor vehicle;
- (b) the registration number of the motor vehicle;
- (c) the appropriate letter contained in Part I of the *Fourth Schedule* representing the parish in which the motor vehicle is registered or the appropriate letter and use for which the motor vehicle is kept as set out in Part II and Part III of the *Fourth Schedule*; and
- (d) the duration for which the registration card is valid.

(2) Where a person uses a motor vehicle on a road, he shall have in his possession the registration card issued for the motor vehicle and shall produce it for examination on being required to do so by a member of the Police Force or a transport inspector in uniform, so that the member of the Police Force or the transport inspector is able to ascertain the owner of the motor vehicle.

(3) Subject to subsection (2), where a person fails to produce the registration card, he shall produce the registration card at a police station designated by the

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member of the Police Force or the transport inspector within 24 hours of the date on which he was required to produce it.

(4) A person who contravenes subsection (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

*[2018-31, s. 3; 2018-31, s. 19]*

**17.** *[Repealed by Act 2018-31.]*

*[2018-31, s. 33]*

### **Change of ownership of motor vehicle**

**18.(1)** Where the ownership of a motor vehicle, in respect of which a valid registration number exists, is transferred to another person, the transferor of the motor vehicle shall

- (a) notify the Licensing Authority in writing of the
  - (i) transfer of ownership;
  - (ii) name and address of the new owner of the motor vehicle; and
- (b) return the registration card to the Licensing Authority.

(2) The new owner of the motor vehicle referred to in subsection (1) shall upon the transfer of the vehicle

- (a) notify the Licensing Authority in writing of the change of ownership;
- (b) state in the notice the name and address of the person from whom the motor vehicle was obtained;
- (c) produce to the Licensing Authority a valid insurance certificate or security in respect of the motor vehicle;
- (d) submit to the Licensing Authority any evidence that it may require to establish the validity of the change of the ownership; and

(e) pay the registration fee for the motor vehicle pursuant to section 5.

(3) Where the Licensing Authority receives notice pursuant to subsections (1) and (2) and is satisfied as to the validity of the change of ownership of the motor vehicle, section 5 shall apply with such modifications and adaptations as may be necessary.

(4) A registration number is not to be treated as being transferred to a new owner of a motor vehicle and the new owner is not entitled to use such motor vehicle in accordance with the terms and conditions of that registration number.

(5) Any person who

(a) is required by this Act to submit information in connection with a change of registration of any motor vehicle and fails to do so; or

(b) knowingly submits false information in respect of the change of registration of a motor vehicle,

is guilty of an offence and is liable on summary conviction to a fine of \$5000 or to imprisonment for a term of 12 months or to both.

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*[2018-31, s. 3; 2018-31, s. 21]*

### **Exemption from payment of registration fee by person staying temporarily in Barbados**

19.(1) Notwithstanding anything contained in this Act, where a person visits Barbados for a period not exceeding 6 months and brings a motor vehicle into Barbados for his own use during such visit, he may apply in writing to the Licensing Authority for a registration number to be assigned to the motor vehicle.

(2) Where a person makes an application for a registration number pursuant to subsection (1), he shall submit the following information with the application:

(a) a bill of lading for the motor vehicle;

- (b) evidence of a valid insurance policy or such security in respect of third-party risks issued by an insurer for the motor vehicle; and
- (c) evidence that the person holds a valid registration number for the motor vehicle.

*[2018-31, s. 3]*

(3) Where the Licensing Authority approves an application received pursuant to subsection (1), the Licensing Authority may issue to the applicant a registration number for the motor vehicle for a period covered by the registration number referred to in subsection 2(c).

*[2018-31, s. 3]*

(4) Where the Licensing Authority issues an applicant with a registration number pursuant to subsection (3), the registration number shall not be issued for a period greater than 90 days.

(5) Where the Licensing Authority issues a person with a registration number for a motor vehicle pursuant to this section, section 16 shall apply to this section with such adaptations and modifications as may be necessary.

(6) This section does not operate in favour of a visitor to Barbados if the country in which the visitor's registration number is issued does not accord reciprocal treatment in respect of a registration number issued in Barbados.

*[2018-31, s. 3]*

(7) For the purposes of this section, reference to the term "registration number" means a registered identification number that an authorised entity in a country other than Barbados assigns to a motor vehicle on registration of that motor vehicle in that country.

*[2018-31, s. 3; 2018-31, s. 22]*

### **Exemption from registration fee for motor vehicles used for agricultural purposes and the use on the road of such vehicles**

**20.(1)** All motor vehicles used exclusively for the purposes of agriculture are exempt from registration fees under this Act, but a vehicle so exempt shall

not be used on any road except for the purpose of crossing from one part of a property to another part of such property or from one property to another property.

*[2018-31, s. 23]*

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

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

#### **Exemption of other vehicles from the payment of registration fee**

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

- (a) the Crown;
- (b) a member of the Diplomatic or Consular Community or a Regional or International Organisation; or
- (c) any other authority or organisation that is prescribed by order by the Minister of Finance.

*[2018-31, s. 24]*

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

**22.** *[Repealed by Act 2018-31.]*

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*[2018-31, s. 33]*

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**Penalty on driver for refusal to disclose name of owner of vehicle**

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

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$5000 or to imprisonment for a term of 12 months or to both.

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*[2018-31, s. 25]*

**Use of a vehicle for purpose other than that for which registered and licensed**

**24.(1)** Where

(a) a registration number has been issued in respect of a mechanically propelled vehicle in respect of which the required registration fee has been paid; and

*[2018-31, s. 3; 2018-31, s. 26]*

(b) that vehicle is used in a manner or for a purpose that brings it within a class or description of a vehicle for which a higher registration fee is payable,

*[2018-31, s. 26]*

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

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



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

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

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

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

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

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

*[2018-31, s. 26]*

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

*[1998-34]*

**Recovery of fees**

**25.** A fee imposed pursuant to this Act is recoverable in summary proceedings or process on the complaint of the Licensing Authority.

*[2018-31, s. 27]*

**Proceedings against joint owners**

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

**Weight certificate**

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

*[2018-31, s. 28]*

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

*[1998-34]*

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

*[1998-34]*

### **Maximum gross weight**

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

- (a) 7 kilograms in the case of a four-wheeled vehicle with 2 axles equipped for purposes of propulsion with 4 pneumatic tyres;
- (b) 12 kilograms in the case of a vehicle with 2 axles equipped for purposes of propulsion with dual pneumatic tyres at each end of the rear axle; or  
*[1984-16]*
- (c) 24 kilograms in the case of any other vehicle or trailer.  
*[1984-16]*

*[2009-26, s. 6]*

(2) Any person who uses, causes or permits to be used on any road a vehicle the weight of which is in excess of the maximum gross weight specified in subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for 12 months or both.

*[1984-16; 2007-1, s. 4]*

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*[1984-16]*

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

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

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

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

[1984-16]

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

[2018-31, s. 29]

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[1984-16]

### **Issue of special permit for type of motor vehicle or tractor**

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

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

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

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

that he was acting in contravention of the restrictions or conditions specified in the permit.

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

*[2018-31, s. 30]*

### **Weights to be painted on goods vehicles**

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

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

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

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

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

### **Cancellation of registration number in respect of improperly constructed motor vehicle**

**32.** The Licensing Authority may cancel or refuse to renew a registration number or special permit issued in respect of a motor vehicle if an

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inspector or examiner certifies in writing that such motor vehicle is so constructed or is in such condition as

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

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[2018-31, s. 3]

### **Appeals against decision of Licensing Authority**

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

- (a) a registration number or special permit has been cancelled; or  
[2018-31, s. 3]
- (b) the issue or renewal of a licence has been refused,

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

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

### **Production, alteration and use of registration card or registration sticker**

**34.(1)** No person shall manufacture a registration card or a registration sticker

- (a) other than the Licensing Authority; or
- (b) a person authorised by the Licensing Authority to manufacture the registration card or registration sticker.

(2) No person shall

- (a) make a fraudulent imitation of; or

(b) fraudulently alter or use,  
a registration card or a registration sticker.

(3) No person shall fraudulently lend to another person a registration card or a registration sticker issued to him in accordance with this Act.

(4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

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[2018-31, s. 31]

### **Exemption from Parts II and III**

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

### **Distinguishing mark on exempted vehicle**

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

## **PART IIIA**

### **SEAT BELTS IN MOTOR CARS AND CERTAIN OTHER VEHICLES**

#### **Interpretation**

**36A.** In this Part

“child safety seat” means a seat that

- (a) is of such shape, quality, construction, assembly or standard as may be approved by the Barbados National Standards Institution;

(b) is designed to diminish the risk of injury to a child in the event of a collision or abrupt deceleration of a motor vehicle by limiting the mobility of the body of the child; and

(c) is to be used in conjunction with a seat belt and is held in place by the restraining anchor of that seat belt;

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

(a) to provide restraint for both the upper and lower parts of the trunk of the wearer; and

(b) to diminish the risk of injury to the wearer,

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

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[2001-11]

### **Position of seat belts**

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

(a) the driver’s seat;

(b) the front passenger seat; and

(c) the rear passenger seats.

[2007-1, s. 5]

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

(a) the driver’s seat; and

(b) the front passenger seats.



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

[2007-1, s. 5]

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

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

(b) be so designed as to provide restraint for both upper and lower parts of the trunk of the wearer, and shall be of the type prescribed

(i) by reference to design, construction or quality;

(ii) by reference to different classes of vehicles, different descriptions of persons and different circumstances,

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

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

[2007-1, s. 5]

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[2001-11]

**Owner's duty**

**36C.(1)** Every person who owns

(a) a private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, motor cab or taxi specified in subsection (1) of section 36B;

*[2007-1, s. 5]*

(b) a public service vehicle specified in subsection (2) of section 36B; or

(c) a motor omnibus or motor tractor specified in subsection (3) of section 36B.

*[2007-1, s. 5]*

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

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

*[2007-1, s. 5]*

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

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

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*[2001-11]*

### **Wearing of seat belts compulsory**

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

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

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

*[2007-1, s. 5]*

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

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

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*[2001-11]*

### **Exception**

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

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

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by the certificate unless the certificate is produced to the member of the Police Force or to the transport inspector

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

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

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[2001-11]

### **Child safety seat**

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

- (a) if under the age of 4 years, is seated in a child safety seat that is positioned in a back seat of the motor vehicle and is secured by a seat belt; or
- (b) if 4 years of age or older, is wearing a seat belt which is securely fastened.

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

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[2001-11]

### **Offence**

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

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[2001-11]

### **Exception**

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

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

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

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[2001-11]

## PART IV

## MOTOR VEHICLE INSURANCE

**Users of motor vehicles to be insured against third party risks**

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

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both; and, in addition thereto (unless the court for special reason thinks fit to order otherwise, and without limiting or affecting the power of the court to order a longer period of disqualification), is liable to be disqualified from holding or obtaining a driving licence under this Act for a period of 12 months from the date of the conviction.

*[2018-31, s. 32]*

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

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

*[1983-30]*

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

- (a) within a period of 6 months from the date of the commission of the offence; or

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

whichever period is the longer.

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

### **Duty to notify change in policy of insurance**

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

*[2018-31, s. 3]*

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

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*[1983-30]*

### **Requirements in respect of policies**

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

- (a) liability in respect of any sum to a maximum of
- (i) \$10 000 000, which such persons or categories of persons shall become liable to pay in respect of death of or bodily injury to one person in any one accident; or

(ii) \$30 000 000, which such persons or categories of persons shall become liable to pay in respect of death or bodily injury in the aggregate to any number of persons in any one accident; and  
*[2004-19]*

(b) any sum not exceeding \$50 000 which such persons or categories of persons shall become liable to pay in respect of damage to property,  
*[1983-30; 1985/95]*

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

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

(a) liability for the death of or bodily injury to a person that arises out of and in the course of his employment by the persons or categories of persons insured;

(b) any contractual liability; or

(c) damage to

(i) the motor vehicle or any part thereof or property in or on the motor vehicle of the person insured;

(ii) property owned by or in the control of the persons or categories of persons insured; and

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

(3) Where

(a) payment is made

(i) by an insurer under a policy of insurance, or

(ii) by the owner of a motor vehicle in relation to the use of which a security under this Act is in force,



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

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

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

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

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

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

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

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

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

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**Unlimited liability respecting all passengers**

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

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[1983-30]

**Requirements in respect of securities**

**39.(1)** For the purposes of this Act, a security

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

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

**Certain conditions to policies or securities to be of no effect**

**40.(1)** Any condition in a policy or security issued or given for the purposes of this Act providing that no liability arises under the policy or

security or that any liability so arising ceases in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security is of no effect in connection with a claim mentioned in section 38(1).

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

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[1998-34]

**41.** *[Repealed by Act 2018-31.]*

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[2018-31, s. 33]

**Requirements as to production of certificate of insurance or of security**

**42.(1)** The driver of a motor vehicle on a public road shall

- (a) have the certificate of insurance with respect to that vehicle in his possession; and
- (b) produce it for examination on being requested to do so by a member of the Police Force or Transport Inspector in uniform.

[2007-1, s. 6]

(2) A driver of a motor vehicle who does not have with him the certificate of insurance at the time he is required to produce it, shall produce it at the police station designated by the member of the Police Force or the transport inspector referred to in subsection (1), within 24 hours of the date on which he was required to produce it.

[2017-26, s. 5]

(3) Where, owing to the presence of a motor vehicle on a public road, an accident occurs involving personal injury to another person, the driver of the motor vehicle shall

- (a) produce the certificate of insurance to a member of the Police Force, to a Transport Inspector or to a person who, having reasonable grounds for so doing, has required its production; and
- (b) in any case within 24 hours of the occurrence of the accident, report the accident at a police station or to a member of the Police Force, and at the time of the report produce the certificate of insurance.

*[2007-1, s. 6]*

(4) Notwithstanding subsection (3), a person is not to be convicted of an offence under this section by reason only of his failure to produce the certificate of insurance if, within 24 hours after the occurrence of the accident, he produces it in person at a police station specified by him at the time the accident was reported.

*[2007-1, s. 6]*

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

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

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

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

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

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

[1983-30]

- (2) No amount is payable by an insurer under subsection (1) or (1A)
- (a) in respect of any judgment, unless before or within 7 days from the commencement of the proceedings in which the judgment was given, or such other period as the court thinks fit, the insurer had notice of the bringing of the proceedings; or
  - (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
  - (c) in connection with any liability, if before the happening of the event that was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and
    - (i) before the happening of the event, the certificate was surrendered to the insurer, or the person to whom the certificate was issued made and delivered to the insurer an affidavit sworn

before a Justice of the Peace stating that the certificate had been lost or destroyed,

- (ii) after the happening of the said event but before the expiration of a period of 14 days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or the person to whom the certificate was issued made an affidavit as referred to in sub-paragraph (i), or
- (iii) either before or after the happening of the event, but within a period of 14 days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

[1983-30]

(3) No sum is payable by an insurer under subsection (1) or (1A) if, in an action commenced before, or within 3 months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact that was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it.

[1983-30]

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

(5) Where the amount that an insurer becomes liable under this section to pay to any person exceeds the amount for which he would, apart from this

section, be liable under the policy in respect of that liability, he is entitled to recover the excess from that person.

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

#### **Written-off vehicles**

**43A.(1)** Where a motor vehicle that is registered under this Act and insured is damaged in an accident, the motor vehicle becomes written-off when

- (a) the cost of repairing the motor vehicle is more than the value of the motor vehicle and the owner of the vehicle decides not to repair the damage and to
  - (i) keep the motor vehicle; or
  - (ii) sell or otherwise dispose of the motor vehicle; and

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- (b) the insurance company with which the motor vehicle is insured under a contract of insurance
- (i) pays an amount determined under the contract of insurance in relation to the damaged motor vehicle and acquires ownership of the motor vehicle; or
  - (ii) pays an amount determined under the contract of insurance in relation to the damaged motor vehicle less its value as salvage and does not acquire ownership of the motor vehicle.
- (2) Where a motor vehicle is written-off pursuant to subsection (1), the insurance company shall register the particulars of the motor vehicle with the Licensing Authority.
- (3) An insurance company shall, for the purpose of registering the particulars of the motor vehicle pursuant to subsection (2), submit the following information to the Licensing Authority:
- (a) the name and address of the owner of the motor vehicle;
  - (b) the make and model of the motor vehicle;
  - (c) the engine number and chassis number of the motor vehicle; and
  - (d) the reason for the write-off.
- (4) An insurance company that fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of \$5 000 and in the case of a continuing offence to a further fine of \$500 for each day or part thereof during which the offence continues after which a conviction is first obtained.

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[2017-26, s. 6]

### **Notification of purchase of written-off vehicle**

**43B.** Where a person purchases a motor vehicle that has been accepted by an insurance company as a write-off, the insurance company shall submit to



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the Licensing Authority the name and address of the purchaser no later than 14 days after the date of purchase of the motor vehicle.

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[2017-26, s. 6]

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

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

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

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

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

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

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

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

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

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

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

(6) This Act does not apply

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

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

**Duty to give information to third parties**

45.(1) In the event of

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

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

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

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

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

#### **Settlement between insurers and insured persons**

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

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

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

#### **Avoidance of restriction on scope of policies covering third party risks**

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

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

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

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

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

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*[1983-30]*

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

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

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

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

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

[1983-30]

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

[1983-30]

### **Duty to surrender certificate of cancellation of policy**

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

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

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

### **Special duties of insurer**

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

- (a) all policies or certificates that have not been renewed or that have been cancelled; and  
*[1983-30]*
- (b) all vehicles that have been accepted as total losses.

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

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(2) Notification

- (a) for the purposes of paragraph (a) of subsection (1) shall be given within 15 days after the end of the month in which the expiry or cancellation occurred; and  
*[1998-34]*
- (b) for the purposes of paragraph (b) of subsection (1) shall be given within 15 days of the acceptance of a total loss.

**Certificate of road worthiness**

**51B.(1)** Where the owner of a motor vehicle is required to obtain a certificate of road worthiness before the motor vehicle can be registered in accordance with section 5 of the Act, the owner shall

- (a) have the motor vehicle examined in accordance with section 3(1); and
- (b) pay such fee as the Minister of Finance by order prescribes.

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

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*[2009-26, s. 7]*

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

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



**Payments and insurance in relation to emergency treatment of injuries**

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

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

as the Minister may, by order, prescribe.

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

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

(4) In section 38(1), reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this

section in respect of emergency treatment required as a result of bodily injury; but subsection (2) of that section is not to be construed as having effect as respects liability to make a payment under this section.

### **Payment for hospital casualties**

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

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

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

(2) The amount to be paid shall not exceed \$1 000 for each person treated as an in-patient, or \$100 for each person treated as an out-patient.

(3) For the purposes of this section “expenses reasonably incurred” means

- (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and
- (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

**Claims for payment for emergency treatment**

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

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

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

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

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

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

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

### **Deposits**

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

### **Forgery etc., of certificates**

**57.(1)** Any person who, with intent to deceive,

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

is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable

- (a) on conviction on indictment to imprisonment for 2 years; or
- (b) on summary conviction to a fine of \$1 000 or to imprisonment for 6 months, or both.

(3) Any person who for the purpose of obtaining the issue of a certificate of insurance or of a certificate of security under this Act makes any false statement or withholds any material information is liable to a fine of \$500 or to imprisonment for 6 months, or both.

(4) Any person who issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular is guilty of an

offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months, or both.

(5) Where any member of the Police Force has reasonable cause to believe that any certificate of insurance or certificate of security produced to him in pursuance of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and, where any document is so seized, the person from whom it was seized shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section, be summoned before a magistrate's court to account for his possession of the document, and the court shall make such order respecting the disposal of the document, and award such costs, as it considers proper.

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

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

#### **Offences and general penalty**

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

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

(3) Any person who fails to comply with an order of a magistrate made under this section may, in the discretion of the court, be ordered to pay a sum

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of \$10 for every day during which he fails to comply with the order, or to be imprisoned until he complies with the order.

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

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[1990-35]

### **Offences triable summarily**

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

### **Administration**

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

[1983-30]

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

## PART IVA

### ALL TERRAIN VEHICLES

[2017-26, s. 7]

### **No driving of all terrain vehicles on public road or highway**

**60B.** Subject to section 60C, no person shall drive an all terrain vehicle on a public road or highway.

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[2017-26, s. 7]

### **Driving licence**

**60C.** A person who drives an all terrain vehicle on a public road or highway shall

- (a) be the holder of a valid driving licence;
- (b) be over the age of 16 years; and
- (c) have been granted special permission by the Licensing Authority.

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[2017-26, s. 7]

### **Registration and insurance**

**60D.** Every owner of an all terrain vehicle shall register and insure the vehicle in accordance with the provisions of sections 5 and 37 of this Act respectively.

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[2017-26, s. 7]

### **Prohibitions**

**60E.** No person shall operate an all terrain vehicle

- (a) without due care and attention;
- (b) without reasonable consideration for other persons on the road or highway;
- (c) at a speed greater than is reasonable and safe in the circumstances and at a speed greater than 50 kilometres per hour;
- (d) with a passenger, unless the all terrain vehicle was designed by the original manufacturer of the vehicle for the transportation of passengers;
- (e) at night without using the prescribed lights;

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- (f) fitted with seat belts installed by the manufacturer of the vehicle, without using the seat belts in a properly adjusted and securely fastened manner while the vehicle is in operation.

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[2017-26, s. 7]

### **Rules of operation**

**60F.** Every driver of an all terrain vehicle shall

- (a) when approaching an oncoming vehicle, pass the vehicle on the left;
- (b) yield the right of way to vehicles approaching from the right;
- (c) when overtaking another vehicle, pass the vehicle on the right;
- (d) yield the right of way to all pedestrians that are approaching so close as to present a hazard;
- (e) except when overtaking another vehicle, maintain a safe following distance behind any other vehicle;
- (f) when circumstances warrant, signal his intention to turn by using signal lights, if the vehicle is equipped with them or hand signals as described in the Highway Code;
- (g) on being requested or signalled to do so by a member of the Police Force, unit of the Department of Emergency Management, unit of the Defence Force, unit of the Fire Service, unit of the Prison Service sounding a bell, siren or flashing a lamp, immediately stop the all terrain vehicle.

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[2017-26, s. 7]



### **Equipment**

**60G.** The driver of an all terrain vehicle and every passenger being carried on an all terrain vehicle shall wear a helmet and protection for the eyes of the type prescribed by the Minister.

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[2017-26, s. 7]

### **Records to be kept**

**60H.(1)** Every person engaged in the business of renting all terrain vehicles shall keep a record, signed by each person to whom a vehicle is rented, containing the following particulars:

- (a) the registration number of each vehicle rented;
- (b) the name, national registration number or equivalent information of the person to whom each vehicle is rented;
- (c) the date and time at which the vehicle is rented;
- (d) the time during which the vehicle is in the possession of the person to whom it is rented; and
- (e) any other information which the Licensing Authority may require.

(2) A record kept pursuant to subsection (1) shall be made available to any member of the Police Force in uniform who wishes to inspect it in order to ascertain whether this Act and the regulations are being complied with.

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[2017-26, s. 7]

### **Offences**

**60I.** Every person who contravenes any provision in this Part is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months or to both.

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[2017-26, s. 7]

## PART V

## DRIVING LICENCE

**Driving without a licence**

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

*[2017-26, s. 8]*

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

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

*[2007-1, s. 7]*

**Minimum age for driving**

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

**Regulation test**

**62A.(1)** A person who desires to obtain a learner's permit as described in section 63 shall

- (a) take a regulation test set by the Licensing Authority; and
- (b) pay to the Licensing Authority such fee as the Minister of Finance by order prescribes, in respect of the regulation test.

- (2) A person is required to pass the regulation test before the Licensing Authority issues him with a learner's permit.
- (3) The regulation test referred to in subsections (1) and (2) shall cover knowledge of
- (a) the *Road Traffic Act, Cap. 295*;
  - (b) the *Road Traffic Regulations, 1984* (S.I. 1984 No. 141); and
  - (c) the Highway Code.

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[2009-26, s. 8]

### **Learner's permit**

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

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

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

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

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

- (a) he is under the supervision of a driver who
  - (i) has been the holder of a driving licence for a vehicle of that class or description for a period of not less than 3 years;

[1990-35]

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- (ii) is in possession of a valid certificate of competence issued by the Licensing Authority under section 79A; and  
*[1990-35]*
- (iii) is present with him in the vehicle while he is driving such vehicle; and  
*[1990-35]*
- (b) there is clearly displayed in a conspicuous position on the front and on the rear of the vehicle, as directed by the Licensing Authority, the letter “L” in red on a white background in accordance with the specifications set out in the *Fifth Schedule*.
- (6) Notwithstanding anything contained in this section, the holder of a learner’s permit shall not drive, and shall not be permitted to drive, a vehicle while it is being used to draw a trailer or convey passengers.
- (7) Subsection (5)(a) does not apply to the holder of a learner’s permit who
- (a) is undergoing a driving test; or
- (b) is driving a vehicle constructed or adapted to carry only 1 person.
- (8) A person who is learning to drive and contravenes any of the conditions set out in a learner’s permit is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, and in addition thereto the court may cancel the learner’s permit.
- (9) A learner’s permit is valid for such period as may be prescribed, and is, upon payment of such fee as the Minister of Finance by order prescribes, renewable for a period not exceeding the period for which it was first granted.
- (10) The Licensing Authority may refuse to renew a learner’s permit if the person to whom it has been issued fails to submit himself for a test within 9 months from the day the permit was first issued.

### **Unauthorised use of learner licence plates**

**63A.** A person

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

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[1992-2]

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

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

### **Driving test**

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

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

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

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

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

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

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

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

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

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

(2) Notwithstanding subsection (1), the Licensing Authority may issue a driving licence or a learner's permit to any person to drive a particular motor

vehicle on being satisfied that that motor vehicle is so equipped that the motor vehicle can be efficiently controlled by that person.

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

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

#### **Application for driving licence**

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

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

#### **Validity of driving licence and classification of motor vehicle**

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

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

(a) private motor cars;

(b) motor cycles;

- (c) public service vehicles;
- (d) light and heavy goods vehicles;
- (e) tractors;  
*[2007-1, s. 8]*
- (f) articulated vehicles; and  
*[2007-1, s. 8]*
- (g) other classes of vehicles determined by order made by the Minister.  
*[2007-1, s. 8]*

### **Restrictions on issue of driving licence for certain vehicles**

**69.(1)** Subject to section 62, a driving licence shall not be issued or endorsed as valid to an applicant who

- (a) is under the age of 18 years for the purpose of driving
  - (i) a contract carriage;
  - (ii) a heavy goods vehicle;
  - (iii) a hired car;
  - (iv) a motor tractor; or
  - (v) a self-driven car; or
- (b) is under the age of 25 years for the purpose of driving
  - (i) a motor omnibus; or
  - (ii) a public service vehicle.

*[2022-21, s. 3]*

(2) Subject to this section and to section 62, any person who is 16 years of age or older, and not disqualified by virtue of this Act, may obtain a driving licence to drive a light goods vehicle, land tractor or a heavy motor cycle.

(3) Notwithstanding anything contained in this section, no driving licence shall be issued to a person who has been convicted of an offence or a number



of offences the effect of which, in the opinion of the Licensing Authority, makes it undesirable that he be issued with a driving licence.

(4) A person who has been refused a driving licence by virtue of subsection (3) may apply to a magistrate for District "A" to have the matter reviewed by him.

#### **Random alcohol and drug testing for drivers of articulated vehicles and public service vehicles**

**69A.(1)** A person who applies for and is granted a licence to drive an articulated vehicle or a public service vehicle shall, as a condition of being granted the licence, be subject to random alcohol and drug testing at the request of the Authority which issued the licence.

(2) A test referred to in subsection (1) shall be carried out by a medical practitioner.

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*[2017-26, s. 10]*

#### **Driving when under prescribed age**

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

#### **Driving test fee**

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

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

### **Form of driving licence**

**72.(1)** A driving licence

- (a) must be in such form as the Licensing Authority determines;
- (b) must be signed by the holder thereof; and
- (c) is not valid unless it is so signed.

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

### **Driving licence fee**

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

### **Production of driving licence or identification card**

**74.(1)** The driver of a motor vehicle on a public road shall have his driving licence or a government-issued identification card in his possession and produce it for examination on being required to do so by a member of the Police Force or a transport inspector in uniform, so that the member of the Police Force or transport inspector is able to ascertain

- (a) the name and address of the holder of the driving licence;
- (b) the identity of the driver of the motor vehicle; or
- (c) whether the driver of the motor vehicle is licensed to drive that particular class of motor vehicle.

(2) Where a driver of a motor vehicle does not produce his driving licence but produces an identification card to a member of the Police Force or a transport inspector in uniform, that driver shall produce his driving licence at

the police station designated by the member of the Police Force or the transport inspector within 24 hours of the date on which he was required to produce it.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or to both.

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[2017-26, s. 11]

### **Register of driving licences**

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

- (a) the name and address of the holder;
- (b) the date of its issue;
- (c) the class of vehicle to be driven by the holder; and
- (d) a record of all convictions of the holder in respect of traffic offences.

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

### **Duration and renewal of driving licence**

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

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

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

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

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

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

- (a) before the expiry date specified in the licence, in calculating the fee payable on the renewal of the licence account shall be taken of the payment already made in respect of the unexpired period of the licence;
- (b) after the expiry date specified in the licence and the holder of the licence applies for renewal on the expiry date in pursuance of subsection (2), the holder shall be required to pay a licence fee calculated on the period commencing from the expiry date and ending on the last day of the month in which the holder was born; or
- (c) on a date prior to that on which the licence is presented for renewal, then subject to subsection (8), the licence shall be renewed and the holder given an expiry date falling in the month in which he was born; but the holder shall be required to pay a licence fee calculated on the period commencing from the expiry date specified in the licence when presented for renewal and ending on the expiry date given on renewal.

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

(5) Where the holder of a driving licence is 70 years of age or over, the licence of that holder shall not be renewed unless he produces to the Licensing

Authority a medical certificate signed by a medical practitioner as to his physical fitness.

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

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

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

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

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

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

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[1985-17; 2008-17]

### **Dishonoured cheques**

**76A.(1)** The Licensing Authority may refuse to issue, renew or replace a permit, licence or registration of a motor vehicle where payment made by cheque in respect of the permit, licence or registration is dishonoured by the financial institution on which it is drawn.

(2) The issuer of the cheque referred to in subsection (1) shall be charged an administrative fee of \$50 by the Barbados Revenue Authority for handling the dishonoured cheque.

(3) Where a cheque is dishonoured, the Licensing Authority shall notify the issuer and unless the outstanding payment is made within 7 days of the date of notification, the permit, licence or registration will be cancelled.

(4) Where the amount of the outstanding payment is paid to the Barbados Revenue Authority within the 7 day period stipulated in subsection (3), the permit, licence or registration will be considered to be valid.

- (5) No person shall be able to
- (a) renew a permit or driving licence; or
  - (b) register a motor vehicle

where that person owes the Barbados Revenue Authority an outstanding payment under this section.

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[2017-26, s. 12]

#### **Re-issue of lost or defaced driving licence**

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

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

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

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

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

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

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

### **Demerit points**

79.(1) Where a person

- (a) pays a fixed penalty in respect of a ticketing offence listed in the Schedule to the *Road Traffic (Fixed Penalty) Order, 2007*; or
- (b) is convicted under this Act or the regulations in respect of a ticketing offence listed in the Schedule set out in the Schedule to the *Road Traffic (Fixed Penalty) Order, 2007*,

the Licensing Authority shall record in respect of that person the number of demerit points set out opposite that offence in Column III of that order.

[2007-1, s. 10]

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

- (a) no demerit points shall be recorded in respect of that conviction unless the conviction is confirmed on appeal; and
- (b) if demerit points have been recorded in respect of such conviction before an appeal is entered, the points and any suspension imposed

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in consequence thereof shall be removed until the appeal is heard or otherwise disposed of.

- (3) Where a person is convicted of 2 or more offences arising out of the same circumstances, the demerit points to be recorded are those relating to the offence in respect of which the greatest number of demerit points is imposed, but where equal demerit points are imposed for a number of offences, demerit points for 2 convictions only are to be recorded.
- (4) Where a period of 3 years has elapsed after the entry of demerit points on the record of a person, the Licensing Authority shall cause those points to be expunged from the record if no further demerit points have been recorded against him during that period.
- (5) Where, under subsections (8) to (11) or by an order of the court, a driving licence has been suspended for a period of 3 months or more and the period of suspension has expired, the Licensing Authority shall cause all demerit points to be expunged from the record of the holder of the driving licence.
- (6) Where a total number of more than 10 but less than 14 demerit points has accumulated in the record of any person, the Licensing Authority shall cause a notice to be sent to that person informing him of the number of demerit points accumulated.
- (7) Where a total number of 14 or more but less than 18 demerit points has accumulated in the record of a person, the Licensing Authority may require that person, to appear before him for an interview and furnish such information, evidence or material as is required to show cause why his driving licence should not be suspended.
- (8) Where a person fails to comply with subsection (7), the Licensing Authority may, after serving on that person a notice by registered mail



notifying him of his failure to comply with that subsection and giving him 10 days' notice from the date when served to comply,

- (a) publish the notice in a daily newspaper in circulation in Barbados; and
- (b) after the publication, if that person has not complied with the requirements of the notice, suspend his driving licence until the subsection has been complied with.

*[2007-1, s. 10]*

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

(10) If within a 12 month period a total number of 14 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 6 months.

*[2007-1, s. 10]*

(11) Where within a period of 2 years a total number of 18 or more demerit points have accumulated in the record of a person, the Licensing Authority shall suspend the driving licence of that person for a period of 1 year.

*[2007-1, s. 10]*

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

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

*[2007-1, s. 10]*

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

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

## PART VA

### DRIVING INSTRUCTIONS

*[This Part will come into operation by proclamation.]*

#### **Driving Instructor requirements**

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

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

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

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

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

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

(5) Where any instructions in the driving of a motor vehicle are given in contravention of this section, the person by whom they are given and, if that

person is employed by another to give the instructions, that other person, are both guilty of an offence and are liable on summary conviction to a fine of \$1 000 each or to imprisonment for a term of 12 months.

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[1990-35]

### **Instructor's Code**

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

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

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[1990-35]

### **Transitional**

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

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[1990-35]

## **PART VI**

### **INTERNATIONAL CIRCULATION OF MOTOR VEHICLES**

#### **International circulation of motor vehicles**

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

- (a) provide for the granting and authentication of certificates or other documents relating to vehicles, or the drivers thereof, that may be

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

[1985-17]

PART VII

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

**Causing death by reckless or dangerous driving**

**81.(1)** Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly or at a speed or in a manner dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic that is actually on the road at the time or might reasonably be expected to be on the road at the time, is guilty of an offence and is liable on conviction on indictment to imprisonment for a term of 10 years.

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

**Reckless or dangerous driving**

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

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

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

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

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

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

#### **Driving without due care and attention**

**83.(1)** A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road is guilty of an offence, and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

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

#### **Maximum speed**

**84.(1)** A person who drives a motor vehicle of a class or description specified in the regulations at a speed greater than the speed specified in the regulations or in an order made under subsection (4) as being the maximum speed for a vehicle of that class or description on the road on which it is being

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

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

(3) Any person, whether as registered owner or as the temporary possessor under a hiring agreement, who aids, abets, counsels or procures a person who is employed by him to drive a motor vehicle on a road to commit an offence under this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000, or to imprisonment for a term of 12 months, or both.

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

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

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

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

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

### **Speed limit in construction zones**

**84A.(1)** No person shall drive a motor vehicle in a construction zone at a speed greater than the speed specified in the regulations.

(2) Where traffic control devices placed on a road or highway at either end of a construction zone facing oncoming traffic indicate the maximum speed

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permissible in the construction zone, no person shall drive a vehicle in the construction zone at a rate of speed greater than the speed indicated by the traffic control devices.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or to both.

(4) A person who contravenes subsection (1) or (2) shall pay, in addition to the fine stated in subsection (3), where it is found that the rate of speed at which the motor vehicle was driven is

- (a) less than 30 kilometres per hour over the maximum posted speed limit, a fine of \$50 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit;
- (b) 30 kilometres per hour or more but less than 50 kilometres per hour over the maximum posted speed limit, a fine of \$70 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit;
- (c) 50 kilometres per hour or more but less than 60 kilometres per hour over the maximum posted speed limit, a fine of \$100 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit; or
- (d) 60 kilometres per hour or more over the maximum posted speed limit, a fine of \$200 for each kilometre per hour that the motor vehicle was driven over the maximum posted speed limit.

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[2017-26, s. 13]



**Driving or being in charge of a motor vehicle while under the influence of a drug or alcohol**

**85.(1)** No person shall drive, attempt to drive or be in charge of a motor vehicle on a road or in any other public place while that person

- (a) is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the motor vehicle; or
- (b) has consumed alcohol in such a quantity that the proportion in his breath or blood exceeds the prescribed limit.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction

- (a) in the case of a first conviction, to a fine of \$5 000 or to imprisonment for a term of 2 years, or both; or
- (b) in the case of a second or subsequent conviction, to a fine of \$10 000 or to imprisonment for a term of 5 years, or both.

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

- (a) in the case of a first conviction, be disqualified from holding or obtaining a driving licence from the date of the conviction for a period of 12 months;
- (b) in the case of a second conviction, be disqualified from holding or obtaining a driving licence from the date of the conviction for a period of 5 years; and
- (c) in the case of a subsequent conviction, be permanently disqualified from holding or obtaining a driving licence.

(4) Where there is an appeal against a conviction under this section, a period of disqualification runs from the date of the conviction if the appeal is

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dismissed or allowed; but, if the appeal is discontinued, a period of disqualification runs from the date of the discontinuance of the appeal.

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

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[2017-26, s. 14]

### **Approval of devices by the Minister**

**85A.** The Minister may, by order, approve the devices to be used for

- (a) the purpose of obtaining an indication of alcohol in a person's breath; and
- (b) the quantitative measuring of the proportion of alcohol in a person's breath.

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[2017-26, s. 15]

### **Breath test**

**85B.(1)** Where a member of the Police Force in uniform has reasonable cause to suspect that

- (a) a person driving or in charge of a motor vehicle on a road or other public place has alcohol in his breath in excess of the prescribed limit;
- (b) a person has been driving or attempting to drive or has been in charge of a motor vehicle on a road or other public place with alcohol in his breath in excess of the prescribed limit and the person still has alcohol in his breath; or
- (c) a person driving or in charge of a motor vehicle on a road or other public place committed a traffic offence while the vehicle was in motion,

the member of the Police Force may, subject to section 85G, require that person to provide a specimen of breath for a breath test.

(2) The specimen of breath shall be provided at the place where the requirement is made or at the police station nearest to that place, as soon as is reasonably practicable after the member of the Police Force makes the requirement.

(3) The member of the Police Force shall warn every person who is required to provide a specimen in accordance with this section that a failure to do so may render that person liable to prosecution.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months or to both.

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[2017-26, s. 15]

### **Breath analysis**

**85C.(1)** Subject to section 85G, where the result of a breath test carried out in accordance with section 85B indicates that there may be present in a person's breath, a proportion of alcohol that is in excess of the prescribed limit, a member of the Police Force in uniform may require that person to provide 2 specimens of breath for analysis.

(2) The specimens of breath shall be provided the at the place where the requirement is made or at the police station nearest to that place, as soon as is reasonably practicable after the member of the Police Force makes the requirement.

(3) Where 2 specimens of breath are provided for analysis, they shall be suitable if

(a) each specimen is sufficient to enable the analysis to be carried out;

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- (b) each specimen is provided in such a way as to enable the objective of the analysis to be satisfactorily achieved; and
  - (c) there is an interval of not less than 2 minutes and not more than 10 minutes between the provision of specimens.
- (4) The reading from the specimen which indicates the lower proportion of alcohol in the person's breath shall be considered to be the result of the breath analysis.
- (5) The member of the Police Force shall warn every person who is required to provide the specimens in accordance with this section that a failure to do so may render that person liable to prosecution.
- (6) A person who, without reasonable excuse, fails to provide 2 specimens of breath when required to do so is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months or to both.

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[2017-26, s. 15]

#### **Duty to provide written statement**

**85D.(1)** A member of the Police Force shall, as soon as is practicable after completing a breath analysis in accordance with section 85C, provide the person who provided the specimens of breath with a written statement which shall include the following:

- (a) the date, time and place at which the specimen was taken;
- (b) the proportion of alcohol in the person's breath as indicated by the device referred to in section 85A(a); and
- (c) the proportion of alcohol determined by the analysis to be present in that person's breath expressed in microgrammes of alcohol in one hundred millilitres of breath.

(2) The statement referred to in subsection (1) shall be signed by the member of the Police Force.

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[2017-26, s. 15]

### **Laboratory test**

**85E.(1)** During the course of an investigation to determine whether a person contravened section 85, a member of the Police Force in uniform may require the person to provide a specimen of blood or urine for a laboratory test if

- (a) a device of the type referred to in section 85A is not available or it is, for any other reason, not practicable to use such device; or
- (b) the member of the Police Force has reasonable cause to believe that, for medical reasons, the person is unable to provide a specimen of breath,

but he shall not make the requirement where a breath analysis has been carried out in accordance with section 85C, and the result of that analysis is available.

(2) A specimen of blood or urine shall only be taken if

- (a) the person providing the specimen consents to the specimen being taken; and
- (b) the specimen is taken at a medical clinic, polyclinic or hospital by a medical practitioner.

(3) The question whether it shall be a specimen of blood or a specimen of urine shall be decided by the member of the Police Force making the requirement, except where a medical practitioner has expressed a professional opinion that one type of specimen cannot or should not be taken, in which case the other type of specimen shall be taken.

(4) The specimen of blood or urine shall be provided as soon as is reasonably practicable after the member of the Police Force makes the requirement.

(5) The member of the Police Force shall warn every person who is required to provide a specimen in accordance with this section that a failure to do so may render that person liable to prosecution.

(6) A person who, without reasonable excuse, fails to provide a specimen of blood or urine when required to do so is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months or to both.

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[2017-26, s. 15]

### **Accident resulting in serious injury or death**

**85F.(1)** Notwithstanding section 85E(1), where an accident involving a motor vehicle on a road or in any other public place results in serious injury or death, a member of the Police Force in uniform shall, subject to section 85G, require any person driving or in charge of a motor vehicle involved in the accident to provide a specimen of blood or urine for a laboratory test.

(2) The member of the Police Force shall determine whether a specimen of blood or a specimen of urine is required, except where a medical practitioner has expressed a professional opinion that one type of specimen cannot or should not be taken, in which case the other type of specimen shall be taken.

(3) The specimen of blood or urine shall

- (a) be provided as soon as is reasonably practicable after the member of the Police Force makes the requirement; and
- (b) be taken at a medical clinic, polyclinic or hospital by a medical practitioner.

(4) The member of the Police Force shall warn every person who is required to provide a specimen under this section that a failure to provide the specimen may render that person liable to prosecution.

(5) A person who, without reasonable excuse, fails to provide a specimen when required to do so pursuant to this section is guilty of an offence and is

liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months or to both.

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[2017-26, s. 15]

### **Protection for hospital patients**

**85G.(1)** A person who is at a hospital as a patient shall not be required to provide a specimen of breath for a breath test or a specimen of blood or urine for a laboratory test, unless the medical practitioner in charge of his case has been notified of the requirement.

(2) Where a medical practitioner has been notified in accordance with subsection (1), he may

- (a) comply with the requirement and the specimen shall be taken at the hospital; or
- (b) object to the requirement on the ground that the provision of a specimen will be detrimental to the health, proper care or treatment of the patient, in which case the specimen shall not be taken.

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[2017-26, s. 15]

### **Arrest of persons affected by a drug or alcohol**

**85H.(1)** A member of the Police Force may arrest, without a warrant, a person who is driving or in charge of a motor vehicle on a public road or in any other public place where

- (a) the results of a breath test indicate that the proportion of alcohol in that person's breath exceeds the prescribed limit; or
- (b) that person failed to provide a specimen of breath for a breath test when required to do so and the member of the Police Force has reasonable cause to suspect that the person is under the influence of drink or a drug,

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but a member of the Police Force shall not arrest a person who is at a hospital as a patient.

(2) Where a member of the Police Force exercises his power of arrest under subsection (1)(b), he shall

- (a) consult a medical practitioner to determine whether the person's ability to drive is impaired by reason of drink or a drug as soon as is reasonably practicable after the arrest; and
- (b) act on the advice of the medical practitioner.

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[2017-26, s. 15]

### **Interpretation**

**85I.** For the purposes of sections 85 to 85H,

“breath analysis” means the quantitative measuring of the proportion of alcohol in a person's breath carried out by means of a device approved by the Minister under section 85A;

“breath test” means a preliminary test for the purpose of obtaining, by means of a device approved by the Minister under section 85A, an indication of whether the proportion of alcohol in a person's breath exceeds the prescribed limit;

“drug” includes any intoxicant other than alcohol;

“fail” includes refuse;

“laboratory test” means the analysis of a specimen of blood or urine taken by a medical practitioner for the purpose of indicating

- (a) the presence of a drug in a person's blood or urine; or
- (b) whether the proportion of alcohol in a person's blood or urine has exceeded the prescribed limit;



“prescribed limit” means, as the case may require,

- (a) 35 microgrammes of alcohol in 100 millilitres of breath;
  - (b) 80 milligrammes of alcohol in 100 millilitres of blood; or
  - (c) 107 milligrammes of alcohol in 100 millilitres of urine,
- or such other proportion as may be prescribed by regulations made by the Minister.

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[2017-26, s. 15]

### **Restrictions on prosecution under certain sections**

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

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

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

- (a) the name and address of the accused or the name and address of the registered owner of the vehicle could not with reasonable diligence have been ascertained in time for a summons to have been served on or sent to the accused or owner of the vehicle; or

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

### **Duty not to litter a road or highway**

**86A.(1)** No person shall, while travelling in a motor vehicle, throw litter from the motor vehicle onto a road or highway.

(2) Where a person referred to in subsection (1) throws litter from a motor vehicle onto a road or highway and it cannot be determined by a member of the Police Force or a transport inspector as to who is responsible for throwing the litter from the motor vehicle, the driver of the motor vehicle shall be deemed to be the person who threw the litter onto the road or highway.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for a term of 3 months or to both.

(4) For the purpose of this section “litter” includes paper, plastic items, glass and metal.

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[2017-26, s. 16]

### **Use of motor vehicle without consent of owner**

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

- (a) on conviction on indictment, to a fine of \$2 500 or to imprisonment for a term not exceeding 12 months, or both; or
- (b) on summary conviction, to a fine of \$1 000 or to imprisonment for a term not exceeding 6 months, or both.

- (2) It is a defence to a charge brought under subsection (1) if the accused establishes that he reasonably believed that
- (a) he had lawful authority to drive away the motor vehicle; or
  - (b) the owner would, in the circumstances of the case, have given his consent if such consent had been requested.
- (3) Where, on a trial on indictment for larceny of a motor vehicle, the jury is of the opinion that the accused is not guilty of larceny of the motor vehicle but is guilty of an offence under this section, it may find him guilty of that offence, and thereupon he is liable to be punished accordingly.
- (4) A member of the Police Force may arrest without a warrant any person reasonably suspected by him of having committed, or of attempting to commit, an offence under this section.
- (5) Where a person is convicted under this section, the court may, in addition to any punishment it imposes, or without imposing any punishment, order the person convicted to pay to the owner of the motor vehicle
- (a) such amount as in the opinion of the court would have been charged if the motor vehicle had been hired by the person convicted; or
  - (b) such amount as in the opinion of the court represents fair compensation for any damage done to the motor vehicle,
- or both.

#### **Unlawful interference with motor vehicle**

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

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but a person is not to be convicted under this subsection where that motor vehicle is obstructing his vehicle or that of any other person.

### **Disabled parking**

**88A.(1)** No driver of a motor vehicle shall stop, stand or park a motor vehicle in a parking space that is designated for disabled parking by a disabled parking sign, unless the motor vehicle prominently displays a valid disabled parking permit issued by the Licensing Authority that clearly indicates that the motor vehicle is

- (a) owned and operated by a person with a disability; or
- (b) used for the transportation of a person with a disability.

(2) No driver of a motor vehicle shall stop, stand or park a motor vehicle in a manner which hinders the use of a dropped kerb unless

- (a) the driver is picking up or setting down a passenger who is a person with a disability; or
- (b) the dropped kerb is attached to a residential property and the driver has received the consent of an occupant of that property.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$500.

(4) For the purposes of this section

“dropped kerb” means the portion of a sidewalk or pavement which has been lowered to meet the level of the road to facilitate the movement of a person with a disability from the sidewalk or pavement to the road; and

“person with a disability” means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult for the person to walk.

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[2017-26, s. 17]

**Leaving vehicle in dangerous position**

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

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

(3) Any member of the Police Force, the Chief Technical Officer or any person authorised by the Chief Technical Officer may require the owner, driver or other person in charge of any vehicle or trailer referred to in this section to remove that vehicle or cause it to be removed; and a requirement to remove a vehicle includes a requirement that the vehicle shall not be removed to any road or to any particular position on a road.

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

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

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

(7) Where under this section a member of the Police Force or a person authorised by the Chief Technical Officer removes or makes arrangements for

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the removal of a vehicle from a road, he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

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

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

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

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

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

- (2) Paragraph (c) does not apply if a report is made, at the time and place of the accident, to a member of the Police Force.
- (3) Any person who contravenes or fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for a term of 3 months, or both.

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

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

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

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

## PART VIII

LEGAL PROCEEDINGS, SUSPENSION, CANCELLATION,  
ENDORSEMENT OF DRIVING LICENCE**Procedure on failure of jury to agree on alternative verdict**

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

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

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

**93.(1)** Where, upon the trial of a person for an offence under section 82, the court is of the opinion that the offence is not proved, then, without prejudice to any other power the court possesses, it may at any time during the hearing or immediately thereafter

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

(2) In any case referred to in subsection (1) the accused or his attorney-at-law shall be informed of the new charge and shall be given an opportunity, whether by way of cross-examination of any witness whose evidence has already been given against the accused, or otherwise, of answering the new



charge, and the court may adjourn the hearing if it considers that the accused is prejudiced in his defence by reason of the new charge being so preferred.

(3) Where

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

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

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

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

- (a) if the person convicted holds a driving licence,
  - (i) suspend the licence for such time as the court thinks fit,
  - (ii) cancel the licence and disqualify the person convicted from obtaining another licence for a stated period, or
  - (iii) endorse upon the licence particulars of any order the court makes under this section, together with the particulars of the conviction; or
- (b) if the person convicted does not hold a driving licence, declare him disqualified from obtaining a licence for such period as the court thinks fit.

(2) Any disqualification imposed at the discretion of the Court pursuant to subsection (1) shall not be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was

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committed but shall apply to all of the categories of driving licences which that person holds pursuant to sections 68 and 69.

[2017-26, s. 19]

### **Production of driving licence for endorsement**

**95.(1)** Any person who is convicted of an offence in connection with the driving of a motor vehicle shall, if he holds a driving licence, produce it within such time as the court directs for the purpose of endorsement thereon of the particulars of the conviction.

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

### **Custody of driving licence while suspended or cancelled**

**96.(1)** Where a court orders the suspension or cancellation of a driving licence or disqualifies a person from obtaining a driving licence, the owner of that suspended or cancelled driving licence shall surrender it to the court within 7 days of the order.

(2) At the expiration of the period of suspension of a driving licence, the court shall return the licence to the holder on demand.

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

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

**97.** A driving licence suspended by a court, or, as the case may be, under section 78 or 79 by the Licensing Authority, is of no effect during the period of suspension, and a person who has been disqualified by the court from

obtaining a driving licence is not competent to hold a driving licence during the period of disqualification.

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

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

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

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

**Liability of person disqualified from holding or obtaining driving licence**

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

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

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

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

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**Non-disclosure of refusal of driving licence**

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

**Non-disclosure of endorsement**

**101.** Where

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

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

**Particulars of endorsement to be copied on new driving licence**

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

**Issue of new licence free from endorsement**

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

prescribes and the surrender of his current licence, to have issued to him a new driving licence free from endorsement.

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

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

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

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

(4) No application may be made under subsection (3) for an order for the removal of a disqualification before the expiration of

- (a) 6 months from the date of the disqualification, if the disqualification was ordered for a period less than one year;
- (b) one-half of the period of the disqualification from the date of the disqualification if the disqualification was made for a period less than 6 years but not less than one year; and
- (c) 3 years in any other case;

and in determining the expiration of the period after which a person may apply under this subsection for removal of a disqualification, no account is to be

taken of any time during which the disqualification was suspended or the person was not disqualified.

*[1985-17]*

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

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

### **Fee for tariff card**

**104.** Every owner of a taxi or maxi-taxi shall renew the notice referred to in regulation 77 of the *Road Traffic Regulations, 1984* (S.I. 1984 No. 141) on payment of such fee as the Minister of Finance prescribes.

*[2007-1, s. 5; 2009-26, s. 9]*

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

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

**106.** *[Repealed by Act 2020-17.]*

*[2020-17, s. 2]*

**106A.** *[Repealed by Act 2020-17.]*

*[2020-17, s. 2]*

PART IX

GENERAL

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

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

*[2007-1, s. 5; 2020-17, s. 2]*

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

*[1984-4; 2007-1, s. 5; 2020-17, s. 2]*

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*[1984-4; 2007-27]*

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

**108.** Any person who fraudulently

(a) imitates, alters, mutilates; or

(b) uses, allows to be used by or lends to any other person,

any registration number plate, motor vehicle registration number or driving licence issued or purported to have been issued under this Act is guilty of an

offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 3 years, or to both.

*[This Section will come into operation by proclamation.]*

*[1990-35; 2007-1, s. 11; 2018-31, s. 3]*

### **Penalty for offence not specifically provided for**

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

### **Failure to give certain information**

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

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

*[1990-35; 2007-27]*

(b) gives a false name and address,

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

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

*[1990-35]*

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

*[1990-35]*



### General power of arrest

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

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

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

### False statement

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

- (a) an application for a registration number;  
[2018-31, s. 3]
- (b) an application for a driving licence;
- (c) the endorsement of a driving licence;
- (d) any change or correction in a registration number;  
[2018-31, s. 3]
- (e) the registration of a motor vehicle; or
- (f) the giving of any information lawfully demanded or required under this Act, the regulations or an order made under this Act,

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

**Duplicate of certificate, licence, etc.**

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

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

(3) Any person who

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

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

**Vehicles used in contravention of Act or regulations**

**114.** Where an act committed by means of a motor vehicle is in contravention of this Act or any statutory instrument made pursuant to this Act, the driver of the motor vehicle at the time the act was committed and the owner of such vehicle are both guilty of an offence unless,

- (a) in the case of the driver, the act was not due to his neglect or default; and

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

### **Use of perambulators and wheelchairs on sidewalks**

**114A.** Notwithstanding any other provisions of this Act or the regulations, a person may operate a perambulator or ride in a wheelchair, on a sidewalk.

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*[2007-1, s. 12]*

### **Power of entry**

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

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

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*[2007-27]*

### **Motor vehicle deemed to be kept for use**

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

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

**117.(1)** Any member of the Police Force, the Licensing Authority or any person authorised in writing by the Licensing Authority may require the driver

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

[2018-31, s. 3]

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

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

### **Making good damage to road or bridge**

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

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

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

**Issuance of the Highway Code by the Chief Technical Officer**

**119.(1)** The Chief Technical Officer shall, within a reasonable time after the commencement of this Act, prepare a highway code, in this section referred to as the "Code" containing such directions as appear to him to be proper for the guidance of persons using the road or highway.

(2) The Code may be revised and published every 5 years commencing from the year 2005.

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

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

(5) A Code prepared pursuant to subsection (1) is subject to affirmative resolution.

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[2017-26, s. 21]

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

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

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

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

**Enforcement and administration of traffic laws**

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

- (a) having been left or parked on a road at night without lights or reflectors;
- (b) having been left obstructing the free passage of traffic on a road, or left waiting or parked on a road;
- (c) being loaded or unloaded on a road;
- (d) having been left in a parking place, there having been a failure to pay a charge made in respect of such vehicle at such parking place;
- (e) having been used in contravention of a traffic sign, road signal or light signal;
- (f) having been loaded with industrial materials or domestic waste and spilling its load on a highway;
- (g) having been driven on a road at a speed greater than the maximum speed specified for a vehicle of that class;

- (h) carrying more passengers than it is licensed to carry;  
*[1994-8]*
- (i) being a public service vehicle, travelling on a route other than a specified route;
- (j) having its number plates obscured;
- (k) not having a registration card affixed to the vehicle;
- (l) being driven with unauthorised lights;
- (m) being driven without functioning obligatory lamps;  
*[1992-2; 1994-8]*
- (n) using a limited trade licence for the purpose other than a specified purpose;  
*[1992-2]*
- (o) having been drawn up alongside any other motor vehicle or reversed to the kerb stone of any footpath or the side of any road contrary to regulation 31(9)(b) of the regulations;
- (p) having been left upon any footpath;
- (q) being a motor omnibus, minibus or route-taxi and stopping at a place other than a stopping place,  
*[1994-8]*

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

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

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

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period as is specified therein, or before the date on which proceedings are begun, whichever is the later, exempt from any prosecution for such offence.

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

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

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

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

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



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

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

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

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

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

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

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

*[1992-2; 1994-8]*

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

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

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

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[1992-2; 1994-8]

### **Special regulations**

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

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

### **Application to persons in public service of Crown**

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

### **General regulations**

**124.(1)** The Minister may make regulations respecting

- (a) the prescribing of anything that is by this Act required or authorised to be prescribed;
- (b) the forms to be used under this Act;
- (c) the construction, fittings, dimensions and design of any motor vehicle;

- (d) the fitting of appliances on motor vehicles and the maintaining of those appliances in working order, including
  - (i) mirrors;
  - (ii) trafficators;
  - (iii) warning or other devices;
- (e) the number, position, kind of lights and reflectors to be carried on all vehicles, together with the times during which they are to be used or exhibited, and the conditions regarding their use;
- (f) the duties and powers of inspectors with regard to the inspection of any kind of vehicle;
- (g) the inspection of any kind of vehicle and the time, place and manner of inspection;
- (h) the classification of roads, and the prohibition or restriction of the use of any classified road by vehicles of any specified class or description;
- (i) the precedence of vehicles and pedestrians at crossings and the erection of traffic signals and other notices;
- (j) the speed limits for different classes of vehicles on roads;
- (k) the driving of any vehicle on any specified road otherwise than in a specified direction;
- (l) the appointment of stands and parking places generally and the regulation of the use of such stands and parking places, including the imposition of charges in respect of parking places;
- (m) *[Repealed by 2007-27.]*
- (n) *[Repealed by 2007-27.]*
- (o) *[Repealed by 2007-27.]*

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- (p) driving licences for taxis;  
*[2007-1, s. 5; 2007-27]*
- (q) the issue of licences for the operation of hired cars, maxi-taxis, taxis, limousines and contract carriages;  
*[1984-4; 1990-35; 2007-1, s. 5; 2007-27]*
- (r) the carriage of goods and other material on motor vehicles;
- (s) the constitution and functions of the Licensing Authority;
- (t) the safety, control and regulation of traffic whether on special occasions or otherwise, the use of vehicles of any class on any road and the conditions under which vehicles may be constructed, maintained and used;  
*[2017-26, s. 22]*
- (u) the proportions of alcohol in specimens of breath, blood or urine that represent the prescribed limit;  
*[2017-26, s. 22]*
- (v) disabled parking;  
*[2017-26, s. 22]*
- (w) construction zones on a road or highway;  
*[2017-26, s. 22]*
- (x) all terrain vehicles including
- (i) the examination and regulation of all terrain vehicles;
  - (ii) the specifications of all terrain vehicles;
  - (iii) the safety equipment required for use on all terrain vehicles;
  - (iv) the safety training required for persons driving all terrain vehicles;
  - (v) the use of all terrain vehicles on a highway; and
  - (vi) the use of all terrain vehicles in the Scotland District Area;  
*[2017-26, s. 22]*

(y) the removal of abandoned vehicles from a road or highway;  
*[2017-26, s. 22]*

(z) the better carrying out of the provisions of this Act.  
*[2017-26, s. 22]*

(1A) The Minister responsible for Finance may make regulations respecting

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

(b) applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records or documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Commissioner;

(c) the issue of copies of any certificates referred to in paragraph (b) or other documents which are lost or destroyed;

(d) the custody, production, cancellation and surrender of any certificates referred to in paragraph (b) or other documents; and

(e) the application of Part IV in relation to motor vehicles brought into Barbados by persons making only a temporary stay therein.

*[1983-30]*

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

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

### **Saving of common law and other statutory liabilities**

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

**FIRST SCHEDULE**

*(Section 5(7)(b))*

[2018-31, s. 34]

**Particulars of Motor Vehicle**

- Full name, number and address of owner of motor vehicle: \_\_\_\_\_

Registration Number	Description, Make and Seating Capacity	Date of Registration (dd/mm/yr)	Name of Insurer and duration of Insurance Policy	Classification of the Motor Vehicle (e.g. Private Motor Vehicle or Commercial Vehicle)	The category of the Private Motor Vehicle or Commercial Vehicle (e.g. Car, Motor Cycle, Taxi, All Terrain Vehicle)	The parish the Private Motor Vehicle is to be used or kept	Weight Unladen	Maximum Gross Weight

**SECOND SCHEDULE**

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

**PART I****REGISTRATION NUMBER PLATES**

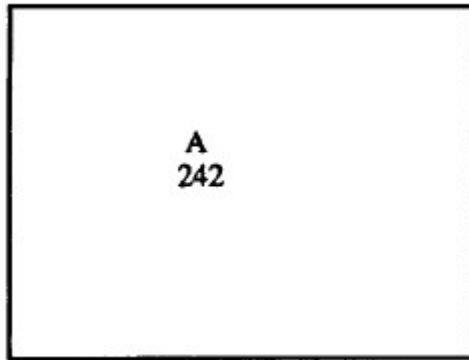
*[2018-31, s. 35]*

- 1.** Each number shall be rectangular and bear the letter indicating the parish in respect of which the motor vehicle is registered or the purpose for which the motor vehicle is used and the separate number assigned to the motor vehicle by the Licensing Authority, the letter and number being arranged in conformity with the arrangement of letters and figures shown on one or other of the alternative diagrams but when the number “9999” has been assigned to a motor vehicle, the numbers “1-9999” may be reassigned in series, each series having a letter of the alphabet prefixed to the number.
- 2.** Subject to paragraph (3), the rules respecting number plates are as follows:
  - (a)* the number plates may, at the option of the owner, be of either of the shapes shown on the alternative diagrams or one of one shape and one of the other;
  - (aa)* the font of the letters and figures must be Helvetica medium or bold;  
*[2017-26, s. 23]*
  - (b)* the background of the number plates must be
    - (i)* black with white letters and figures, or
    - (ii)* of a white reflective nature with black letters and figures for the front number plate and of a yellow reflective nature with black letters and figures for the rear number plate;

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- (c) each letter and figure must be 76.2 millimetres in height;  
*[2017-26, s. 23]*
  - (d) every part of every letter and figure must be at least 14 millimetres in breadth;
  - (e) the total width of the space occupied by a letter or figure, except in the case of the figure 1, must be at least 44.45 millimetres but no more than 63.5 millimetres;  
*[2017-26, s. 23]*
  - (f) the space between adjoining letters or figures must be 12.7 millimetres;  
*[2017-26, s. 23]*
  - (g) there shall be a margin between the nearest part of any letter or figure and the top and bottom of the plate of at least 12.7 millimetres and between the nearest part of any letter or figure and the sides of the plate of at least 25.4 millimetres;  
*[2017-26, s. 23]*
  - (h) in the alternative diagram No. 1, the space between the upper and lower lines shall be at least 19 millimetres; and

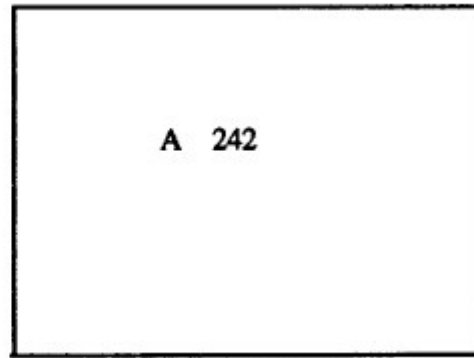


- (i) in the alternative diagram No. 2, the space between the letter and the figure shall be at least 25.4 millimetres but no more than 38.1 millimetres.



**Alternative Diagram No. 1**

*[1985-17; 2017-26, s. 23]*



**Alternative Diagram No. 2**

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

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

*[1990-35]*

**THIRD SCHEDULE**

*(Section 27)*

*Certificate of Weight Unladen of a Vehicle*

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

- (a) Class of Vehicle:.....
- (b) Registration No:.....
- (c) Engine No:.....

the property of.....  
 inclusive of the body, accumulators, loose tools, spare wheels and other usual equipment and a full supply of water and fuel used for the purposes of propulsion and that  
 the weight of the said.....  
 as equipped is.....Kilograms.

Dated.....

Signed.....

*Chief Technical Officer/Official Weigher*

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

## PART I

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

## PART II

*Commercial Vehicles*


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

Column 1	Column 2
USE	LETTER
Self-driven or Hired Car, Hired Motorcycle and Hired All Terrain Vehicle	H
Limousine	HL
Minibus	B
Motor Omnibus	BM
Tour Coach	BT
Minibus: (i) Operated by a church registered as a charity (ii) Operated by a school approved by the Ministry of Education (iii) Operated by an organisation registered as a charity (iv) Operated by a hotel or a company	*B
Motor Vehicle with 2 or 3 axles, Articulated Vehicle, Tractor and Trailer	C

[2018-31, s. 36]

## PART III

*Vehicles Owned by the Government of Barbados or a Statutory Board*

Column 1	Column 2
USE	LETTER OR SYMBOL
(a) Vehicle owned by the Government of Barbados and assigned to the Governor-General	 or GG

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

[2017-26, s. 24]

PART IV

(Section 10(5)(c))

Duty Free Agricultural Vehicles

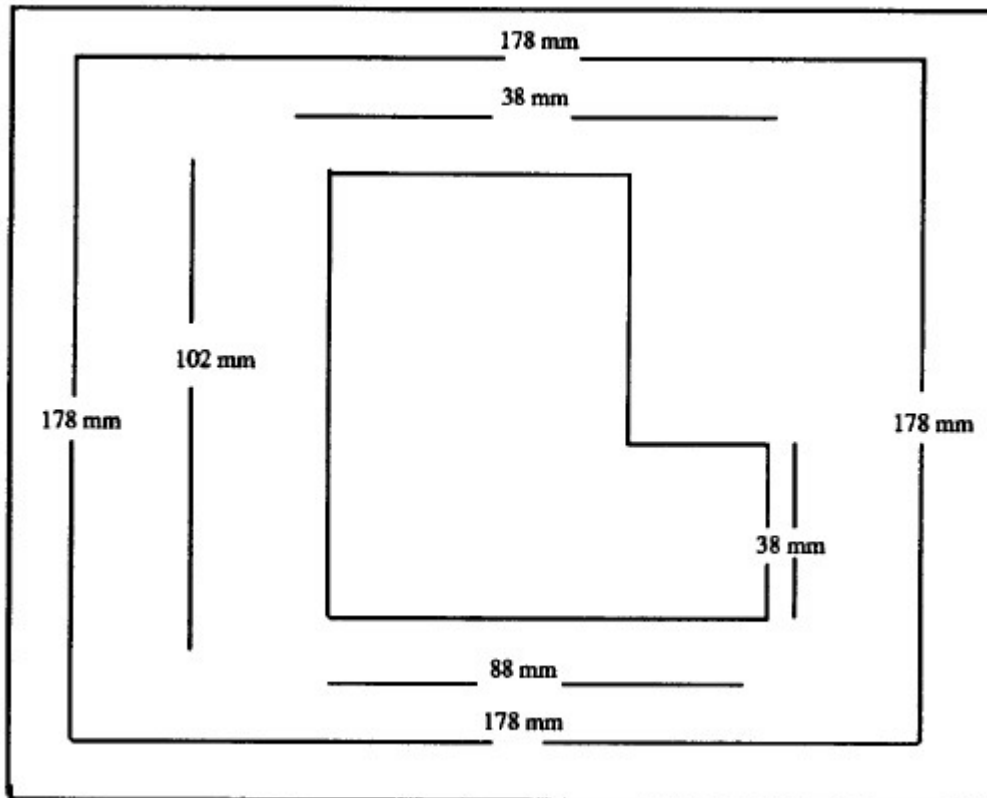
Column 1	Column 2
<i>Use</i>	<i>Letter</i>
Vehicles owned by farmers and used in the business of farming	FAR

[2007-1, s. 16]

**FIFTH SCHEDULE**

*(Section 63 (5))*

*Red Letter on White Background*



**SIXTH SCHEDULE***(Section 79(1))*

[Repealed.]  
*[2007-1, s. 17]*