



MONTSERRAT

CHAPTER 7.06

ROAD TRAFFIC ACT and Subsidiary and Related Legislation

Revised Edition
showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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38 of 1961, 2 of 1962, 22 of 1965 and 7 of 1966

Amended by Acts: 19 of 1966

23 of 1973

22 of 1974

12 of 1983

5 of 1987

2 of 1995

11 of 1997

14 of 1998

16 of 1999

9 of 2010 .. in force 1 March 2016

Amended by S.R.Os: 35/2001 .. in force 15 January 2002

9/2011 .. in force 8 December 2011

Amended by Acts: 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

17 of 2011 .. in force 15 February 2012 (S.R.O. 7/2012)

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ROAD TRAFFIC ACT

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Commencement

[1 May 1952]

PART 1

PRELIMINARY

Short title

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

Interpretation

2. In this Act—

“at night” means from half an hour after sunset until half an hour before sunrise or such other period for the lighting of vehicles as may be fixed from time to time by the Traffic Commissioner and published in the *Gazette*;

“driver”—

- (a) in relation to a trailer, means the driver of the vehicle by which the trailer is drawn and **“drive”** shall be construed accordingly; and
- (b) where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle and **“drive”** shall be construed accordingly;

“Governor” means the Governor acting on the advice of Cabinet; *(Inserted by Act 17 of 2011)*

“heavy equipment” means any motor vehicle which has a tare weight in excess of 7.5 tons; *(Inserted by Act 17 of 2011)*

“maximum gross weight”, in reference to a motor lorry or motor omnibus, means the tare weight together with load including the weight of the driver, attendant, conductor, passengers, and other persons on the vehicle. For the purposes of this definition the weight of a driver, attendant, conductor or passenger (including a child over seven years old) shall be taken as 126 lbs;

“motor cycle” means a motor vehicle with less than four wheels not equipped with means of reversing and the weight of which unladen does not exceed 8 cwt.;

“motor lorry” means a motor vehicle constructed or adapted for use and used primarily for the conveyance or haulage of goods, merchandise or other loads;

“motor omnibus” means a public service vehicle which carries or is intended to carry passengers and their luggage, goods and merchandise or other loads and is licensed to carry more than seven passengers excluding the driver;

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

“OECS” means the Organisation of Eastern Caribbean States established in 1981 by the Treaty of Basseterre; *(Inserted by Act 17 of 2011)*

“overtaking” includes passing or attempting to pass any other vehicle proceeding in the same direction;

“owner” in the case of a motor vehicle that is registered, means the person in whose name the vehicle is registered, but—

(a) in the case of a motor vehicle that is the subject of a hire purchase agreement, it means the person in possession of the vehicle under that agreement; and

(b) whenever the registered owner of a motor vehicle is absent from Montserrat, the person in actual charge or possession of the vehicle in Montserrat is deemed to be the owner;

(Substituted by Act 17 of 2011)

“park” or **“parking”** means to permit a vehicle, whether occupied or not, to stand upon a road otherwise than temporarily for the immediate purpose of and while actually engaged in loading or unloading goods, or the taking up or setting down of passengers, or in obedience to traffic regulations or traffic signs, or the directions of a police officer;

“parking place” means a place where motor vehicles of any class or description may wait;

“private motor car” means any motor vehicle, other than a motor lorry, the weight of which unladen exceeds eight cwt. and which does not fall within the definition of a public service vehicle;

“public service vehicle driver’s licence” means a licence referred to in section 31(c); *(Inserted by Act 17 of 2011)*

“public service vehicle” means a motor vehicle used for carrying passengers, goods, merchandise or other loads for hire or reward, whether at separate and distinct fares for their respective places or not; *(Amended by Act 17 of 2011)*

“regulations” means regulations made under this Act;

“road” means any street, road or open space to which the public are granted access and any bridge over which a road passes, and includes any privately owned street, road or open space to which the public are granted access either generally or conditionally, but does not include a place designated under section 55 for a race or speed trial; *(Substituted by Act 5 of 2014)*

“school bus” means any motor vehicle constructed or adapted for use and used for the transportation of students; *(Inserted by Act 1 of 2015)*

“tare weight” means the actual weight of a motor vehicle when unladen but inclusive of the body, accumulators, loose tools, spare wheels and other usual equipment and a full supply of water and fuel used for the purpose of propulsion;

“ton” means Imperial ton of 2,240 lbs.;

“tractor” means any motor vehicle constructed for the purpose of hauling trailers whether or not it is itself capable of carrying passengers or goods, but does not include a motor lorry so constructed except when such motor lorry is hauling a trailer;

“traffic” includes bicycles, tricycles, motor vehicles, vehicles of every description and all animals being ridden, driven or led and pedestrians;

“Traffic Commissioner” means the Commissioner of Police or any person as may be appointed under section 4; *(Substituted by Act 17 of 2011)*

“traffic sign” includes a signal, warning sign-post, direction post, sign, line, mark, or other device for the guidance of—

(a) a person using a road; or

(b) a person near a place designated under section 55 for a race or speed trial ;

(Substituted by Act 5 of 2014)

“trailer” means any vehicle which has no independent motive power of its own and which is attached to a tractor or other motor vehicle, but does not include a side-car attached to a motor cycle;

“vehicle” includes carriages, wagons, carts, motor vehicles, tractors, bicycles, tricycles, vans, handcarts, sledges, trucks, barrows, and all other machines for the conveyance of goods or persons.

Transport Board

3. (1) There shall be established a body called the Montserrat Transport Board (**“the Board”**) consisting of the following persons:

(a) the Traffic Commissioner, who shall be the Chairman;

(b) the Chief Physical Planner or the person designated by him from the unit with responsibility for physical planning;

- (c) the Director of Public Works or person designated by him from the department with responsibility for public works;
- (d) the Licensing Officer;
- (e) the Director of Tourism; and
- (f) two other members appointed by the Governor to represent—
 - (i) Montserrat Chamber of Commerce and Industry; and
 - (ii) the Tour and Taxi Drivers Association.

(2) The Secretary to the Board shall be the officer responsible for traffic in the Police Service.

(3) The Governor may appoint any person to act in the place of the Chairman or any other member of the Board in the case of absence or inability to act.

(4) The Board may act by any five of its members, and may so act notwithstanding any vacancy in the number of members constituting the Board.

(5) The Board shall have the power to regulate its own procedure.

(6) An appointment under subsection (1)(f) shall be for a period of three years and a person so appointed shall be eligible for reappointment.

(7) The Board shall act in an advisory capacity and shall advise the Governor on all matters appertaining to road transport and traffic and in particular shall advise on the following matters—

- (a) transport, rates, fares, tolls, dues or other charges;
- (b) licence duties and fees in respect of motor and other vehicles;
- (c) the regulation and control of traffic; and
- (d) any other matter affecting traffic or transport that the Governor may refer to the Board.

(8) The Board shall hear and determine any appeal submitted by an aggrieved party against any order or decision of the Traffic Commissioner, the Licensing Officer or an Examining Officer and the decision of the Board thereon shall be conclusive.

(9) The Traffic Commissioner shall not act as Chairman or as a member of the Board whenever the Board is hearing or determining an appeal under subsection (8).

(10) The Board shall perform any other duties assigned to it by this Act, regulations made thereunder or by an order of the Governor.

(Substituted by Act 17 of 2011)

Traffic Commissioner

4. (1) The Commissioner of Police, or such other person as the Governor may appoint shall be the Traffic Commissioner for Montserrat and the authority for the registration and licensing of vehicles.

(Amended by Act 17 of 2011)

(2) It shall be his duty—

- (a) to regulate and control traffic on roads;
- (b) to keep records of all accidents on roads;
- (c) to furnish annually to the Governor a report of all accidents on roads which result in death or injury to persons, and as far as practicable the causes attributed to such accidents;
- (d) to keep a Drivers' Offences Book; and
- (e) to enforce this Act.

(3) Subject to the approval of the Governor, the Traffic Commissioner may, by notice in the *Gazette*, appoint a Licensing Officer, and such Examining Officers as may be necessary for the due carrying out of this Act.

(4) The Licensing Officer and all such Examining Officers shall be under the direction of the Traffic Commissioner.

Duties of Licensing Officer

5. It shall be the duty of the Licensing Officer on behalf of the Traffic Commissioner and in accordance with this Act—

- (a) to issue licences and certificates of registration in respect of vehicles, and to issue drivers' licences;
- (b) to keep a register of—
 - (i) motor vehicles;
 - (ii) licensed motor drivers; and
 - (iii) animal drawn vehicles and pedal bicycles;
- (c) to perform all such other duties as are or may be conferred or imposed upon him by this or any other Act or by any regulations made thereunder or by the Traffic Commissioner; and
- (d) to examine and report upon the condition, construction and equipment of any motor vehicle or other vehicles.

(Amended by Acts 22 of 1965, 19 of 1966 and 17 of 2011)

Duties of Examining Officer

6. It shall be the duty of an Examining Officer, when so required by the Traffic Commissioner—

- (a) to test applicants for drivers' licences as to their competence to drive, and, if satisfied, to grant the necessary certificates of competency; and
- (b) to perform all such other duties as are or may be conferred or imposed upon him by this or any other Act or by any regulations made thereunder.

(Amended by Act 17 of 2011)

Fees

7. (1) The fees set out in the First Schedule are payable to the Licensing Officer for the registration and licensing of motor vehicles and trailers, for the testing and licensing of drivers of motor vehicles and for the inspection of motor vehicles and trailers.

(2) The fees set out in—

- (a) Part B of the First Schedule are payable from 1 April 2015; and
- (b) Parts C of the First Schedule are payable from 1 January 2015.

(3) Fees received by the Licensing Officer shall be paid into the Consolidated Fund.

(4) A person who owns a motor vehicle or trailer with an identification mark ending in the number set out in Column 1 of Part A of the Schedule shall licence his motor vehicle or trailer before the end of the corresponding month set out in Column 2 of Part A of the Schedule.

(5) The Governor acting on the advice of Cabinet may by order amend, vary, suspend or revoke the First Schedule.

(Substituted by Act 1 of 2015)

PART 2

CONTROL OF IMPORTATION, REGISTRATION AND LICENSING OF MOTOR VEHICLES

Restrictions on use and importation of certain motor vehicles

8. (1) No motor vehicle or trailer all the wheels of which are not fitted with pneumatic tyres, shall be used upon any road.

(2) No motor vehicle or trailer which exceeds such dimensions as may by order be prescribed by the Governor may be imported for use upon any route or road.

(3) The Governor may in any case in which it determines it expedient in the national interest, grant licences for the importation of any motor vehicle or trailer which exceeds such dimensions as may be prescribed under subsection (2).

(Amended by Acts 11 of 1997 and 9 of 2011)

Registration of motor vehicles

9. (1) Save as hereinafter provided, no person shall drive or, being the owner, shall permit any other person to drive a motor vehicle on a road unless such vehicle is registered under this Act, and has affixed thereto in the prescribed manner the prescribed identification mark:

Provided that, no person shall be liable to a penalty for a breach of this section if he proves that he has taken all reasonable steps to comply with its requirements, and that the vehicle was being driven on a road for the purpose of being registered.

(2) Application for the registration of a motor vehicle shall be made by the owner on the prescribed form, which shall be duly completed by the applicant and be accompanied by the prescribed registration fee:

Provided that, no registration fee shall be payable in respect of the registration of any motor vehicle which was registered under any law in force in Montserrat prior to the coming into operation of this Act.

(3) The Licensing Officer shall, upon being satisfied that this Act and any law in force in Montserrat relating to the protection of third parties against risks arising out of the use of motor vehicles, have been complied with, immediately enter particulars of the vehicle in the register of motor vehicles and shall assign to the vehicle a registered letter or letters and number, which shall be the identification mark of such vehicle.

(4) A certified copy of the entry in the Register of motor vehicles in the prescribed form shall be given to the owner of the vehicle, and such certificate of registration shall be regarded as *prima facie* evidence that the vehicle to which it refers has been registered.

(5) If a motor vehicle does not bear on it an identification mark as provided by this section, this fact shall be regarded as *prima facie* evidence that the vehicle has not been registered, and any police officer may detain such vehicle until inquiries have been made.

(6) The onus of proving that a vehicle has been registered shall be upon the owner of the vehicle.

(7) The owner of a motor vehicle shall notify the Traffic Commissioner of all circumstances or events that affect the accuracy of the entries in the register of motor vehicles at the same time forwarding his certificate of registration for amendment. The Traffic Commissioner may call upon any owner of a motor vehicle at any time to furnish all information for the verification of the entries in the register of motor vehicles relating to such vehicle.

(8) No person shall be registered as the owner of—

- (a) a motor cycle, unless he is sixteen years of age or over;
- (b) a motor vehicle other than a motor cycle, unless he is eighteen years of age or over.

Verification of application for registration

10. (1) Before the registration of any motor vehicle the Licensing Officer shall verify all the particulars entered in the form of application, and may, if he considers it necessary, send any vehicle to be examined by an Examining Officer for the purpose of ensuring that it is of such construction and in such condition as may be necessary for the purpose for which it is sought to register the vehicle.

(2) Before registering any motor lorry or motor omnibus, the Licensing Officer shall ascertain, in the manner prescribed, the maximum gross weight or the maximum number of passengers which the vehicle is authorised to carry and such maximum gross weight or maximum number of passengers shall be entered in the register of motor vehicles and in the certificate of registration.

Cancellation of registration

11. (1) The registration of a motor vehicle shall remain valid so long as the vehicle is kept in use, and shall only be cancelled if the Traffic Commissioner is satisfied that the vehicle has been destroyed or rendered permanently unserviceable or has been permanently removed from Montserrat, or if it has not been re-licensed for three consecutive years.

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

Exemptions from need for registration

12. (1) The following classes of motor vehicles shall be exempted from the need for registration—

- (a)* private motor cars and motor cycles brought into Montserrat by visitors for their own use for a period of three months, subject to such conditions as may be prescribed;
- (b)* new motor vehicles in the possession of manufacturers or dealers in motor vehicles, intended for sale and not used except with the permission of the Traffic Commissioner for the purpose of being tested with a view to sale, subject to such conditions as may be prescribed.

(2) No fee shall be charged on the registration of any motor vehicle or trailer—

- (a)* which is the property of the Governor used by him for his official or personal duties; or
- (b)* which is the property of the Government of Montserrat, or of any government body or Village Council; or

- (c) which is specially exempted by an order of the Governor on account of its being used for any charitable, philanthropic or public purpose:

Provided that, the exemption hereby granted from payment of the registration fee in respect of a vehicle shall cease whenever the condition justifying such exemption ceases to apply to that vehicle.

(Amended by Act 9 of 2011)

Transfer of registration

13. (1) On the change of possession of a motor vehicle or trailer otherwise than by death—

- (a) the motor vehicle or trailer shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof; and
- (b) the registered owner and the new owner shall, within seven days after such change of possession, make application in writing signed by both of them to the Licensing Officer giving the name and address of the new owner and the date of change of possession, and such application shall be accompanied by the certificate of registration and the prescribed fee. The Licensing Officer shall thereupon by endorsement of the certificate of registration and entry in the register substitute the name of the new owner for that of the registered owner and shall date and initial the substitution, and from such date the new owner shall for all purposes be deemed to be the registered owner of the motor vehicle or trailer described in the relevant entry in the register of motor vehicles and in such certificate of registration:

Provided that, where the ownership of any motor vehicle or trailer is changed as a result of any legal or judicial process such application may be made by the new owner alone, subject to the other requirements of this section being complied with.

(2) In the case of the death of the registered owner the legal personal representative of the deceased in Montserrat shall be deemed to be the registered owner for the purposes of such transfer and, in the absence of any legal personal representative in Montserrat, the person into whose possession the motor vehicle or trailer lawfully comes shall, for the purposes of such transfer, be deemed to be the registered owner:

Provided that, such personal representative or other person as aforesaid shall notify the Licensing Officer of the death of the registered owner within one month of the happening of such event.

(3) The registered owner or the new owner, as the case may be, who contravenes subsection (1) or (2) shall be guilty of an offence.

(4) At the discretion of the Licensing Officer a new certificate of registration may be issued instead of endorsing the original certificate.

Disclosure of Bill of Sale

14. (1) The owner of a motor vehicle shall, where that motor vehicle is subject to a bill of sale, disclose the particulars of the bill of sale to the Licensing Officer on the application for registration of that motor vehicle.

(2) Where a motor vehicle is already registered and that motor vehicle becomes subject to a bill of sale, the owner of that motor vehicle shall, within one month of the date of the bill of sale, submit the particulars of the bill of sale to the Licensing Officer.

(3) The Licensing Officer shall where particulars of a bill of sale are submitted under subsections (1) and (2), add the particulars to the entry made for that motor vehicle in the register of motor vehicles and in the certificate of registration issued to the owner.

(4) Where the Licensing Officer receives proof that the bill of sale has been satisfied he shall add the particulars to the entry made for that motor vehicle in the register of motor vehicles and in the certificate of registration issued to the owner.

(5) Nothing in subsection (1) or (2) shall be construed to prevent the grantor of a bill of sale from supplying the Licensing Officer with details of a registered bill of sale.

(6) Where the grantor of a bill of sale provides details of the registered bill of sale to the Licensing Officer, the Licensing Officer shall add the particulars to the entry made for that motor vehicle in the register of motor vehicles and shall require the registered owner to surrender the certificate of registration for the purpose of amending it to reflect the details of the registered bill of sale.

(7) The owner of a motor vehicle who contravenes subsection (1), (2) or (6) is guilty of an offence.

(Inserted by Act 17 of 2011)

Retention or change of identification mark

15. (1) Where—

- (a) on the sale of a motor vehicle the registered owner of that motor vehicle wishes, to retain the identification mark issued in respect of that motor vehicle for use on another motor vehicle; or
- (b) the registered owner of a motor vehicle wishes to change the identification mark issued in respect of that motor vehicle,

he may make an application to the Licensing Officer on such form as may be prescribed by the Traffic Commissioner.

(2) An application under subsection (1)(a) shall be accompanied by a retention fee of \$500.

(3) An identification mark may only be retained under subsection (1)(a) for a period of one year from the date of the application.

(4) Where the registered owner of a motor vehicle makes an application under subsection (1)(b) for the change of an identification mark, he shall be entitled to change that identification mark where—

- (a) the identification mark requested is available to be assigned;
- (b) the identification mark requested is not reserved for any special category of vehicles; and
- (c) he pays to the Licensing Officer a fee of \$500.

(5) Where the registered owner of a motor vehicle applies to change the identification mark under subsection 1(b) and wishes to use in its place the identification mark retained under subsection 1(a), he shall pay a fee of \$500 which covers both applications.

(6) The Governor may by order vary the fee payable on the retention or change of an identification mark.

(Inserted by Act 2 of 1995 and amended by Act 17 of 2011)

Licensing

16. (1) No person shall drive, or being the owner, shall permit any other person to drive, a motor vehicle or trailer on a road unless such vehicle or trailer drawn by such vehicle is licensed under this Act, and if—

- (a) the owner of any motor vehicle or trailer keeps for use or allows to be kept for use such vehicle or trailer without having obtained, or otherwise fails or omits to obtain the relevant licence prescribed in respect of that motor vehicle or trailer; or
- (b) any motor vehicle or trailer is used upon any road for a purpose which is not authorised by the licence issued in respect thereof or in contravention of any provisions of this Act; or
- (c) any motor lorry, motor omnibus or trailer is used upon a road being loaded so as to exceed the maximum gross weight or the number of passengers respectively authorised by the licence,

the owner or driver or other person in charge of the motor vehicle or trailer, as the case may be, who contravenes paragraph (a), (b) or (c) shall be guilty of an offence and on summary conviction shall be liable to a penalty of \$500:

Provided that, the Traffic Commissioner may in his discretion grant permission to enable a vehicle licensed as a motor lorry to be used as a private motor car for the conveyance of passengers without hire or reward and, in such case, such permission and any conditions attached thereto shall be recorded on the relevant licence.

(2) Where the driver of any vehicle is charged with an offence under the subsection (1), the Magistrate may order that a summons be issued against any person alleged by the driver to be the owner of the vehicle, making such alleged owner a co-defendant in the case; and the Magistrate may, after hearing the evidence and witnesses of all parties, make such order in regard to the payment of any penalty and costs as to the Magistrate seems just.

(3) A person shall not be convicted of an offence under this section if he proves that he has not had a reasonable opportunity of obtaining a licence for the motor vehicle or trailer and that such vehicle was being driven for the purpose of obtaining a licence.

(4) Every vehicle shall, in all proceedings under this Act, be deemed to be kept for use, until the contrary be proved by the owner of such vehicle.

(5) Upon any conviction for an offence under subsection (1)(a) the Magistrate, in addition to any other penalty which may be imposed, unless such licence duty has been paid subsequent to the commission of the offence, shall order the owner of the motor vehicle or trailer to pay into Court to the credit of the Accountant General the amount of the relevant licence duty which would have been payable if such licence had been taken out at the proper time, and in default of payment of such amount the owner shall be liable to imprisonment for a term of three months.

Special permits

¹17. (1) Subject to section 8(2), the Traffic Commissioner may grant a special permit to the owner of a tractor, motor lorry or trailer for conveying heavy machinery or other articles in excess of the maximum weight of eight tons per axle—

- (a) subject to conditions specified in the special permit; and
- (b) upon payment of a fee of \$150 for each journey specified in the special permit.

(2) The Traffic Commissioner may grant a special permit to the owner of any machine used for industrial or agricultural purposes to enable such machine to be moved from one place to another, subject to such conditions as may be specified in the permit and on payment of a special fee of \$150.

(3) Any person to whom a permit has been granted under this section who fails to observe any of the conditions specified in such permit shall be liable on summary conviction to a penalty of \$250 and on a second or subsequent conviction to a penalty of \$500, and in addition he shall be liable for any damage occasioned by his neglect or failure to observe any of such conditions.

(4) Notwithstanding the issue of any permit under subsections (2) and (3), no fee shall be payable in respect of road rollers or in respect of motor

¹ Section 17 deleted by Act 5 of 2014 and section 18 – 54 renumbered accordingly.

vehicles using roads which are not maintained at the public expense, nor in any case when the distance travelled along a public road does not exceed one-half of a mile.

(5) In this section “**journey**” includes a return trip to the original starting point.

(Amended by Act 17 of 2011)

Application for licence

18. Application for the licensing of a motor vehicle or trailer shall be made to the Licensing Officer on the prescribed form, and subsequent applications for renewal of a licence shall be made in person or by letter, the old licence being at the same time returned to the Licensing Officer.

Vehicle to be weighed

19. The Licensing Officer may before granting a licence (including a renewal) in respect of a motor vehicle or trailer—

- (a) require such motor vehicle or trailer to be weighed in the presence of a person authorised by the Licensing Officer; and
- (b) require the owner of a trailer to specify the motor vehicle by which the trailer is to be drawn.

Particulars to be entered in register

20. Upon licensing any motor vehicle or trailer the Licensing Officer shall enter in the register of motor vehicles opposite the entry relating to that vehicle the number and date of the licence issued in respect of such vehicle.

Conditions to be satisfied before licence is issued

21. (1) No licence for any motor vehicle or trailer shall be issued by the Licensing Officer until—

- (a) the motor vehicle has been duly registered;
- (b) the motor vehicle or trailer has been examined by an Examining Officer and a certificate of fitness in respect thereof produced;
- (c) in the case of a motor vehicle being a public service vehicle the owner thereof, where there are no laws for the time being in force in Montserrat relating to the protection of third parties against risks arising out of the use of motor vehicles, has deposited with the Accountant General as security the sum of \$480 or has given, executed and deposited with the Traffic Commissioner, a bond in the sum of \$480 with one or more sureties as may be required and approved by the Traffic Commissioner conditioned that the owner of the motor vehicle shall pay to Her Majesty the Queen, Her heirs and successors, every penalty which may at any time be imposed or adjudged

against him in respect of any conviction for any offence under this Act, and also any damages and costs on any judgment for the plaintiff in any action against the owner of the motor vehicle for negligence in connection with the vehicle sought to be licensed; and

- (d) the Licensing Officer is satisfied that the provisions of this Act and of any law in force in Montserrat relating to the protection of third parties against risks arising out of the use of motor vehicles have been complied with.

(2) If any person who is a surety to a bond given under the provisions of paragraph (c) of the foregoing subsection is desirous of being discharged from his suretyship he shall be discharged at the expiration of 60 days after notice in writing of his desire to be so discharged has been served on the Traffic Commissioner and the person for whom he became bound as surety:

Provided always that, notwithstanding his discharge, the surety shall continue to be liable in respect of all penalties, damages and costs adjudged against such person in respect of any act done or committed or any proceedings commenced before the date of his discharge.

(3) In every case where any surety to a bond required by this section—

- (a) pays the whole or part of the sum for which he became bound; or
- (b) dies; or
- (c) is declared a bankrupt or is discharged under any law of bankruptcy for the time being in force in Montserrat; or
- (d) leaves Montserrat without leaving sufficient property therein to satisfy the sum for which he is bound; or
- (e) is discharged from his suretyship in the manner hereinbefore provided,

the person for whom the surety was bound shall not permit any motor vehicle covered by the bond to ply for hire until a new bond has been executed and deposited in the manner hereinbefore prescribed.

Proceedings on bond

22. (1) If the condition of any bond given under section 21 is not fulfilled, the Traffic Commissioner may put the bond in suit as against all or any of the persons bound thereby.

(2) The amount recovered in any such suit shall be paid into general revenue, except that the Traffic Commissioner may, when the bond has been put in suit by reason of the non-payment of damages and costs to a plaintiff, first deduct and pay to the persons entitled thereto the amount of such damages and costs.

(3) Proceedings on a bond shall not prevent any other proceedings being taken to enforce the payment of any balance that may be due in respect of any penalty, damages or costs when the amount of the penalty, damages or costs exceeds the amount recovered under the bond.

Application, duration, expiration, and renewal of licence

23. (1) Commencing 1 April 2015, a person who owns a motor vehicle or trailer with an identification mark ending in a number set out in Column 1 of Part A of the First Schedule shall apply for a motor vehicle or trailer licence before the end of the corresponding month set out in Column 2 of Part A of the First Schedule.

(2) An application for a motor vehicle or trailer licence shall be made to the Licensing Officer in the prescribed form.

(3) An application for the renewal of a licence shall be made in the prescribed form, in person or by letter addressed to the Licensing Officer.

(4) Subject to subsection (5), a motor vehicle or trailer licence which is issued after 31 March 2015 expires twelve months after the date on which the licence takes effect, unless the licence is suspended, cancelled or revoked before that date.

(5) If a motor vehicle or trailer licence is issued in a month that does not correspond with the last number of the identification mark of a motor vehicle or trailer as set out in Part A of the First Schedule, the licence expires at the end of the month next corresponding with the last number of the identification mark.

(6) A licence issued under this section takes effect immediately after the date of expiry of the previous licence.

(7) A Licensing Officer shall renew a motor vehicle or trailer licence only if—

- (a) he is satisfied that the motor vehicle or trailer does not differ in any respect from the particulars in the register of motor vehicles;
- (b) the motor vehicle or trailer has been examined by an Examining Officer and a certificate of fitness in respect of the motor vehicle or trailer is produced to the Licensing Officer;
- (c) there is in force in respect of the motor vehicle or trailer a policy of insurance that complies with the requirements of the Motor Vehicle Insurance (Third Party Risks) Act; and
- (d) he is satisfied that this Act, and any regulations made under this Act have been complied with.

(Substituted by Act 1 of 2015)

Licence in respect of public service vehicles

24. In addition to the licence to be issued in respect of a motor vehicle (other than a motor cycle) there shall be issued a licence in respect of every motor vehicle used as a public service vehicle.

(Amended by Act 22 of 1974)

Alteration of motor vehicle occasioning higher licence duty

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

(2) Where a licence has been taken out for a motor vehicle to be used solely for a certain purpose and the vehicle is at any time during the period for which the licence is in force used for some other purpose, the person so using the vehicle shall, if the fee chargeable in respect of a licence for a vehicle used for that purpose is higher than the fee chargeable in respect of the licence held by him, be deemed to be guilty of an offence under section 16 and the provisions of that section shall apply accordingly.

Cancellation and suspension of licence

26. (1) The Traffic Commissioner shall have power to call up for examination at any time any motor vehicle or trailer which he has reason to believe is not in a fit and proper state of repair or does not conform to the provisions of this Act or of any regulations as regards construction, equipment, dimensions, weight and maintenance.

(2) If upon such examination, the Traffic Commissioner is satisfied that the motor vehicle or trailer is so constructed or is in such a condition as to be a source of danger to any person travelling in the vehicle or to other users of the road or to be injurious to the roads themselves or otherwise contravenes any provisions of this Act or any regulations, the Traffic Commissioner may cancel or suspend any licence subsisting in respect of such vehicle.

(3) A licence suspended by virtue of this section shall, during the time of suspension, be of no effect.

Transfer of ownership

27. On transfer of ownership of a motor vehicle or trailer, the Licensing Officer shall, on payment of the prescribed fee, duly amend the register of

motor vehicles and the licence, and it shall not be necessary to issue a new licence.

Licence fees, exemptions, rebates

28. (1) A Licensing Officer shall issue a motor vehicle or trailer licence in the prescribed form on being satisfied that the requirements of section 23(7) are met in respect of the motor vehicle or trailer and on the payment of the prescribed fee.

(2) If the Licensing Officer is satisfied, on the presentation of proof, that the motor vehicle or trailer—

- (a) has been unusable and has not been used on a road for a continuous period of at least three months;
- (b) has changed ownership; or
- (c) has not previously been registered,

the percentage set out in subsection (3), of the annual licence fee, is payable for a motor vehicle or trailer licence.

(3) If a motor vehicle or trailer licence is issued—

- (a) in the second quarter of the year of licencing of that motor vehicle or trailer, 75% of the annual licence fee is payable in respect of the vehicle;
- (b) in the third quarter of the year of licencing of that motor vehicle or trailer, 50% of annual licence fee is payable in respect of the vehicle;
- (c) in the last quarter of the year of licencing of that motor vehicle or trailer, 25% of the annual licence fee is payable in respect of the vehicle.

(4) A person who owns—

- (a) a vehicle which is exempt from registration; or
- (b) a motor vehicle to which section 12 applies,

is exempted from the payment of a motor vehicle or trailer licence.

(5) The Traffic Commissioner may authorise a rebate of a proportion of the licence fee paid in respect of a motor vehicle or trailer which—

- (a) has not been used for a continuous period of at least three months;
- (b) has been rendered permanently unserviceable; or
- (c) has been permanently removed from Montserrat,

in the year of licencing of the motor vehicle or trailer.

(6) The rebate under subsection (5) shall not exceed 1/12 of the annual licence fee applicable to the motor vehicle or trailer for each complete month during which the vehicle was not in use.

(7) The Accountant General shall—

(a) on surrender of the licence by a licence holder to the Traffic Commissioner; and

(b) on receipt by the Accountant General of the certificate of the Traffic Commissioner authorising the rebate,

refund to the person named in the certificate the amount certified for rebate.

(Substituted by Act 1 of 2015)

Visitor's temporary licence

29. (1) Where a private motor car or motor cycle is brought into Montserrat for the purpose of being used by the owner during a visit, the Licensing Officer may issue a temporary licence to use the private motor car or motor cycle for not more than three months on payment of a fee equal to one-quarter of the duty payable under the First Schedule:

Provided that, before a temporary licence is issued the visitor shall satisfy the Licensing Officer that he holds a valid licence issued in the country in which such private motor car or motor cycle was last licensed and the provisions of any law in force in Montserrat relating to the protection of third parties against risks arising out of the use of motor vehicles have been complied with.

(2) A private motor car or motor cycle being used under the authority of a temporary licence shall be subject to such conditions as may from time to time be prescribed, and shall bear the identification marks of the country where it was last registered together with such other distinguishing mark as may be prescribed.

(3) No private motor car or motor cycle used under the authority of a temporary licence shall be used for hire or trade purposes.

PART 3

LICENSING OF DRIVERS

Driver's licence

30. (1) Save as in this section provided, no person shall drive a motor vehicle on any road unless he is the holder of a driver's licence and no person shall employ any other person to drive a motor vehicle on any road unless the person so employed is the holder of a "**public service vehicle driver's licence**", and if any person contravenes this section he shall be guilty of an offence:

Provided that, if the offender has been previously refused a driving licence or is disqualified for holding or obtaining such a licence he may be arrested immediately without a warrant and he shall on summary conviction be liable to imprisonment for a term of six months or to a fine of \$1,000.

(Amended by Act 17 of 2011)

(2) For the purpose of learning to drive, a person (in this section referred to as a **“learner”**) may, though he does not hold a driver’s licence, drive a motor vehicle on a road if he holds a written permission to do so (in this section referred to as a **“learner’s permit”**) granted by the Licensing Officer:

Provided that, if a learner infringes or fails to comply with any condition or restriction specified in the learner’s permit while learning to drive on a road, he shall be liable to the penalty prescribed in subsection (1) as if no learner’s permit had been issued to him, and the said permit shall, on his conviction, be cancelled.

Providing that a learner’s permit in respect of a motor cycle may only be issued to a person who has attained the age of sixteen; and a learner’s permit in respect of a motor vehicle may only be issued to a person who has attained the age of seventeen. *(Inserted by Act 17 of 2011)*

(3) When granting a learner’s permit for the purpose mentioned in subsection (2) the Licensing Officer may impose such conditions and restrictions as he may consider necessary for the safety of the public and shall, without prejudice to the generality of the foregoing words, specify—

- (a) that the learner shall drive upon such roads and at such times as may be mentioned in the permit; and
- (b) that the learner shall not use a public service vehicle carrying passengers for the purpose of learning to drive; and
- (c) that when learning to drive a motor vehicle (other than a motor cycle) the learner shall have sitting next to him, for the purpose of instructing him, a licensed driver; and
- (d) the motor vehicle shall carry such identification marks as may be specified in the permit:

Provided that, a learner may appeal to the Board against the refusal of the Licensing Officer to grant him a learner’s permit or against any condition or restriction imposed by the Licensing Officer, and, on such appeal being made, the Board may make such order as they consider just and such order shall be final and conclusive.

(4) A learner and the person accompanying him for the purpose of instruction, shall each be liable for any offence committed under this Act during the course of such instruction.

(Amended by Act 19 of 1966)

Class of drivers' licences

31. Drivers' licences shall be of the following classes, that is to say—

- (a) **“a motor cycle driver's licence”** which shall entitle the holder thereof to drive a motor cycle, with or without side-car;
- (b) **“a private driver's licence”** which shall entitle the holder thereof to drive not for reward, such class or classes of motor vehicle which his driving test proves him competent to drive;
- (c) **“a public service vehicle driver's licence”** which shall entitle the holder thereof to drive, for wages or reward, such class or classes of motor vehicles as may be specified in the licence and which his driving test proves him competent to drive;
- (d) **“a learner's driving licence”** which shall be valid for a period of three calendar months from the date of issue and which shall entitle the holder thereof to drive such class or classes of motor vehicle as may be specified in the licence provided that, except in the case of the driver of a motor cycle without side car the holder of a learner's driving licence shall at all relevant times be accompanied by a driver licensed to drive the class or classes of motor vehicle specified in such learner driver's licence; and
- (e) **“a heavy equipment driver's licence”** which shall entitle the holder to drive heavy equipment which his driving test proves him competent to drive.

(Substituted by Act 22 of 1974 and amended by Act 17 of 2011)

Form of drivers' licences

32. Drivers' licences shall be in such form as may be prescribed and shall have affixed thereto the signature of the holder thereof.

Fees

33. On the issue of a driver's licence there shall be payable the fee set out in the First Schedule.

Application for driver's licence

34. Application for a driver's licence shall be made to the Licensing Officer in such form as may from time to time be prescribed and shall be signed by the applicant.

Certificate of competency

35. The Licensing Officer shall require every applicant for a driver's licence to produce a certificate of having passed a driving test conducted by an Examining Officer in accordance with regulations made under this Act.

Disqualification for obtaining driver's licence

36. (1) A person shall be disqualified for holding or obtaining a driver's licence—

- (a) if he is by a conviction under this Act or by an order of court thereunder disqualified for holding or obtaining a licence;
- (b) in respect of a motor cycle, if he is under the age of sixteen years;
- (c) in respect of a private motor car, if he is under the age of seventeen years;
- (d) in respect of a public service vehicle, other than a motor omnibus, if he is under the age of nineteen years;
- (e) in respect of a motor lorry, if he is under the age of twenty years and has not held a driver's licence under paragraph (c) or (d) for at least a year prior to the date of his application for a driver's licence in respect of a motor lorry;
- (f) in respect of a motor omnibus, if he is under the age of twenty one years and has not held a driver's licence in respect of a motor vehicle, other than a motor cycle, for at least two years prior to the date of his application for a driver's licence in respect of a motor omnibus;
- (g) in respect of heavy equipment, if he is under the age of twenty five years and has not held a driver's licence or a public service vehicle driver's licence for at least five years prior to the date of his application for a heavy equipment driver's licence; or
(*Inserted by Act 17 of 2011*)
- (h) if he is suffering from any disease or other disability which in the opinion of the Traffic Commissioner would be likely to cause the driving of a motor vehicle by him to be a source of danger to the public:

Provided that, if a licence is refused by virtue of this provision the applicant may claim to be subjected to a test as to his fitness or ability to drive a motor vehicle or a motor vehicle of a particular class or description or a motor vehicle of a particular form of construction, and if he passes such test and is not otherwise disqualified the licence shall not be refused by reason only of the provision of this paragraph.

(2) During such time as any driver's licence is suspended the holder thereof shall be disqualified for holding or obtaining a driver's licence.

Particulars on driver's licence

37. Upon issuing a driver's licence the Licensing Officer shall enter in the appropriate register the particulars of the licence including the name, address

and description of the person licensed, the date of the licence and any convictions ordered by competent court to be endorsed thereon.

(Amended by Act 19 of 1966)

Duration of driver's licences

38. A person's driver's licence shall, unless previously suspended, cancelled or revoked, be valid for three years from the anniversary of that person's date of birth which occurred or will occur in the year that the driver's licence is issued. *(Substituted by Act 17 of 2011)*

Renewal of driver's licence

39. (1) The holder of a driver's licence issued under this Act may, at least 14 days before the expiration of the licence, apply to the licensing officer for the renewal of the licence.

(2) The Licensing Officer shall, subject to section 36 and on payment of the prescribed fees, renew the licence.

(Substituted by Act 17 of 2011)

Visitor's temporary driver's licence

40. The Licensing Officer may grant a temporary driver's licence other than a public service vehicle driver's licence for any period not exceeding three months to any applicant for the same, when it is shown to his satisfaction that the applicant is a *bona fide* visitor to Montserrat. Such temporary driver's licence may be granted with or without any driving test on the part of the applicant, but shall be subject to such conditions as may be stipulated on the licence and to the payment of the prescribed fee. *(Amended by Act 17 of 2011)*

OECS Driver's Licence

41. (1) Notwithstanding sections 30, 31 and 40, a citizen of an OECS member territory who possesses a valid driver's licence issued by an OECS member territory may drive a motor vehicle in Montserrat of the type that his licence authorises him to drive.

(2) Upon expiration of the driver's licence issued by the OECS member territory, the driver may either—

(a) renew the driver's licence in the OECS member territory in which it was issued; or

(b) apply for a driver's licence in accordance with this Part.

(Inserted by Act 17 of 2011)

Production of driver's licence

42. (1) Any person who drives a motor vehicle on any road shall have, either on his person or in the motor vehicle, his driver's licence.

(2) The driver of a motor vehicle shall, on being required by any police officer, produce his driver's licence for examination so as to enable the police officer to ascertain the name and the address of the holder of the licence and the date of issue of the licence.

(3) Any person who fails to comply with subsection (2) commits an offence and shall be liable on summary conviction to a fine of \$250.

(4) A person shall not be charged under subsection (3) if the person produces the licence in person within forty eight hours, from the time production was required, at a police station to which he is directed.

(Substituted by Act 17 of 2011)

Suspension or revocation of driver's licence for disability

43. (1) If it appears to the Traffic Commissioner that there is reason to believe, that any person who holds a driver's licence is suffering from physical or mental disability likely to cause the driving of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, by that person to be a source of danger to the public, he may temporarily suspend that person's driver's licence and require such person to submit himself for a medical examination.

(2) If a registered medical practitioner certifies that a person is unfit to drive a motor vehicle, the Traffic Commissioner shall revoke his licence and notify such person of the revocation of his licence.

(3) If a driver whose licence has been suspended under subsection (1) submits to a medical examination as required under that subsection and is certified as fit to drive a motor vehicle, the Traffic Commissioner shall revoke the suspension and notify the driver of the revocation of the suspension.

(Substituted by Act 17 of 2011)

PART 4

LICENSING OF VEHICLES NOT PROPELLED BY MECHANICAL POWER

Application of other provisions

44. The Governor may, by order published in the *Gazette*, provide—

- (a) that any of the provisions of this Act or any regulations relating to motor vehicles shall apply, *mutatis mutandis*, to animal drawn vehicles and pedal bicycles, and the owners, drivers or riders thereof;
- (b) that any specified class of animal drawn vehicle shall be exempted from the requirements of this Part in regard to licensing or the payment of licence duties.

(Amended by Act 9 of 2011)

Licensing of animal drawn vehicles and pedal bicycles

45. Every animal drawn vehicle and every pedal bicycle shall be licensed in the manner provided in this Part, and it shall be the duty of the owner or other person in charge of the vehicle on demand by any police officer to produce such licence within a reasonable time after the demand is made.

Penalty for use of animal drawn vehicles or pedal bicycles without licence

46. The owner and driver or rider or other person in charge of any animal drawn vehicle or of any pedal bicycle which is used on a road without a licence in that behalf issued under this Act shall each be guilty of an offence, and shall each be liable on summary conviction to a penalty of \$100:

Provided that, a person shall not be convicted of an offence under this section if he proves that he has not had a reasonable opportunity of obtaining a licence and that the animal drawn vehicle or pedal bicycle was being used on the road for the purpose of obtaining a licence.

(Amended by Act 17 of 2011)

Power to fix maximum load for animal drawn vehicles

47. The Licensing Officer may, if necessary for the purpose of safety or for preventing injury to roads or cruelty to animals by the overloading of any animal drawn vehicle, endorse on the licence the number of passengers or weight of load to be carried, and, in that case, if the number of passengers or the load carried on such vehicle is in excess of such maximum, the driver or other person in charge of the vehicle and the owner of the vehicle shall each be guilty of an offence.

PART 5

DRIVING AND OTHER OFFENCES

Speed

48. (1) No person shall drive a motor vehicle of such class or description as is specified in the Second Schedule at a speed greater than the speed therein specified as the maximum speed at which a vehicle of that class or description may be driven on a road or any portion thereof which is declared to be within a speed limit area in the manner hereinafter provided or otherwise than as specified in the said Schedule.

Any person who acts in contravention this subsection shall be guilty of an offence.

(2) A person charged under this section with the offence of driving a motor vehicle of such class or description on a road at a speed greater than the maximum speed allowed in the case of a vehicle of that class or description travelling on a road as defined in subsection (1) shall not be liable to be convicted of the offence solely on the evidence of one witness to the

effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(3) Any person being the owner of a motor vehicle, who aids, abets, counsels or procures any person who is employed by him to drive such motor vehicle on such a road to commit an offence under this section shall be guilty of an offence.

(4) The Traffic Commissioner may, by order under his hand, prohibit the driving of motor vehicles over any bridge at a speed greater than that specified by him in such order. Any such order shall be published in the *Gazette*, and the limit of speed to be observed shall be indicated on notice boards to be fixed at such bridge.

(5) The Traffic Commissioner may by order published in the *Gazette* and in a newspaper published in Montserrat prohibit the driving of motor vehicles generally or of a particular class of motor vehicle above a specified speed over any specified road or portion of a specified road for a specified time:

Provided that, so long as such prohibition remains in force the Traffic Commissioner shall erect and maintain traffic signs which shall state the substance of the order published in the *Gazette* and which shall be placed in such positions as shall give adequate notice thereof to drivers of vehicles.

(6) The Governor may by order published in the *Gazette* and in one or more newspapers circulating in Montserrat, declare any road or portion thereof to be within a speed limit area: (*Amended by Act 9 of 2011*)

Provided that, an order under this subsection shall be of no effect unless and until it has been approved by the Legislative Assembly:

(*Amended by Act 9 of 2011*)

Provided further that as soon as practicable after the coming into effect of such order the Traffic Commissioner shall erect or cause to be erected, both at the commencement and at the termination of such area, traffic signs indicating the limits of such area and the maximum speed fixed in relation thereto.

(7) Any person who—

(a) drives a motor vehicle on a road at a speed exceeding a speed limit imposed by or under this section; or

(b) is guilty of an offence under subsection (3),

shall be liable on summary conviction to a penalty of \$750 or to imprisonment for a term of four months and in addition in the case of a second or subsequent conviction to be disqualified for holding or obtaining a driver's licence for such period as the Court shall think fit.

(*Amended by Act 17 of 2011*)

Speed-measuring and time-measuring devices: admissibility of evidence

49. In proceedings for an offence under section 48 or any other law, if the speed at which a vehicle travelled on the occasion of the alleged offence is relevant, evidence of the speed of the vehicle, as indicated or determined on that occasion by means of a prescribed speed-measuring or time-measuring device, is admissible as evidence of the speed of the vehicle on that occasion if the prescribed speed-measuring or time-measuring device is used—

- (a) in the prescribed manner; and
- (b) in accordance with the prescribed conditions.

(Substituted by Act 1 of 2015)

Drivers when under influence of liquor or drugs

50. (1) Subject to section 55, a person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle shall be liable on summary conviction to a penalty of \$240 or to imprisonment for a term of four months, and in the case of a second or subsequent conviction either to a penalty of \$480 or to imprisonment for a term of six months or to both such penalty and imprisonment. *(Amended by Act 5 of 2014)*

(2) A person convicted of a second offence under this section, shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a driver's licence, and on a third conviction for a like offence he shall be permanently disqualified for holding a driver's licence.

(3) Any police officer may arrest without warrant any person committing an offence under this section.

Reckless or dangerous driving

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

- (a) on summary conviction to a penalty of \$1,500 or to imprisonment for a term of four months, and in the case of a second or subsequent conviction either to a penalty of \$2,000 or to imprisonment for a term of six months or to both such penalty and imprisonment; and
- (b) on conviction on indictment to imprisonment for a term of two years, or to a fine, or both such imprisonment and fine.

(2) A person convicted of a second offence under this section shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for holding or obtaining a driver's licence for a period of six months from the date of the conviction and on a third conviction for a like offence he shall be permanently disqualified for holding or obtaining a driver's licence.

(Amended by Act 17 of 2011)

Causing death by reckless or dangerous driving of motor vehicles

52. (1) Any person who causes the death of another person by the driving of a vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he commits an offence, and shall be liable on conviction on indictment to imprisonment for a term of five years. *(Amended by Act 17 of 2011)*

(2) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1), they may convict him of an offence under section 51, whether or not the requirements of section 52 have been satisfied as respects that offence.

(3) Section 34 of the Coroners Act (which makes special provision where the coroner is informed before the jury have given their verdict that some person has been charged with one of the offences specified in that section) shall apply to an offence against this section as it applies to manslaughter.

Careless driving

53. A person who drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, commits an offence and shall be liable on summary conviction to a fine of \$500, and on a second or subsequent conviction to a fine of \$1,500 and to disqualification from holding or obtaining a driver's licence for a period not exceeding one year. *(Substituted by Act 17 of 2011)*

Racing and speed trials

54. (1) Subject to section 55, a person who promotes or takes part in a race or trial of speed between motor vehicles on a road commits an offence and shall be liable on summary conviction to a penalty of \$500 or to imprisonment for a term of four months, or to both such penalty and imprisonment and on a second or subsequent conviction to a penalty of \$1,000.

(2) A person convicted of an offence under this section shall, unless the Court for a special reason thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of

disqualification, be disqualified for holding or obtaining a driver's licence for a period of twelve months from the date of the conviction.

(Amended by Acts 17 of 2011 and 5 of 2014)

Designation of place for racing or speed trials

²55. (1) The Governor acting on the advice of Cabinet may, by Order, designate a place to be used for a race or speed trial.

(2) An Order under subsection (1) shall specify the—

- (a) place to which the Order applies;
- (b) persons who are permitted to participate in the race or speed trial;
- (c) motor vehicles which may be used in the race or speed trial;
- (d) manner in which the race or speed trial is to be conducted; and
- (e) duration of the Order.

(3) If an Order is made under subsection (1), the Traffic Commissioner shall cause traffic signs to be placed on or near a place designated for a race or speed trial to—

- (a) temporarily restrict the use of the place described in the Order to persons who are permitted to participate in the race or speed trial;
- (b) notify persons of restrictions imposed by this Act or regulations made under this Act; and
- (c) warn persons of the need to approach the place designated for a race or speed trial with caution.

(4) A person who is not permitted to participate in a race or speed trial under subsection (2) shall not use or enter a place designated for a race or speed trial.

(5) A person who contravenes subsection (4) commits an offence and is liable to two months imprisonment or a fine of \$500.

(6) Sections 48 and 50 do not apply to a person to which the Order applies.

(7) A person who drives a motor vehicle in a place designated for a race or speed trial under subsection (1) without due care and attention or without reasonable consideration for other persons using the place commits a summary offence and is liable to three months imprisonment or a fine of \$500 and, for a subsequent offence, three months imprisonment or a fine of \$1,500.

(8) A person who drives or attempts to drive, a motor vehicle in a place designated for a race or speed trial under the influence of drink or drugs

² Section 51A of the Act inserted by Act 1 of 2015 renumbered as section 55.

to such an extent as to be incapable of having proper control of the motor vehicle commits an offence.

(9) A person who drives a motor vehicle in a place designated for a race or speed trial, recklessly or in a manner likely to cause danger—

(a) to another person who is participating in the race or speed trial;
or

(b) to a spectator at the race or speed trial,

having regard to all the circumstances of the case, including the nature, condition and use of the designated place, commits an offence.

(10) A person who commits an offence under subsection (8) or (9) is liable—

(a) on summary conviction, to four months imprisonment or to a fine of \$1,500 or to both; and

(b) on conviction on indictment to six months imprisonment, or to a fine of \$2,000 or to both.

(11) A person who causes the death of another person by driving a motor vehicle recklessly in a place designated for a race or speed trial, having regard to all the circumstances of the case including the nature, condition and use of the place, commits an indictable offence and is liable to five years imprisonment. (*Inserted by Act 5 of 2014*)

Power to convict for reckless or dangerous driving

56. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a vehicle by him, the jury may, if they are satisfied that he is guilty of an offence under section 51, find him guilty of that offence, whether or not the requirements of section 58 have been satisfied as respects that offence.

Power to proceed on charge for careless driving on hearing of charge under section 51

57. Where a person is charged summarily before a Magistrate with an offence under section 51 (which relates to reckless or dangerous driving) and the Magistrate is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter, the Magistrate may, without prejudice to any other powers possessed by him, direct or allow a charge for an offence under section 53 (which relates to careless driving) to be preferred immediately against the defendant and may thereupon proceed with that charge, so however that the defendant or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall, if he considers that the defendant is prejudiced in his defence by reason of the new charge being preferred, adjourn the hearing.

Warning of intended prosecution

58. Where a person is prosecuted for an offence under any of the provisions of this Part relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving, he shall not be convicted unless either—

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under someone or other of the provisions aforesaid would be taken into consideration; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

- (i) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the Court is satisfied that—
 - (a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
 - (b) the accused by his own conduct contributed to the failure;
- (ii) the requirements of this section shall in every case be deemed to have been complied with unless the contrary is proved.

Duty to give name and address and to stop. Power of arrest in certain cases

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

(2) Any police officer may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving or racing

on a road, unless the driver either gives his name and address or produces his driver's licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a police officer in uniform, and if he fails so to do he commits an offence and shall be liable on summary conviction to a penalty of \$250.

(Amended by Act 17 of 2011)

Restrictions on persons riding bicycles

60. (1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed with seats for the carriage of more than one person.

(2) If any person is carried on such a bicycle in contravention of subsection (1), each of the persons carried commits an offence and shall be liable on summary conviction to a penalty of \$100 in the case of a first conviction and to a penalty of \$250 in the case of a second or subsequent conviction. *(Amended by Act 17 of 2011)*

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

Restrictions on riding abreast, holding on to moving vehicles, and pillion riding

61. (1) It shall not be lawful for more than two persons to ride abreast on a road either upon motor cycles or pedal bicycles:

Provided that, a person shall not be convicted under this section in respect of the overtaking of two persons so riding where at the point of overtaking on the road there is an absence of other traffic.

(2) It shall not be lawful for any person while riding a motor cycle or a pedal bicycle on a road—

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

(b) to ride such motor cycle or pedal bicycle without at least one hand being on the handle bar of such motor cycle or bicycle.

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

(4) If any person contravenes this section he commits an offence and shall be liable on summary conviction to a penalty of \$100 in the case of a first conviction and to a penalty of \$250 in the case of a second or subsequent conviction.

(Amended by Act 17 of 2011)

Duty to stop in case of accident

62. (1) (a) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle, property or animal, the driver of the motor vehicle shall stop and, if required so to do by any persons having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle. (*Amended by Act 17 of 2011*)
- (b) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a Police Station or to a police officer as soon as reasonably practicable and in any case within twenty four hours of the occurrence thereof.
- (c) In this section the expression “**animal**” means horse, cattle, ass, mule, sheep or goat.

(2) In the case of any such accident as aforesaid the Traffic Commissioner may direct enquiry to be made into the cause of such accident by any police officer or other person authorised by him in writing; and such police officer or other person may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time upon any premises where the vehicle is; and if any person obstructs any person so authorised in the performance of his duty under this subsection he shall be guilty of an offence.

Offences

63. If any person—

- (a) fraudulently imitates, alters, mutilates, destroys, or uses or fraudulently lends or allows to be used by any other person any identification mark, motor vehicle licence, certificate of registration or driving permit issued or deemed to have been issued under this Act; or
- (b) without permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof, or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing; or
- (c) throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned; or

- (d) wilfully loiters or remains on any roadway in such a manner or in such circumstances as to be likely to cause danger or obstruction to persons driving or propelling vehicles on the road; or
- (e) uses or drives or permits to be used or driven any motor vehicle or trailer on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public; or
- (f) being the owner of a motor vehicle refuses on the request of any police officer—
 - (i) to give the name and address of the driver thereof, such driver having been authorised by such owner to drive the said motor vehicle; or
 - (ii) to give all such information in his possession as would assist in the discovery or identity of the driver; or
- (g) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being duly licensed as a public service vehicle in its appropriate class, on being so required by a police officer refuses to give a statement as to his presence in such vehicle and as to whether he is being conveyed for hire or reward; or
- (h) being the driver or conductor of a public service vehicle stands for hire in any urban area at any road or place not appointed for the purpose; or
- (i) being the owner, driver or conductor or person, acting on behalf of the owner, driver or conductor of a public service vehicle plying for hire makes any noise or sounds any instrument in order to attract the attention of the public or of a possible passenger; or by troublesome and frequent demands or by persistent following holds out the vehicle for hire to the public in such manner as to constitute a nuisance, or acts in any way so as to cause annoyance or inconvenience to any person; or
- (j) rides on the running board, wings or fenders of a motor vehicle or on the outside of the vehicle except on a properly constructed seat; or
- (k) being in a motor vehicle in any way obstructs the driver of such motor vehicle whilst the same is in motion; or
- (l) in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle or a driving licence or in connection with the endorsement of such a licence, or any change or correction in a motor vehicle licence or the registration of a motor vehicle or in giving any information lawfully demanded or required under this Act or

any regulations makes any statement which is to his knowledge false or in any material respect misleading; or

- (m) rides, drives or propels or causes to be ridden, driven or propelled any animal or vehicle, not being a motor vehicle, on a road carelessly, negligently or recklessly, or at a speed or in a manner which is dangerous to the public or to property having regard to all the circumstances of the case, including the amount and nature of the traffic which actually is at the time, or might reasonably be expected to be on such road; or
- (n) rides, drives or propels or is in charge of any animal or vehicle not being a motor vehicle on a road whilst drunk, or while his efficiency for such purpose is impaired by drink or drugs,

he shall be guilty of an offence.

Drivers' Offences Book

64. The particulars of every conviction for an offence under this Act including the name of the offender, and the number of his licence, if any, shall be furnished by the Clerk or other Officer of the Court in which the conviction is recorded to the Traffic Commissioner who shall enter the same in a book to be called the Drivers' Offences Book.

PART 6

DISQUALIFICATIONS, SUSPENSIONS AND ENDORSEMENTS

Disqualification for offences

65. (1) The Court before which a person is convicted of any offence in connection with the driving of a motor vehicle may, in addition to any other penalty provided for such offence, and shall, where so required by this Act, order that the offender be disqualified for a stated period or permanently from holding or obtaining a driver's licence either generally or limited to the driving of a motor vehicle of any particular class or description; and if the offender holds a driver's licence the Court shall endorse upon the licence particulars of the conviction.

(2) Where an order of disqualification is made against the holder of a driver's licence, the licence shall be suspended so long as the disqualification continues in force.

(3) A licence suspended by virtue of an order of disqualification shall during the period of suspension be of no effect.

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

Temporary suspension of licence pending determination of charges

66. (1) If a person is so charged with manslaughter arising out of the use of a motor vehicle or with contravening section 50, 51 or 52, the Traffic Commissioner may order the suspension of the driver's licence of the person so charged pending the determination of the charge.

(2) A licence that is suspended pursuant to an order under subsection (1) shall, on demand by a police officer, be surrendered to the police officer, and the police officer shall immediately forward the licence to the clerk of the court before which the person charged is to appear.

(3) A licence suspended by virtue of this section shall during the period of suspension be of no effect.

(Amended by Act 19 of 1966)

Fraudulent application for driver's licence

67. If any person who under this Act is disqualified for holding or obtaining a driver's licence applies for or obtains a licence while he is so disqualified, or if any person while he is so disqualified drives a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description a motor vehicle of that class or description, on a road, or if any person who has been refused a licence applies for or obtains a licence without disclosing such refusal he shall be guilty of an offence, and shall on summary conviction be liable to a penalty of \$500 or to imprisonment for a term of 6 months, or to both such penalty and imprisonment, and the licence obtained by any person so disqualified, as aforesaid, shall be of no effect. *(Amended by Act 17 of 2011)*

Provision as to endorsements

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

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

- (a)** if the offender is at the time the holder of a driver's licence, he shall, if so required by the Court, produce the licence within five days or such longer time as the Court may determine for the purpose of endorsement; and
- (b)** if he is not then the holder of a driver's licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the Court for the purpose of endorsement,

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

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

(4) If any person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence, and any licence so obtained shall be of no effect.

(5) Where a person, in respect of whom an order has been made under this Part requiring the endorsement of any licence held by him, has during a continuous period of two years since the order was made had no further order made against him, he shall be entitled, at any time thereafter, subject to payment of the prescribed fee, and subject to the surrender of any subsisting licence, to have issued to him a new licence free from endorsement:

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

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

(7) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Traffic Commissioner to whom that person's licence has been forwarded under the preceding subsection shall immediately after the receipt thereof cause the Licensing Officer to issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(8) Where on an appeal against any such order, the appeal is allowed, or where any such conviction is quashed, the Court by which the appeal is allowed or the conviction is quashed shall send notice immediately to the Traffic Commissioner and to the Licensing Officer who issued the licence.

PART 7

INTERNATIONAL CIRCULATION OF MOTOR VEHICLES

International circulation of motor vehicles

69. The Governor may, from time to time for the purpose of giving effect to any Convention for facilitating the international circulation of motor vehicles, by order provide—

- (a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in Montserrat when temporarily taking their motor vehicles abroad, or to drivers when proceeding abroad for the purpose of driving motor vehicles; and
- (b) for modifying the provisions of this Act and any regulations, or any rules or regulations made under any Act hereby repealed which continue in force by virtue of this Act, relating to the registration of motor vehicles and the licensing of motor vehicle drivers, in the case of motor vehicles brought temporarily into Montserrat by persons resident abroad and intending to make only a temporary stay in Montserrat, and in the case of drivers entering Montserrat for the purpose of driving any such vehicles.

(Amended by Act 9 of 2011)

PART 8

SUPPLEMENTAL PROVISIONS

Presumptive evidence of Registers

70. The contents of the register of motor vehicles, the register of licensed motor drivers, the register of animal drawn vehicles and pedal bicycles, and the Register of Drivers' Offences shall respectively be *prima facie* evidence of the facts contained therein in all proceedings under this Act.

Duplicate licences

71. Any person having power to issue any certificate or licence under this Act shall, on proof to his satisfaction that such certificate or licence has been lost, defaced or destroyed and on payment of the prescribed fee, issue a duplicate thereof to the person entitled thereto.

Weighing of motor vehicles

72. (1) The driver or other person in charge of a motor vehicle or trailer licensed according to its maximum gross weight may, on demand by a police officer or by any person authorised in writing by the Traffic Commissioner, be required—

- (a) to satisfy such police officer or person that any load that is being carried on the motor vehicle or trailer does not contravene this Act or the licence for the motor vehicle or trailer; and
- (b) to drive such police officer or person with the motor vehicle or trailer to a weigh-bridge or other machine for weighing vehicles, for the purpose of weighing such load.

(2) Any person who fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall on summary conviction be liable to a penalty of \$500.

(Amended by Act 17 of 2011)

Power to detain vehicle

73. (1) A police officer may stop any vehicle on a road with a view to ascertaining whether such vehicle is being used in contravention of this Act or any regulations, and in the event of any vehicle being used on a road in such manner, such police officer may take the vehicle or cause it to be taken to any police station there to be further examined or to be detained until the vehicle and driver can be identified, as the case may be. Any person failing to comply with a request to stop, made under this section shall be guilty of an offence.

(2) Any person authorised in writing by the Traffic Commissioner may, at all reasonable times, enter any premises for the purpose of inspecting any vehicle on such premises.

Exemptions of fire engines, etc., from speed limits

74. The provisions of this Act or any regulations imposing a speed limit on motor vehicles shall not apply to any vehicle when it is being used for fire and rescue service, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

Concession to operate motor omnibuses

75. The Governor may grant to any person, or to two or more persons jointly, a limited concession or an exclusive concession to operate motor omnibuses in any area or on any road or route or for any journey, subject to this Act and upon such conditions as are specified in the grant. *(Amended by Act 9 of 2011)*

Traffic signs

76. (1) Subject to section 48(6) the Traffic Commissioner may cause or permit traffic signs to be placed on or near any road.

(2) Traffic signs erected or authorised under subsection (1) may be signs for any of the following purposes—

- (a) to regulate the movement of traffic;
- (b) to indicate the route to be followed by traffic;
- (c) to restrict or prohibit the use of any part of any road by traffic;
- (d) to prohibit the driving of any vehicle on any road otherwise than in a certain direction;
- (e) to restrict or prohibit the parking of vehicles in any area or on any part or side of any road;
- (f) to restrict or prohibit temporarily the use of any road or any part of any road by vehicles whenever it appears to the Traffic Commissioner to be necessary;
- (g) to warn users of the road of the need for special caution;
- (h) to give notice of dangerous places;
- (i) to indicate the limits of a speed limit area and the maximum speed fixed in relation thereto;
- (j) to notify users of the road of any prohibitions or restrictions which have been imposed by this Act or by any regulations or order made thereunder;
- (k) to convey information to users of the road.

(3) Traffic signs shall be of the kinds and of the descriptions prescribed by the Traffic Commissioner by regulations.

(4) Regulations which prescribe the kinds and descriptions of traffic signs may prescribe that any sign or words or symbol or design or any coloured light or other feature of any sign shall be interpreted as giving a particular indication and may prescribe and explain the action required to comply with such indication.

(5) Regulations with reference to traffic signs may provide for the exemption of any particular class of vehicles from the obligation of complying with the indication given by any particular kind of traffic signs and the conditions of such exemption.

(6) Subject to section 48(6) that area or road or portion of a road to which a traffic sign applies shall be deemed to be determined for the purposes of this Act when the indication given by the sign is sufficiently clear from the sign itself as being in a form commonly understood by drivers or others to whom it is directed or when the indication of the portion of the road to which the traffic sign is to apply is given by the erection of signs at each end of that portion of the road:

Provided that, in the case of any sign prohibiting the passage of vehicles on any road, signs shall be erected at each end of the road or portion of the road to which the prohibition is to apply and at such other points as the Traffic Commissioner may determine.

(7) A traffic sign may refer to specific classes of traffic but shall be held to refer to vehicular traffic generally in the absence of any special indication in the sign or provisions in a regulation with reference to such sign.

(8) Any regulation which prescribes the kind and description of traffic signs intended for any of the purposes set out in paragraphs (a) to (f) inclusive and subsection (2)(i) may provide that failure to conform with the indication given by the sign shall constitute an offence and in such case the order of prohibition indicated by any such sign shall have effect as if contained in a regulation under this Act, and any person driving or propelling any vehicle who fails to conform with the indication given by any sign of that kind or description which has been lawfully placed on any road or the retention of which has been authorised by the Traffic Commissioner shall be guilty of an offence.

(9) Regulations made by the Traffic Commissioner under this section shall be of no force or effect until approved by the Governor and shall come into operation as from the date of the publication thereof in the *Gazette* or from such later date as may be specified in such regulations.

(Amended by Act 9 of 2011)

Offences in regard to traffic signs and mirrors

77. (1) Any person who—

- (a) shall, without the permission of the Traffic Commissioner, erect or cause to be erected any traffic sign or mirrors on or near any road; or
- (b) shall injure, deface, remove or in any manner interfere with any traffic sign lawfully placed on or near any road,

commits an offence and shall be liable on summary conviction to a penalty of \$1,000. *(Amended by Act 17 of 2011)*

(2) The Traffic Commissioner may, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any such person fails to comply with such notice, the Traffic Commissioner may himself effect or authorize the removal, doing as little damage as may be, and may recover in a court of competent jurisdiction as a civil debt from the person so in default the expense incurred by him in so doing.

Regulations

78. The Governor may make regulations in respect of all or any of the following matters, that is to say—

(1) As regards traffic generally—

- (a) anything which by this Act may or is to be prescribed;

- (b) the forms to be used under this Act;
- (c) the construction, fittings, dimensions and design of any motor vehicle or trailer;
- (d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles, and regulating and controlling their use;
- (e) the installation of safety devices, including seatbelts and child passenger seats, in motor vehicles and the use of these safety devices by drivers and passengers of motor vehicles;
- (f) the number, position and kind of lights and reflectors to be carried on motor and other vehicles and the times during which they are to be exhibited;
- (g) the regulation of tinted windows and tinted windscreens on a motor vehicle;
- (h) the duties and powers of Examining Officers in regard to the inspection of motor and other vehicles and in regard to driving tests;
- (i) the regulation of the use of a cell phone while driving a motor vehicle;
- (j) the duties and powers of conductors;
- (k) the safety of children in a motor vehicle;
- (l) the inspection of motor and other vehicles and the times, places and manner of such inspection;
- (m) the form of identification marks to be fixed on motor vehicles and trailers in respect of registration and licensing and the sizes and colour of the letters of and the manner of displaying such marks;
- (n) the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description;
- (o) the precedence of vehicles and pedestrians respectively at and in the vicinity of crossings;
- (p) the driving of any vehicle on any specified road otherwise than in a specified direction;
- (q) the appointment of parking places and the regulation of the use of such parking places including the imposition of charges in respect thereof;
- (r) the badges and uniform to be worn by drivers of public service vehicles and the conduct of drivers, conductors and passengers;
- (s) passenger fares and tolls in respect of public service vehicles;

- (t) the maximum hours of employment of persons as drivers of public service vehicles and of motor lorries;
- (u) the determination of the number of passengers which a public service vehicle is adapted to carry and the number which may be carried;
- (v) the carriage of luggage and goods on public service vehicles;
- (w) the maximum gross weight, tare weight and height of motor vehicles and loads permitted to use certain roads;
- (x) the number, nature and use of brakes and other equipment to be carried in the case of vehicles not propelled by mechanical power;
- (y) the prohibition of excessive noise owing to the design or condition of the vehicle or the loading thereof;
- (z) the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road;
- (aa) the establishment of silence zones;
- (ab) the restriction on the importation of motor vehicles;
- (ac) the marking of a school bus and the regulation of the school bus service;
- (ad) generally, for the better carrying out of the provisions of this Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used.

(Amended by Acts 9 and 17 of 2011 and 1 of 2015)

(2) As regards motor omnibuses—

- (a) the restriction of the use of motor omnibuses using specified routes;
- (b) the regulation and restriction of the number of motor omnibuses using specified routes;
- (c) the time tables to be observed by drivers of motor omnibuses;
- (d) the issue of licences by the Licensing Officer, and conditions of issue of such licences and conditions to be observed by the holders of such licences in respect of specified routes;
- (e) the taking up and setting down of passengers;
- (f) the returns to be rendered by the owners of motor omnibuses showing the number and nature of journeys completed, the mileage covered, the times taken, the number of passengers carried and the operating costs;

- (g) the conditions under which limited or exclusive concessions may be granted.

Power to Traffic Commissioner to make orders

79. (1) The Traffic Commissioner may by notice published in the *Gazette* or in a newspaper published in Montserrat make orders as to the line to be kept by persons driving or riding any vehicle or animal on any road and as to the manner in which vehicles of any description shall be drawn up while waiting on any road and as to the route to be observed by all vehicles, horses, and persons, and for preventing obstructions on any road, in any case where such a road is liable to be thronged or obstructed; and also may give directions to police officers for the purpose of regulating traffic in the neighbourhood of Courts of Law, public offices, hospitals, churches, theatres, and other places of public resort; and any person who, after being made acquainted with any orders made or directions given under this section, shall contravene or fail to comply with such orders or directions shall be guilty of an offence.

(2) A police officer may apprehend without warrant, any person who commits an offence under this section within his view, if such a person refuses to give his name and address or gives a name or address which the police officer has reasonable grounds for believing to be false.

General Penalty

80. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on summary conviction to a penalty of \$500 or to a term of imprisonment of six months. (*Amended by Act 17 of 2011*)

Breach of regulations

81. (1) If a person acts in contravention of, or fails to comply with, any regulations made under this Act and the contravention thereof, or failure to comply therewith, is not made an offence under any other provisions to this Act, he commits an offence and shall, for each contravention or non-compliance, be liable on summary conviction to a fine of \$250, and on a second or subsequent conviction to a fine of \$500.

(2) A person who contravenes a regulation made under section 78(1)(g) or (i), commits an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of six months or to both, and for a second or subsequent conviction to a fine of \$1,000 or to imprisonment for a term of one year or to both.

(*Inserted by Act 17 of 2011*)

Right of appeal

82. Any person who is aggrieved by any act, order or decision of the Traffic Commissioner, the Licensing Officer or of any Examining Officer, may appeal to the Board.

Saving

83. Nothing in this Act shall affect any liability of the driver or the owner of a motor vehicle under any Act or at common law.

Conflict of laws

84. If there is a conflict between the provisions of this Act and the provisions of any other Act relating to the control of vehicles and road traffic, the provisions of this Act shall prevail

FIRST SCHEDULE

(Sections 7, 23, 29 and 33)

FEES

(Substituted by S.R.O. 35/2001 and amended by S.R.O. 9/2011 and Act 17 of 2011 and substituted by Act 1 of 2015)

1. Part A

This Part applies from 1 January 2015.

2. Part B—

- (a) applies from 1 April 2015; and
- (b) sets out the fees payable for licences for the classes of motor vehicle and trailer listed in Part B.

3. Part C—

- (a) applies from 1 January 2015; and
- (b) sets out the fees payable for licencing, testing and inspection, as listed in Part C.

PART A

COLUMN 1	COLUMN 2
IDENTIFICATION MARK LAST NUMBER	MONTH
1	January
2	February
3	March
4	April
5	May
6	June
7	July
8	August
9	September
0	October

PART B

No.	CLASS AND DESCRIPTION OF LICENCE	FEES
1.	Motor Cycle with or without side car—	
	(a) having engine capacity not exceeding 50ccs	\$55
	(b) having engine capacity in excess of 50ccs but not exceeding 150ccs	\$75
	(c) having engine capacity in excess of 150ccs	\$100
	(d) having engine capacity in excess of 250ccs	\$200
2.	Private Passenger carrying Motor Vehicle to include Car, Jeep, Land Rover and other similar vehicles—	
	(a) having engine capacity not exceeding 1,600ccs	\$200
	(b) having engine capacity in excess of 1,600ccs but not exceeding 2,000ccs	\$350
	(c) having engine capacity in excess of 2,000ccs	\$450
3.	Commercial Load carrying Motor Vehicle to include Tractor, Grader and Road Roller—	
	(a) having engine capacity not exceeding 3,000ccs	\$400
	(b) having engine capacity in excess of 3,000ccs but not exceeding 4,000ccs	\$600
	(c) having engine capacity in excess of 4,000ccs but not exceeding 10,000ccs	\$1,000
	(d) having engine capacity in excess of 10,000ccs	\$1,250
4.	Bull dozer and Front End Loader	\$1,250
5.	Omnibus—	
	(a) up to nine (9) seats	\$275
	(b) over nine (9) seats	\$400
6.	Trailer—	
	(a) container carrying and similar trailers	\$700
	(b) other (lighter) trailers	\$200
7.	Public Service Vehicle— In addition to the fee payable under the above mentioned classes—	
	(a) vehicle with 'H' No.	\$150
	(b) vehicle with 'R' No.	\$200

PART C

No.	LICENCING, TESTING AND INSPECTION	FEES
1.	Driver's Licence—	
	(a) Motor Cycle Driver's Licence	\$125
	(b) Private Driver's Licence	\$150
	(c) Public Service Vehicle Driver's Licence	\$250
	(d) Visitor's Driver's Licence	\$50
	(e) Learner's Permit	\$30
	(f) Heavy Equipment Driver's Licence	\$300
2.	Transfer or Amendment of Registration of Motor Vehicle or Trailer Licence	\$50
3.	Driver's Licence Processing Fee	\$100
4.	Driving Test	
	(a) Written Driving Test	\$20
	(b) Driving Test (Road)	\$50
5.	Duplicate Licence	\$100
6.	Inspection Fee—	
	(a) Motor Cycle	\$20
	(b) Private Passenger-carrying Motor Vehicle	\$25
	(c) Other Vehicle or Trailer	\$50
7.	Personalised Licence Plate	\$500

SECOND SCHEDULE¹*(Section 48)***LIMITS OF SPEED**

		Maximum speed Miles per hour
1.	On any road within the limits of the Town of Plymouth, or within a speed limit area	
	(a) motor omnibuses and motor lorries	15
	(b) Tractors, with or without trailer	15
	(c) Other motor vehicles.....	20
2.	On all roads in Montserrat other than those specified in paragraph 1 of this Schedule—	
	(a) Motor omnibuses and motor lorries	25
	(b) Tractors, with or without trailer	20
	(c) Other motor vehicles.....	40

¹ Second Schedule inadvertently omitted from 2002 Revised Edition but reinserted by S.R.O.
19/2006

BICYCLE ORDER – SECTION 44

(S.R.O. 16/1952)

Short title

1. This Order may be cited as the Bicycle Order.

Application of other provisions

2. Sections 9, 10, 11, 13, 61, 63(a), 63(b), 63(c), 63(e), 63(f)(i) and 78(1)(m) of the Road Traffic Act shall apply *mutatis mutandis* to pedal bicycles and the owners and riders thereof.

SPEED LIMIT AREAS ORDER – SECTION 48(6)

(S.R.O. 15/1967)

Commencement

[2 August 1967]

Short title

1. This Order may be cited as the Speed Limit Areas Order.

Speed limit areas

2. The following portions of roads are hereby declared to be within a speed limit area—

- (a) from the junction of the Cork Hill Reservoir Road and the Cork Hill Public Road to Belham Bridge;
- (b) from a point 200 yards above Upper Spring Ghaut to Nantes River;
- (c) from Cassava Ghaut to Brades Stud Centre;
- (d) from Carr's Bay to St. John's Anglican Church;
- (e) from the junction of Fort Barrington Road and the Southern Main Road to Shooters Hill Cemetery Road; and
- (f) from the junction of the Eastern Main Road and Paradise Road to a point where the Corbett Spring pipeline passes the Main Road at Pea's Ghaut.

RACE AND SPEED TRIAL (DESIGNATION OF PLACE) ORDER -SECTION 55(1)

(S.R.O. 42/2018)

Commencement

[10 December 2018, expires 31 October 2019]

Short title

1. This Order may be cited as the Race and Speed Trial (Designation of Place) Order.

Designation of place

2. The place in the Cork Hill registration section along the Northern Main Road, which is more particularly described and shown in Schedule 1, is designated as a place to be used for a race or speed trial.

Application

3. (1) A person listed in—
 - (a) Column 1 of Schedule 2 is permitted to participate in a race or speed trial at the place designated in paragraph 2; and
 - (b) Column 2 of Schedule 2 is permitted to participate in a race or speed trial at the place designated in paragraph 2, except as a driver.
- (2) A motor vehicle listed in Schedule 3 may be used in a race or speed trial at the place designated in paragraph 2.

Conduct of race or speed trial

4. (1) A race or speed trial at the place designated in paragraph (2) shall be conducted—
 - (a) in the manner specified in Schedule 4; and
 - (b) in accordance with the by-laws of the Montserrat Motorsport Association.
- (2) If the by-laws of the Montserrat Motorsport Association and this Order conflict, this Order prevails.

Duration

5. A race or speed trial may be conducted at the place designated in paragraph (2) on a day specified in Schedule 5, between 8 a.m. and 4 p.m.

SCHEDULE 1*(Paragraph 2)***DESIGNATION OF PLACE**

That place in the Cork Hill registration section along the Northern Main Road which is marked as A on the map below and which is—

- (a) bounded on the left in a northerly direction by—
 - (i) Block 9/06 Parcels 012 and 012/1;
 - (ii) Block 9/03 Parcel 129;
 - (iii) Block 9/03 Parcel 128;
 - (iv) Block 9/03 Parcel 126;
 - (v) Block 9/03 Parcel 125;
 - (vi) Block 9/03 Parcels 130 and 117;
 - (vii) Block 9/03 Parcel 116;
 - (viii) Block 9/03 Parcel 114; and
 - (ix) Block 9/03 Parcel 101;
- (b) bounded on the right in a northerly direction by—
 - (i) Block 9/06 Parcel 015;
 - (ii) Block 9/04 Parcel 252;
 - (iii) Block 9/04 Parcel 185;
 - (iv) Block 9/04 Parcel 177;
 - (v) Block 9/04 Parcel 047;
 - (vi) Block 9/04 Parcel 046;
 - (vii) Block 9/04 Parcel 045; and
 - (viii) Block 9/04 Parcel 041; and
- (c) measures approximately 670 meters in length and six meters in width.



SCHEDULE 2*(Paragraph 3(1))***PERSONS PERMITTED TO PARTICIPATE IN A RACE OR SPEED TRIAL**

Column 1	Column 2
Alaine Bourn Alvin Duberry Andy Daley Bertram Hickson Cameron Yearwood Cedric Daley Clinton Lewis Chivone Gerald Danelda Henry Darren Greer Davel Cabey Devon Williams Emari Estwick Everson Farrell Ezra Greer Germaine Murraine Gervaine Greenaway Gilmore Williams James Adams Jauvhed Warner Jermaine Wade Jerry Prince John Osborne Jouvelle Oliver Keith Barzey Keith Greenaway Keithroy Martin Kemar Bryant Kenrick Hackett Kwasi Ryan Lerian Cassell Lionel Baker Marlon Fergus Marlena Fergus Melvaughn Gerald Meridith Lynch Milykhia McKenzie Nevis Drag Drivers – International Competitors Oren Brown Oswald West	The following registered nurses: Alex Ackie Louanna Joyce Nadine Sweeney Renique Cassell Lystra Fagan A member of the Royal Montserrat Police Service A member of the Montserrat Fire and Rescue Service A medical practitioner registered under the Medical Act (Cap. 14.02) Marshalls and pit crew members

Column 1	Column 2
Peter Wade Randall Murrain Raymond Samuels Reuel Hixon Rhonda Boatswain Rodney Browne Selvyn Maloney Shane Cabey Shauvell Hixon Shelzron Lee Stephen Elwin Terrence Tuitt Terrod Chalmers Teshaun Wells Tora Cabey Toya Martin Triston Jeffers Twila Fenton Victor James	

SCHEDULE 3

(Paragraph 3(2))

MOTOR VEHICLE IDENTIFICATION

M394	M72	M606	M889
M837	M294	M422	M42
M1015	M656	M2092	M17
M702	M828	M121	M316
M847	M2592	M516	M170
M672	M844	M461	M2219
M181	M1288	M791	M127

SCHEDULE 4*(Paragraph 4(1)(a))***CONDUCT OF A RACE OR SPEED TRIAL****1. TRACK OFFICIALS****(a) Pit Manager**

A Pit Manager is in charge of the pit and shall facilitate the line-up of motor vehicles participating in a race or speed trial prior to the race or speed trial.

(b) Pit Steward

A Pit Steward shall assist a Pit Manager in his duties as directed by the Pit Manager.

(c) Pit Crew

The Pit crew shall assist in the maintenance of a motor vehicle used in a race or speed trial.

(d) Flagman

A Flagman shall display the relevant flag at the start, during and at the end of a race or speed trial.

(e) Assistant Flagman and Corner Flagman

An Assistant Flagman and Corner Flagman shall assist the Flagman in his duties as directed by the Flagman.

(f) Chief Judge

A Chief Judge shall—

- (i) score the participants of a race or speed trial and post the final results and timing of all events; and
- (ii) submit all records and results to the Secretary of the Montserrat Motorsport Association at the end of a race or speed trial.

(g) Judge

A Judge shall assist the Chief Judge in his duties as directed by the Chief Judge.

(h) Referee

A Referee shall oversee a race or speed trial and liaise with other track officials during the race or speed trial.

2. ATTIRE

A person permitted to participate in a race or speed trial shall—

- (i) wear or display a pit pass; and
- (ii) wear a high visibility vest.

3. EQUIPMENT

(a) A participant who is a driver in a race or speed trial shall be in possession of and use the following items in a race or speed trial—

- (i) a helmet;
- (ii) closed-toe shoes; and
- (iii) a two-way radio.

(b) A participant who is a driver in a race or speed trial shall ensure that the motor vehicle to be used in the race or speed trial is equipped with the following items—

- (i) a seat belt;
- (ii) a firewall; and
- (iii) a hood over the engine and radiator.

4. FLAGS

(a) **Green Flag**

A green flag indicates the start of a race or speed trial.

(b) **Yellow Flag**

A yellow flag indicates that a participant in a race or speed trial shall decelerate the motor vehicle.

(c) **Red Flag**

A red flag indicates that a participant in a race or speed trial shall stop as soon as safely possible.

5. GENERAL RULES

The general rules for a race or speed trial are as follows—

- (a) No more than two motor vehicles are allowed to participate in a race or speed trial.
- (b) The only person who is allowed in a motor vehicle during a race or speed trial is the driver of the motor vehicle.

6. GENERAL PROCEDURES

The general procedures that a driver participating in a race or speed trial is expected to comply with are as follows—

- (a) A driver shall leave the pit and proceed to the start line at a maximum engine speed of 10 kilometres per hour.
- (b) A driver shall position the motor vehicle at the start line with the engine running.
- (c) The Pit Manager shall ensure that a motor vehicle is properly lined up at the start line.
- (d) The Flagman shall display the green flag to signal the start of the race.
- (e) A driver shall accelerate along the place designated under paragraph 2 and towards the finish line.

- (f) A driver shall drive away from the finish line and back to the pit in single file at a maximum engine speed of 20 kilometres per hour.

SCHEDULE 5

(Paragraph 5)

SPECIFIED DAYS

Month	Day
November, 2018	24, 25
December, 2018	1, 2, 8, 9, 15, 16, 22, 23, 29, 30, 31
January, 2019	5, 6, 12, 13, 19, 20, 27
February, 2019	2, 3, 9, 10, 16, 17, 18, 23, 24
March, 2019	2, 3, 9, 10, 16, 17, 18, 23, 24, 30, 31
April, 2019	6, 7, 13, 14, 20, 21, 27, 28
May, 2019	4, 5, 11, 12, 18, 19, 25, 26
June, 2019	1, 2, 8, 15, 16, 22, 23, 29, 30
July, 2019	6, 7, 13, 14, 20, 21, 27, 28
August, 2019	3, 4, 5, 10, 11, 17, 18, 24, 25, 31
September, 2019	1, 7, 8, 15, 21, 22, 28, 29

MOTOR VEHICLES (INTERNATIONAL CIRCULATION) ORDER – SECTION 69

(S.R.O. 11/1964)

Commencement

[18 April 1964]

Short title

1. This Order may be cited as the Motor Vehicles (International Circulation) Order.

Interpretation

2. In this Order—

“**Convention driving permit**” means a driving permit in the form in the Schedule to this Order issued under the authority of any country, whether or not that country is a party to the convention on Road Traffic concluded at Geneva in the year 1949;

“**domestic driving permit**”, in relation to a country outside Montserrat, means a document issued under the law of that country and authorizing the holder to drive more vehicles, or a specified class or description of motor vehicles, in that country, and includes a driving permit issued by the armed forces of any country outside Montserrat for use in some other country outside Montserrat.

Documents for drivers going abroad

3. (1) The Licensing Officer may issue for use outside Montserrat a convention driving permit to a person who has attained the age of eighteen years and satisfied the Licensing Officer—

- (a) that he is competent to drive motor vehicles of the classes or descriptions for which the permit is to be issued; and
- (b) that he is a resident in Montserrat:

Provided that, a permit in Form A which is restricted to motor cycles or invalid carriages may be issued to a person under eighteen years of age.

- (2) The fee for each such permit shall be \$3.60.

Visitor’s driving permits

4. (1) Subject to this section, it shall be lawful for a person who has attained the age of eighteen years and is resident outside Montserrat and who is temporarily in Montserrat and holds—

- (a) a Convention driving permit or licence issued in any country outside Montserrat; or
- (b) a domestic driving permit or licence issued in any country outside Montserrat, during a period of twelve months from the date of his last entry into Montserrat,

to drive and to be employed in driving in Montserrat a motor vehicle of any class or description which he is authorised by that permit or that licence to drive notwithstanding that he is not the holder of a driver's licence under Part 2 of the Road Traffic Act.

(2) This section shall not authorise a person to drive a motor vehicle of any class or description if, in consequence of a conviction or of the order of a court, he is disqualified from holding a driver's licence under the Road Traffic Act or any other law in force in Montserrat.

SCHEDULE

FORM OF INTERNATIONAL DRIVING PERMIT UNDER CONVENTION OF 1949

Page 1

In a permit issued by some other country the name of that country will appear instead and pages 1 and 2 will be drawn up in the language of that country.

MONTserrat

International Motor Traffic

INTERNATIONAL DRIVING PERMIT

Convention on International Road Traffic of 1949.

Issued at

Date

Signature or seal of issuing authority.

Seal or Stamp of Authority

Page 2

This permit is valid in the territory of all the Contracting States, with the exception of the territory of the Contracting State where issued, for the period of one year from the date of issue, for the driving of vehicles included in the category or categories mentioned on the last page of this permit.

List of Contracting States (optional)

It is understood that this permit shall in no way affect the obligation of the holder to conform strictly to the laws and regulations relating to residence or to the exercise of a profession which are in force in each country through which he travels.

Form of International Driving Permit.

PART 1		Last
Particulars concerning the Driver:	Surname	1
	Other names*	2
	Place of birth**	3
	Date of birth***	4
	Permanent place of residence	5
Vehicles for which the permit is valid:		
Motor cycles, with or without a sidecar, invalid carriages and three-wheeled motor vehicles with an unladen weight not exceeding 400 kg (900 lbs.)		A
Motor vehicles used for the transport of passengers and comprising, in addition to the driver's seat, at most eight seats, or those used for the transport of goods and having a permissible maximum weight not exceeding 3,500 kg (7,700 lbs.). Vehicles in this category may be coupled with a light trailer.		B
Motor vehicles used for the transport of goods and of which the permissible maximum weight exceeds 3,500 kg (7,700 lbs.). Vehicles in this category may be coupled with a light trailer.		C
Motor vehicles used for the transport of passengers and comprising, in addition to the driver's seat, more than eight seats. Vehicles in this category may be coupled with a light trailer.		D
Motor vehicles of categories B, C or D, as authorised above, with other than a light trailer.		E

“Permissible maximum weight” of a vehicle means the weight of the vehicle and its maximum load when the vehicle is ready for the road.

“Maximum load” means the weight of the load declared permissible by the competent authority of the country of registration of the vehicle.

“Light trailers” shall be those of a permissible maximum weight not exceeding 750 kg (1,650 lbs.)

Exclusion	
Holder of this permit is deprived of the right to drive in (country)	
.....	
by reason	
.....	
<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> Seal or stamp of authority </div>	Place
	Date
	Signature
Should the above space be already filled, use any other space provided for “Exclusion”	

Exclusions:
(countries I—VIII)

Under Convention of 1949

PART 2

Page

1
2
3
4
5

A	Seal or stamp of authority	<div>Photograph</div> <div>Seal or stamp of authority</div> <div>..... <i>Signature of holder.</i>****</div>
B	Seal or stamp of authority	
C	Seal or stamp of authority	
D	Seal or stamp of authority	
E	Seal or stamp of authority	

EXCLUSIONS**(countries)**

I	V
II	VI
III	VII
IV	VIII

-
- * Father's or husband's name may be inserted.
 - ** If known
 - *** Or approximate age on date of issue.
 - **** Or thumb impression.
-

TRAFFIC SIGNS (KINDS AND DESCRIPTIONS) REGULATIONS – SECTION 76

(S.R.O.s 4/1957, 18/1959, 7/1963, 8/1971, 35/1985, 1/1993 and 61/2012)

Short title

1. These Regulations may be cited as the Traffic Signs (Kinds and Descriptions) Regulations.

Interpretation

2. In these Regulations—

“Act” means the Road Traffic Act.

Traffic signs

3. The following kinds of traffic signs are hereby prescribed under section 76 of the Act, and any person who fails to comply with the direction or prohibition given by any such signs shall be guilty of an offence. *(Amended by S.R.O. 1/1993)*

STOP SIGNS

- (a) (i) A sign conveying the order to stop to be erected in such places as are appointed by the Traffic Commissioner such sign having inscribed thereon **“STOP”**.
- (ii) Whenever a stop sign is erected at or near the intersection of two roads it shall face the stream of traffic on one road and every person driving a vehicle on that road shall bring the vehicle to a stop before entering but as near as practicable to the driving surface of the other road; but if there is a stop line on the road, as hereinafter explained, in conjunction with a stop sign the driver of the vehicle shall come to a stop before passing over and as near as practicable to such stop line.

STOP LINES

- (b) A stop line for use in conjunction with stop signs shall be a white line not less than six inches in width painted on the driving surface of the road or a row of metal markers affixed to the driving surface.

SIGN TO HALT OR SLOW AT ROAD AHEAD

- (c) (i) Halt Sign: A sign which shall be interpreted as indicating that any person driving a vehicle on a road on or to which such sign is placed shall bring the vehicle to a halt before entering, but as near as practicable to, the driving surface of the road which he is about to enter, such sign having inscribed thereon the words **“HALT AT MAJOR ROAD AHEAD”**;

- (ii) Slow Sign: A sign which shall be interpreted as indicating that any person driving a vehicle shall, when approaching a junction of a road where such sign is placed, slow down and conform with the Highway Code for road junctions, such sign having inscribed thereon the words “**SLOW MAJOR ROAD AHEAD**”.

SIGN AT OR NEAR SCHOOL

- (d) A sign which shall be interpreted as indicating that a school is situated in the vicinity of the road on which the sign is placed and that the driver of a vehicle on that road shall take special care and slow down when approaching such school, or the road leading thereto.

SIGNS TO REGULATE THE MOVEMENT OF TRAFFIC

- (e) Signs conveying the order not to proceed from one road into another by means of making a turn to the left or to the right, as the case may be, to be erected in such places as are appointed by the Traffic Commissioner, such signs having inscribed thereon the words “**NO LEFT TURN**” or “**NO RIGHT TURN**”.

SIGNS TO PROHIBIT ENTRY

- (f) Signs conveying the order not to enter into a road at a particular point of intersection with another road, to be erected in such places as are appointed by the Traffic Commissioner, such signs having inscribed thereon the words “**NO ENTRY**”.

SIGNS TO CLOSE ROAD TO TRAFFIC

- (g) (i) Signs to close roads or parts thereof to traffic to be erected in accordance with subparagraph (iii) of such design as may be approved by the Traffic Commissioner to indicate the road or part or parts thereof upon which the driving of a vehicle is prohibited.
- (ii) Every such sign shall state the period for which the road or part thereof is closed or shall state that it is closed until further notice.
- (iii) The road or part of the road to which any such sign applies shall be indicated by the erection of a sign having inscribed thereon the words “**ROAD CLOSED**” at each end of the road or part of the road which is closed and at all major points of intersection with the road, which points shall be determined by the Traffic Commissioner.

PARKING

- (h) A sign to prohibit the waiting or parking of vehicles shall be—
- (i) inscribed with the words “**No Parking**” and erected in such places as may be appointed by the Traffic Commissioner; or
 - (ii) clearly indicated by painted double yellow lines on the road, with or without additional words to specify the time at which an area to which, the parking prohibition is applicable.
- (Substituted by S.R.O. 61/2012)*

SIGNS FOR STANDS FOR PUBLIC SERVICE VEHICLES

- (i) A sign to indicate the places where motor omnibuses shall stop on or near the route or routes on which they are permitted to travel, for the purpose only of taking up or setting down passengers and goods, and where no other vehicle shall be permitted to stop or stand. Such sign shall be erected at such places on the route as may be approved by the Traffic Commissioner and shall have inscribed thereon the words “BUS STOP”.

SIGNS FOR SPEED LIMIT AREAS

- (j) Signs having inscribed thereon the words “**SPEED LIMIT AREA MAXIMUM SPEED X M.P.H.**” and indicating the commencement and the end of the length of a road which by virtue of an order under section 48(6) of the Act is deemed to be a road within a speed limit area.
- (k) A sign conveying the order “**STOP CHILDREN**” which sign shall be interpreted as indicating that School Children are about to cross the road in the vicinity of a School and that the driver or rider of a vehicle on that road, shall bring his or her vehicle to a halt at a safe distance away from the point at which the Children are crossing, until the Children have crossed from one side of the road to the other. *(Inserted by S.R.O. 35/1985)*

SIGN FOR PEDESTRIAN CROSSINGS

- (l) A sign marked on the road in black and white shall be interpreted—
- (i) as a pedestrian crossing and that the driver or rider of a vehicle on that road shall slow down always when approaching such crossing and bring his or her vehicle to a halt at a safe distance away from such crossing whenever a pedestrian is about to cross the road from one side to the other;
 - (ii) to mean that no vehicle shall be stopped at a pedestrian crossing unless prevented by circumstances beyond the drivers control and that no vehicle should be parked on or in an area on the approach to a pedestrian crossing;

- (iii) that a pedestrian has precedence over any vehicle but no pedestrian shall remain on the crossing longer than is necessary to cross the road. (*Inserted by S.R.O. 1/1993*)
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ROAD TRAFFIC REGULATIONS

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ROAD TRAFFIC REGULATIONS – SECTION 78

*(S.R.O.s 10/1952, 18/1952, 3/1957, 1/1966, 24/1986,
17/1988, 2/1989, 10/2011, 60/2012, 30/2016 and 22/2018)*

Short title

1. These Regulations may be cited as the Road Traffic Regulations.

Interpretation

2. In these Regulations—

“**Act**” means the Road Traffic Act;

“**emergency vehicle**” means a vehicle used by the Fire and Rescue Service or the Royal Montserrat Police Service or an ambulance used in accordance with the Public Health Regulations; *(Inserted by S.R.O. 60/2012)*

“**lateral overhang**” means the distance measured from the outer face of the tyre on the rear wheel on the same side of the vehicle (and in the case of dual tyres from the outer surface of the outer tyre) to a vertical line let fall from the extreme limit of the body;

“**longitudinal overhang**” means the distance measured from the centre of a hub of a rear wheel to a vertical line let fall from the extreme rear limit of the body and in the case of a six-wheeled vehicle from the rear wheel nearest to the said vertical line;

“**overall length**” means the overall length of a vehicle exclusive of the starting handle or bumpers, if any, and of the hood, if any, when down;

“**overall width**” means the width measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of any driving mirror;

“**public stand**” means an appointed place where public service vehicles or public service vehicles of a particular class may wait.

Forms

3. For the purposes of the Act and of these Regulations, the forms set out in the Schedules or forms to the like effect shall be used in cases to which they refer.

Registration

Identification mark

4. (1) The identification marks to be carried by a motor vehicle or trailer in pursuance of section 9 of the Act shall consist of two plates, which must conform, as to size, lettering, numbering and otherwise, with the provisions set out in the Second Schedule.

Letters and numbers as prescribed in the Second Schedule, painted or otherwise fixed to the motor vehicle or trailer, may be used instead of plates. Any reference to plates in these Regulations shall be construed to include a reference to the numbers and

letters so painted or fixed and any reference to the fixing of plates to include a reference to the numbers and letters so painted or fixed or other delineation of the numbers and figures. All applications for the registration of a motor vehicle or trailer shall be made to the Licensing Officer in the form set out in the First Schedule (Form 1).

(2) The identification mark to be carried by a pedal bicycle in pursuance of section 9 of the Act as applied to pedal bicycles by the Bicycle Order, shall consist of a plate which must conform as to size, lettering, numbering and otherwise, with the provisions set out in the Second Schedule.

All applications for registration of a pedal bicycle shall be made to the Licensing Officer in the form set out in the First Schedule (Form 2).

Position of identification mark

5. (1) The plates forming the identification mark carried by a motor vehicle or trailer shall be fixed, one on the front and the other on the back of the motor vehicle or trailer, in the vertical position, so that every letter or figure on the plate is vertical and easily distinguishable.

In the case of a motor cycle, the plate fixed on the front of the cycle may, if it is a plate having duplicate faces conforming with the Second Schedule, be fixed so that from whichever side the cycle is viewed the letters or figures on one of the faces of the plate are easily distinguishable, though they may not be distinguishable from the front of the cycle.

Subject to this regulation, the plates forming the identification mark shall be fixed on the motor vehicle or trailer in the position indicated in the particulars given in the application for the registration of the motor vehicle or trailer or subsequently furnished to the Licensing Officer, or if he is not satisfied with the position so indicated, in such a position as he directs.

(2) The plate forming the identification mark carried by a pedal bicycle shall have duplicate faces conforming with the Second Schedule, and shall be fixed on the front mudguard of the pedal bicycle, in a vertical position, so that from whichever side the pedal bicycle is viewed the letters or figures on one of the faces of the plate are easily distinguishable, though they may not be distinguishable from the front of the pedal bicycle. The Licensing Officer if he is not satisfied with the position in which an identification mark is fixed on the bicycle may direct the position in which the same shall be fixed.

Identification mark to be legible

6. (1) The identification mark upon any motor vehicle or trailer or on any pedal bicycle shall at all times be legible and shall not be obstructed by any other figures, designs or ornamentation.

(2) The plate forming the identification mark carried by a pedal bicycle shall have duplicate faces conforming with the Second Schedule, and shall be fixed on the front mudguard of the pedal bicycle, in a vertical position, so that from whichever side the pedal bicycle is viewed the letters or figures on one of the faces of the plate are easily distinguishable, though they may not be distinguishable from the front of the pedal bicycle. The Licensing Officer if he is not satisfied with the position in which an

identification mark is fixed on the bicycle may direct the position in which the same shall be fixed.

Illumination of identification mark

7. Whenever a motor vehicle or trailer is used on a public road at night a lamp shall be kept alight on the motor vehicle or trailer, so contrived as to illuminate by means of reflection, transparency, or otherwise, and render easily distinguishable, every letter or figure on the identification plate fixed on the back of the motor vehicle or trailer.

Visitor's mark

8. (1) Any person who being a visitor to Montserrat imports into Montserrat a motor vehicle of which he is the owner shall, if he desires to avail himself of sections 12(1)(a) and 29 of the Act, notify the Traffic Commissioner within forty eight hours of the importation and furnish at the same time particulars of the identification marks of the vehicle in the country where it was last registered together with a description of the vehicle and unless some other identification mark is assigned by the Traffic Commissioner the identification marks of the country where the vehicle was last registered shall be the identification marks for the purposes of the Act.

(2) The Licensing Officer shall keep a register to be called the Temporary Visitor's Motor Vehicle Register in which shall be entered the following particulars—

- (a) name of visitor;
- (b) date of arrival of visitor;
- (c) date of arrival of motor vehicle;
- (d) description of motor vehicle;
- (e) identification mark of vehicle in country where it was last registered;
- (f) identification mark (if any) assigned by the Traffic Commissioner.

Dealer's mark

9. (1) The Traffic Commissioner shall assign to any dealer in motor vehicles who desires to use a motor vehicle on any road for the purpose of being tested with a view to sale such number or general identification marks as he thinks fit. The marks shall be such as the Traffic Commissioner directs in each case:

Provided that—

- (a) they shall consist of two plates, each bearing some distinguishing letter or letters, and each having placed thereon or annexed thereto some distinguishing number; and
- (b) the colouring of the plates shall be different from that used for the plates forming the ordinary identification mark; and
- (c) the lettering and numbering of the plates shall, so far as possible, be similar to those required in the case of the plates forming the ordinary identification mark.

(2) A motor vehicle bearing a general identification mark assigned under this regulation shall not be used for purposes other than those specified in section 12(1)(b) of the Act and shall not be used for private or trade purposes either by the dealer or any other person.

Licensing

Licences and licence plates

10. (1) Upon application being made to the Licensing Officer for the licensing or the renewal of a licence of any motor vehicle in the form set out in the First Schedule (Form 3) the Licensing Officer, is satisfied that the Act and these Regulations have been complied with shall issue to the applicant a licence in the form prescribed in the First Schedule (Form 4) together with a circular paper or cardboard disc between 2.5 and three inches in diameter and in the form prescribed in the First Schedule (Form 7).

(2) The circular disc with particulars therein shall be affixed by the licensee to the windshield of the motor vehicle as follows—

- (a) at the bottom left corner in the case of a motor vehicle which is driven from the right side; and
- (b) at the bottom right corner in the case of a motor vehicle which is driven from the left side.

(3) A person who desires to licence a vehicle other than a motor vehicle or trailer shall apply to the Licensing Officer in the form set out in the First Schedule (Form 4) and the Licensing Officer shall issue to the applicant a licence in the form prescribed in the First Schedule (Form 6).

Grant or renewal of driver's licences

11. Any person desiring to obtain the grant or renewal of a driver's licence in any of the three classes specified in section 30 of the Act shall apply to the Licensing Officer and furnish him with the relevant particulars as set out on the form in the First Schedule (Form 8).

Grant of Visitor's temporary licence

12. A person desiring to obtain the grant of a visitor's temporary driver's licence under section 31 of the Act shall apply to the Licensing Officer and furnish him with the relevant particulars as set out in the First Schedule (Form 9). (*Inserted by S.R.O. 60/2012*)

Issue of driver's licences

13. If the Licensing Officer is satisfied that the Act and these Regulations have been complied with he shall, on payment of the prescribed fee, issue a driver's licence in the form set out in the First Schedule (Form 10).

Badges for drivers

14. Upon the issue of a driver's licence in respect of a motor omnibus a badge upon which there shall be marked the word “**driver**” and the year of issue shall be delivered

to the holder of the licence upon due payment therefor. The badge shall be worn at all times when the driver is on duty in such a manner as to be easily seen.

Examination of Motor Vehicles, etc.

Register

15. (1) The Examining Officer shall keep a register in the form set out in the First Schedule (Form 11) of all certificates of fitness issued by him in respect of motor vehicles or trailers. Such certificates shall be as set out in the form in the First Schedule (Form 12).

(2) The Examining Officer shall examine every public service vehicle at least once every six months, and make an appropriate entry in the register.

Conditions on which certificate of fitness may issue

16. The Examining Officer shall not issue a certificate of fitness in respect of any motor vehicle or trailer unless the conditions hereinafter set forth are satisfied, namely—

(1) Reversing. The motor vehicle, if it exceeds in weight unladen eight cwt. is capable of being so worked that it may travel either forwards or backwards.

(2) Overall width and length. The motor vehicle, not being a motor cycle, does not exceed seven feet in overall width or twenty two feet in overall length.

(3) Overhang. The lateral overhang of the motor vehicle or trailer does not exceed six inches on each side and the longitudinal overhang does not exceed 7/24ths of the overall length of the vehicle.

(4) Brakes.

(a) The motor vehicle is equipped with two entirely independent braking systems, or with one efficient braking system having two independent means of operation, in each case so designed and constructed that the failure of any single portion of any braking system shall not prevent the brakes on two wheels, or, in the case of a motor vehicle having less than four wheels, on one wheel, from operating effectively so as to bring the vehicle to rest within a reasonable distance:

Provided that, in the case of a single braking system, the two means of operation shall not be deemed to be otherwise than independent solely by reason of the fact that they are connected either directly or indirectly to the same cross-shaft;

(b) In the case of a motor vehicle having more than three wheels and equipped with two independent braking systems, each such system shall be so designed and constructed that if the brakes thereof act either directly or indirectly on two wheels they shall act on two wheels on the same axle;

(c) Where, in the case of a single braking system, the means of operation are connected directly or indirectly to the same cross-shaft, the brakes

applied by one of such means shall act on all of the wheels of the motor vehicle directly and not through the transmission gear;

- (d) In all cases the brakes operated by one of the means of operation shall be applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device;
- (e) In all cases the brakes operated by one of the means of operation shall act directly upon the wheels and not through the transmission gear.

(5) *Trailers.* The trailer is fitted with sufficient brakes to the satisfaction of the Examining Officer.

(6) *Condition of Vehicle.* The motor vehicle or trailer and all the fittings thereof shall be in such a condition as (in the opinion of the Examining Officer) not to cause, or to be likely to cause, danger to any person on the motor vehicle or trailer or on any public road.

(7) *Silencer.* The motor vehicle is fitted with a silencer to the satisfaction of the Examining Officer.

(8) *Unauthorised Figures and Lights.* Except with the permission of the Examining Officer, there shall not be affixed to the front or rear of a motor vehicle any letters or figures other than those on the identification plate or any lighted lamps:

Provided that, the Traffic Commissioner may authorize the issue of a certificate of fitness in respect of a vehicle which does not comply with subregulation (1), (2) or (3).

Lights

17. (1) Every motor vehicle shall be equipped with at least two lamps at the front of the vehicle, one on each side. When a motor vehicle is in motion on a road at night, the two lamps at the front of the vehicle shall be lighted, and the rays from the lamps shall be uncoloured, and if the vehicle is capable of proceeding at a speed greater than twenty miles an hour, of such intensity as to illuminate the road ahead for a distance of at least seventy five yards or such greater distance as is sufficient to ensure the safety of the vehicle and the persons carried on the vehicle, and to indicate clearly the presence of the vehicle to approaching traffic:

Provided that, a motor cycle shall show one such light as aforesaid, but if a side-car is attached to the motor cycle, there shall be shown on that side of the side-car not adjacent to the motor cycle, an additional light of sufficient intensity to indicate the presence of the side-car for a distance of not less than twenty five yards from approaching traffic.

(2) Save as is provided in regulation 22, when stationary on a road at night, every motor vehicle and every trailer not attached to a motor vehicle shall show two lights in front, one at each side, of sufficient intensity to indicate the presence of the motor vehicle or trailer for a distance of not less than twenty five yards from approaching traffic:

Provided that, a motor cycle not attached to a side-car shall show one such light as aforesaid.

(3) Save as is provided in regulation 22, every motor vehicle and trailer, when on a road at night, whether in motion or stationary, shall carry at least one lamp showing a red light to the rear, of such intensity as to indicate clearly within a reasonable distance its presence on the road to traffic approaching from behind, and the lamp shall be of such construction and shall show an uncoloured light of such intensity as to illuminate clearly the figures and numbers on the rear identification plate so that they are visible at a distance of not less than twenty five yards:

Provided that, where a trailer is attached to a tractor it shall be sufficient if one such lamp as aforesaid is carried at the rear of the trailer only.

(4) No spot lights or other similar swivelling lights shall be carried on any motor vehicle without the authority of the Licensing Officer who may authorize such lights at his discretion and subject to such conditions as he may impose.

(5) Every motor vehicle capable of proceeding at a speed greater than twenty mile miles per hour shall be provided with a device whereby the front lamps of such vehicles can be dipped or dimmed to cast their rays to a distance of not more than twenty five yards in front of the motor vehicle.

(6) Every driver of a motor vehicle capable of proceeding at a speed greater than twenty miles per hour when driving at night, shall, on meeting any other vehicle, motor or other, bearing lighted lamps, “**dip**” or “**dim**” the lights of the motor vehicle which he is driving.

Windscreen or window requirements of motor vehicle

18.2 (1) A person may drive a motor vehicle on a road only if the front windscreen, the rear windscreen, each front side window and each rear side window is clear glass.

(2) A person may affix to—

- (a) the front windscreen of a motor vehicle, a film, tint or other obscuring device which allows a degree of visual transmission of light not exceeding ten inches in height measured from the top of the windscreen;
- (b) the rear windscreen of a motor vehicle, a film, tint or other obscuring device which allows a minimum of 10% visual transmission of light through the windscreen;
- (c) a front side window of a motor vehicle, a film, tint or other obscuring device which allows a minimum of 15% visual transmission of light through the window; and
- (d) a rear side window of a motor vehicle, a film, tint or other obscuring device which allows a minimum of 10% visual transmission of light through the window.

(3) The degree of visual transmission of light shall be determined by a tint meter measuring device or any other device which is approved by the Traffic Commissioner

² Note: Regulations 16A to 16D of S.R.O. 60/2012 renumbered as Regulations 18 to 21 came into force six months from 21 November 2012 to 21 May 2013)

to measure the transmission of light through a glass window or windscreen of a motor vehicle.

- (4) This regulation does not apply to a motorcycle.

(Inserted by S.R.O. 60/2012 and substituted by S.R.O. 30/2016)

Sign or poster on windscreen or window of a motor vehicle

19. (1) Subject to this regulation and regulation 18, a person shall not drive on a road a motor vehicle with a sign or poster on the front windscreen, the rear windscreen, a front side window or a rear side window other than a sign or poster required by law.

(2) Despite subregulation (1), a person may apply in writing to the Licensing Officer for approval to affix a sign or poster to—

- (a) the front windscreen or rear windscreen of a motor vehicle; or
- (b) a rear side window of a motor vehicle that has four or more side windows.

(3) For the purposes of subregulation (2)(b), a sign or poster may only be affixed to a side window nearest the rear windscreen.

(4) An application under subregulation (2) shall—

- (a) specify the motor vehicle to which the sign or poster is to be affixed;
- (b) specify the intended location of the sign or poster on the motor vehicle; and
- (c) be accompanied by a sample of the sign or poster to be affixed to the motor vehicle.

(5) The Licensing Officer shall notify a person of the approval or otherwise of his application under subregulation (2).

(6) The Licensing Officer shall not approve a sign or poster that contains a word, phrase or image that is obscene or indecent.

(7) A transparent sign or poster that is affixed to—

- (a) a front windscreen shall not exceed ten inches in length, measured from the top edge of the windscreen and may be of any width; or
- (b) a rear windscreen or a rear side window may be of any measurement.

(8) A sign or poster that is not transparent and is affixed to—

- (a) a front windscreen shall not exceed six inches in length, measured from the top edge of the windscreen and may be of any width;
- (b) a rear windscreen shall not exceed four inches measured from the edge of one side of the windscreen only; or
- (c) a rear side window shall not exceed eleven inches in length and eight inches in width.

(9) If a transparent sign or poster is affixed to the front windscreen, rear windscreen or a rear side window of a motor vehicle, the degree of visual transmission of light shall be in accordance with regulation 18.

(10) Subregulation (1) does not apply to a quarter glass.

(Inserted by S.R.O. 60/2012 and substituted by S.R.O. 22/2018)

Restriction on driving of motor vehicle with tinted windscreens or windows, posters or signs

20. (1) A person shall not drive on a road, a motor vehicle that is not in compliance with regulations 18 and 19.

(2) A person who acts in contravention of this regulation commits a summary offence and is liable to a fine of \$500, and for a second or subsequent conviction to a fine of \$1,000 or to one year imprisonment or to both.

(Inserted by S.R.O. 60/2012)

Certain motor vehicles exempted

21. (1) The regulations 18, 19, and 20 shall not apply to a motor vehicle which belongs to a class specified in subregulation (2).

(2) The classes of motor vehicles referred to in subregulation (1) are—

(a) ambulances;

(b) hearses; and

(c) such other classes of motor vehicles as the Governor acting on the advice of Cabinet may designate by notice published in the *Gazette*.

(Inserted by S.R.O. 60/2012)

Use of Motor Vehicles

No lighted lamps on motor vehicles required when in parking places and public stands

22. No lighted lamps shall be required to be carried by motor vehicles while waiting in the prescribed manner at the public stands.

Major and sundry roads

23. (1) The roads connecting the following are major roads:

(a) Blakes public road to New Winward;

(b) the junction of Blakes and Lookout to the entrance of CARICOM Village;

(c) the junction of Blakes and Lookout to the junction of Sweeney's and St. John's;

(d) the junction of John Alfred Osborne Airport and Gerald's to Drummonds;

- (e) the junction of Bamba Hill, Dick Hill and Peaceful Cottage to the junction of Sweeney's and St. John's;
- (f) the junction of Sweeney's and St. John's to the junction of Davy Hill and Robert W Griffith Drive;
- (g) the junction of Davy Hill and Robert W Griffith Drive to Port Little Bay;
- (h) the junction of Davy Hill and Robert W Griffith Drive to the junction of Hope, Friths and Salem Park road;
- (i) the junction of Hope, Friths and Salem Park road to Lower Frith's; and
- (j) Barzey's road to the junction of Cudjoe Head, Cavalla Hill and Baker's Hill.

(Inserted by S.R.O. 60/2012)

(2) All roads other than those designated in subregulation (1) are hereby declared secondary roads.

(3) All vehicles proceeding along a secondary road shall come to a halt at all intersections between such secondary roads and major roads and shall give right of way to all vehicles proceeding along a major road or turning from a major road into such secondary road.

(4) All vehicles turning from a secondary road into a major road will give right of way to all vehicles proceeding along a major road or turning from a major road into such secondary road.

(5) All vehicles coming on to a road from private land shall come to a halt and give right of way to all vehicles proceeding along such road.

(6) Any person driving a vehicle who fails to comply with subregulation (3), (4) or (5) shall be guilty of an offence under these Regulations.

Rules to be observed by drivers

24. Every driver of a motor vehicle shall comply with the following rules—

(1) *Travelling backwards.* He shall not cause the motor vehicle to travel backwards for a greater distance or time than may be requisite for the safety or convenience of the occupants of the motor vehicle and of the persons and other traffic on the road.

He shall not cause the motor vehicle to travel backwards at the junctions of any roads or round a corner. *(Amended by S.R.O. 60/2012)*

(2) *Full control and view to be maintained.* He shall not, when in the motor vehicle, be in such a position that he cannot have full control over the same, or that he cannot obtain a full view of the road and traffic ahead of the motor vehicle.

(3) *Brakes to be applied and engine stopped on leaving motor vehicle.* He shall before leaving the motor vehicle stop the engine and apply the brake so as to maintain the vehicle in a stationary position:

Provided that, the brakes so applied shall maintain the vehicle in a stationary position without the use of any other device whatsoever:

Provided further that the engaging of the gears of the motor vehicle shall not be deemed the equivalent of, or a substitute for, the applying of the brakes.

(4) *Restrictions as to sitting by driver.* In the case of goods vehicles and public service vehicles, not more than one person shall sit by the side of the driver unless such vehicle has been certified by an Examining Officer to have been constructed for the purpose of accommodating more than one person beside the driver.

No person shall sit on the right side of the driver of any motor vehicle unless such motor vehicle has been constructed with a left hand drive, in which case no person shall sit on the left side of the said driver.

(5) *To keep on the left, on meeting or being overtaken by other traffic—*

- (a) he shall keep the motor vehicle on the left of the road unless prevented by some sufficient cause.
- (b) when meeting, or being overtaken by other vehicles, he shall keep as close as possible to the left or near side of the road.
- (c) *Overtaking.* When overtaking other vehicles he shall keep to the right or off side of such other vehicles.
- (d) *Being Overtaken.* When being overtaken by other vehicles he shall drive as close to the side of the road as possible so as to allow such other vehicles to pass, and in all cases he shall drive so as to give as much space as possible for the passing of other traffic, and shall not increase the speed of the vehicle he is driving whilst being overtaken by any other vehicle.
- (e) *Cutting in.* He shall not drive so as to overtake other traffic unless he has a clear and unobstructed view of the road ahead and of any intersecting roads and he shall not overtake such other traffic unless he sees that the road ahead is clear for a sufficient distance to enable him to overtake and get back to his proper side before meeting any traffic coming from the opposite direction and without causing the vehicle which is being overtaken to alter its speed.
- (f) *Crossing.* He shall not cross a road or turn in a road or proceed from one road into another road, or from a road into a place which is not a road, unless he can do so without obstructing any other traffic on the road, and for this purpose he shall be held to be obstructing other traffic if he causes risk of accident thereto.
- (g) *Turning to left.* When turning from one road into another road to the left he shall keep as close as possible to the left side of each road.
- (h) *Turning to right.* When turning from one road into another road to the right he shall drive round the point of intersection of the two roads, and shall keep as close as possible to the left side of each road.
- (i) *Stopping at corners.* Except as provided in regulation 43 he shall not stop his motor vehicle within a distance of thirty feet from any corner,

drive, carriageway, or private road unless compelled to do so by the necessities of traffic on the road.

- (j) *Drawing up alongside other motor vehicles.* He shall not draw up the motor vehicle alongside any other motor vehicle on a road nor shall he back the motor vehicle to the kerb stone of any foot-path or to the side of any road except for the purpose of turning.
- (k) *Leaving a vehicle at night.* He shall when leaving a motor vehicle stationary on a road at night so stop the vehicle that it is as close as possible to the left hand side of the road facing the direction in which the vehicle was proceeding.

(6) *Obstruction.* He shall not negligently or wilfully prevent, hinder or interrupt the free passage of any vehicle, person or animal, and shall not allow such motor vehicle and any trailer drawn thereby to stand in such road so as to cause any unnecessary obstruction thereto.

(7) *Turnings and cross roads.*

- (a) He shall, when approaching turnings and cross roads or coming from any private road or place to any public road, slow down and make the appropriate traffic signal.
- (b) He shall, when turning across traffic or turning to the right, slow down and make the appropriate traffic signal.
- (c) He shall, when about to stop or slow down the motor vehicle on any public road, do so gradually and make the appropriate traffic signal.
- (d) He shall, when leaving any place at which his motor vehicle has been stationary, make the appropriate signal.
- (e) He shall comply with the directions of all traffic signs unless prevented by some sufficient cause.

(8) *Traffic Signals.* He shall, when using a motor vehicle on any road, make the following traffic signals—

- (a) when about to slow down or stop he shall extend the right arm and hand horizontally with the palm of the hand turned downwards and shall move the arm slowly and repeatedly downwards and upwards keeping it below the level of the shoulder;
- (b) when about to turn across traffic, turn to the right or when leaving any place at which the vehicle has been stationary, he shall extend the right hand and arm horizontally, palm turned to the front;
- (c) when about to turn left, he shall extend the right arm and move his hand in an anti-clockwise direction;
- (d) when acknowledging a signal indicating that a following driver wishes to pass he shall extend the right arm and hand below the level of the shoulder and move them backwards and forwards:

Provided that, in no case shall the required traffic signal be given by the driver of a motor omnibus by means of a dummy arm unless the construction of the motor

omnibus and the position of the driver's seat are such as to render it impossible for the driver to make such signal with his arm:

Provided further that, where the vehicle in question is of left-hand drive the appropriate signal shall be given so far as practicable by the left and not the right hand and/or arm:

Provided further that, where a vehicle is fitted with automatic traffic indicators the driver of the said vehicle may indicate his intention of turning either right or left by the proper use of such indicators.

(9) *Traffic directions.* He shall conform to the rules of the road in regard to all kinds of traffic and shall comply with the lawful directions of any police officer charged with the regulation of traffic and with any traffic sign. He shall give the following signals for the purpose of indicating the direction in which he wishes to proceed—

- (a) when it is proposed to go straight ahead, raise the hand towards the shoulder, and move the forearm well forwards and then back in a vertical plane, making the movement sufficiently pronounced to be easily seen;
- (b) when it is proposed to turn to the left, extend the right arm and move his hand in an anti-clockwise direction;
- (c) when it is proposed to turn to the right, extend the right arm and hand with the palm turned to the front, and hold them rigid in a horizontal position straight out from the off-side of the vehicle. (This signal may be used in any circumstances when it may be necessary to convey the warning to traffic following behind that it is dangerous to overtake.)

(10) *Slow moving traffic.* Slow moving traffic shall keep as much to the left as possible.

(11) *Drawing up at side of road.* He shall, when about to stop the motor vehicle on any road, draw up as close as possible to the side of the road so as to allow a clear roadway for passing traffic. He shall remove the motor vehicle at the request of any police officer when it is placed in such a position as to cause or be likely to cause obstruction on any road. He shall immediately remove it when requested so to do by the occupier or the servant of the occupier of any premises the access to which is obstructed thereby. He shall not draw up the motor vehicle on a road in such a manner as to prevent or hinder the drivers of other vehicles complying with the directions of any road signal. He shall not leave the motor vehicle drawn up on any public road for an undue length of time, having regard to all the circumstances of the case, including the amount of traffic which is at the time, or which might reasonably be expected to be, on the road.

(12) *Horns, etc.*

- (a) He shall carry attached to the motor vehicle a horn or other instrument capable of giving audible and sufficient warning of its approach or position and he shall not himself sound or allow any other person to sound such horn or other instrument except for the purpose of giving reasonable and necessary warning of the approach or position of the motor vehicle.

- (b) He shall not himself sound or allow any other person to sound such horn or other instrument between the hours of 9 p.m. and 5.30 a.m. in any area in Montserrat in respect of which the Traffic Commissioner shall issue a prohibition notice to that effect in the *Gazette*.
- (c) The Licensing Officer shall have power at any time to prohibit the use of any horn or instrument, the use of which for the purpose authorised in this regulation is likely to cause annoyance to the general public.
- (d) Every horn or other instrument used for the purposes authorised shall either be of a kind which has been approved by the Licensing Officer generally as proper to be used on motor vehicles or which has been approved by him in a special case on the application of the owner of the motor vehicle.
- (e) Any horn or other instrument which has been approved by the Licensing Officer for use on motor vehicles shall not be used on any other class of vehicles.

(13) *Sparks, smoke, vapour, lubricating oil.* He shall not permit sparks, smoke or visible vapour of any avoidable nature which would cause annoyance or danger to the public to come from any motor vehicle in his charge on or near any public road. He shall take proper precautions to prevent the unnecessary discharge of lubricating oil on any road.

(14) *Stopping of motor on request.* He shall, on the request of any police officer in uniform, or of any person having charge of a horse, or if any such police officer or person shall raise his hand as a signal for that purpose, cause the motor vehicle to stop and to remain stationary so long as may be reasonably necessary.

(15) *Projections.* Save as is hereinafter provided, he shall not carry on the motor vehicle or trailer, or being the owner of any motor vehicle or trailer, shall not suffer or permit to be carried thereon, any tree, timber or iron beam or any lumber or any matter or thing projecting on either side of such motor vehicle or trailer more than one foot beyond the plane of the wheels of such motor vehicle or trailer, or projecting more than five feet in front or behind, or in such a manner as to obstruct, endanger or interfere with traffic.

(16) *Carriage of articles on roof.* Where the motor vehicle is fitted with a roof or other covering no article or thing shall be carried on such roof or covering or carried in such a manner as to project above the height of such roof or covering.

(17) *Special permits.* The Traffic Commissioner may grant permits for the transport over any road, within stated hours, by a stated route and under stated conditions, of articles the transport of which would otherwise infringe subregulation (15) or (16). Such permits shall be carried on the motor vehicle and shall be produced by the driver at the request of any police officer.

(18) *Overcrowding.* He shall not allow the motor vehicle to carry more persons than it is licensed to carry.

(19) *Motor Vehicles unattended.* He shall not leave or permit to be left on any public road any motor vehicle which has broken down without taking the requisite steps to indicate its presence and position, by lighting or otherwise, to other persons using the

road, and shall take immediate steps to have it removed as near to the left of the road as possible.

(20) *Passage of emergency vehicles.*

- (a) He shall, on the approach of an emergency vehicle, which gives an audible and sufficient warning of its approach by sounding the horn, bell or siren, draw up close to the left-hand side of the road and stop, leaving the centre of the road clear for the passage of the emergency vehicle.
- (b) Notwithstanding paragraph (a), no two motor vehicles shall stop abreast. (*Substituted by S.R.O. 60/2012*)

Putting petrol into motor vehicles

25. Any person who shall put petrol into any receptacle on or adjacent to any motor vehicle or into the tank of a motor vehicle while the engine is running, or while any light, other than an electric light, is a light on the vehicle, and any person who shall smoke or light a match or expose a naked light in close proximity while petrol is being so filled, shall be guilty of an offence against these Regulations.

Reflecting mirror

26. Every motor vehicle, other than a motor cycle, shall be equipped with a reflecting mirror so constructed and fitted to the motor vehicle as to enable the driver of such motor vehicle to be or become aware of the presence in the rear thereof of any other vehicle the driver of which is desirous of passing such motor vehicle:

Provided that, this requirement shall not apply to a motor vehicle when drawing a trailer if a person is carried on the trailer in a position which affords an uninterrupted view to the rear, and such person is provided with efficient means of communicating to the driver the effect of signals given by the drivers of other vehicles in rear thereof.

Noisy motor vehicles

27. Any person driving or in charge of a motor vehicle which causes a loud noise to the annoyance or disturbance of any person shall be guilty of an offence under these Regulations.

Tyres

28. (1) All tyres of a motor vehicle or trailer shall at all times be maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road, or danger to persons in or on the vehicle or to any persons using the road:

Provided that, a person shall not be convicted under this regulation if he proves to the satisfaction of the Court that he could not by reasonable diligence have become aware of the defect.

(2) Any pneumatic tyre from which all the rubber has been worn on any section of the outer surface of the tyre, whether such surface bears on the road or not, shall be deemed to be defective, and it shall be an offence to use such a tyre on any vehicle.

Transportation of material

29. (1) A person, being the owner or operator of a vehicle used for the transportation of material, shall not permit that vehicle to be driven on any road without the material being properly secured—

- (a) in a condition which is unlikely to be injurious to the health of any person; and
- (b) in a manner which would reasonably prevent the material being carried to fall or be blown from the vehicle onto any road.

(2) A person who contravenes this regulation commits a summary offence and is liable to a fine of \$2,000 or twelve months imprisonment or to both.

(3) Where on a conviction under this regulation the Magistrate is satisfied that the Government or some other person has incurred, or will incur expenses in the removal of material which has fallen or blown from a vehicle, the Magistrate shall, in addition to any penalty imposed under subregulation (2) make an order for the payment by the convicted person of a sum which in the opinion of the Magistrate fairly represents the cost of removing the material.

(Inserted by S.R.O. 60/2012)

Public Service Vehicles—Construction and Maintenance
Motor omnibuses

Body and chassis

30. All bodies of motor omnibuses shall be of first class workmanship and be securely bolted and braced. Where it is necessary to extend the chassis frame the extension shall be inspected by an Examining Officer before the body is finally bolted and braced to the frame.

Flooring

31. Motor omnibuses shall be so constructed that the height of the main floor measured at any point shall not exceed two feet six inches measured vertically from the surface of the road when the vehicle is fully loaded:

Provided that, the Examining Officer shall be empowered to pass vehicles as motor omnibuses with a greater height of flooring provided he is satisfied as to the stability and safety of the vehicle.

Fittings for motor omnibuses

32. Every motor omnibus shall be fitted with—

- (a) a device by which a passenger may signal to the driver or conductor when required;
- (b) a speedometer; and
- (c) a fire extinguisher.

All such fittings shall be subject to the approval of the Examining Officer and shall be kept in working order.

Seats and seating capacity

33. The width between the backs of seats when the seats are placed length-wise must be not less than fifty six inches. When the seats are placed behind each other, the unimpeded distance available for the passage between the seats shall not be less than thirteen inches, while the distance between the backs of two seats so placed shall not be less than twenty seven inches, and when seats are placed crosswise facing each other the unimpeded space between them shall not be less than twenty six inches and the depth of each seat shall not be less than fourteen inches. The supports of all seats shall be firmly fixed in position and at least fifteen inches of unimpeded space allowed for each passenger measured along each seat.

Toeguards

34. Where running boards, steps or foot boards are fitted to the near or left side, or the rear of any motor omnibus, these must be fitted with a toeguard at least four inches above and to be the same length as the running board, step or foot-board and securely fastened to same. No such running board, step or foot-board shall be placed within six inches of either side of the outer edge of the tyre on any wheel of the vehicle.

Driver's seat

35. The driver's seat shall not be less than two feet wide, and shall be so constructed that there is a space of at least one foot on each side of the steering column, the space between the rear lower part of the steering wheel and the top of the driver's seat (inclusive of any cushion) shall not be less than seven inches. This seat shall slope backwards with a rake of 1 1/2 inches per foot measured horizontally, the distance between the back part of the steering wheel and the back of the driver's seat shall not be less than thirteen inches. The driver's seat shall be divided off from that of the person sitting beside him on his left by a wooden partition not less than thirty inches high measured from the floor, and extending from the front of the front seat to the dashboard. In any case this partition is to have a clearance of not less than two inches to the left of the extreme left lever controlled by the driver. No passenger or other seat shall be placed to the right of the driver's seat.

Front protection

36. Where passengers are carried on the left or alongside of the driver provision shall be made for a suitable guard barrier or rail to be fitted, so that in the event of the omnibus stopping suddenly, the passenger or passengers cannot be thrown forward and out of the omnibus.

Internal height

37. The internal height measured in the centre line of a motor omnibus from floor to lower edge of hoop sticks or other projections on the ceiling shall not be less than five feet six inches.

Entrances and exits

38. (1) Entrance to and exit from a motor omnibus with enclosed sides shall be only through one door which shall be not less than twenty eight inches wide and not less than five feet six inches high. This entrance and exit shall be on the near or left hand side of the vehicle, at the front or rear end. In addition there shall be an emergency exit of not less than twenty eight inches wide and five feet six inches high which shall be a door, capable of being closed and bolted by any simple lever arrangements approved by the Examining Officer. This emergency exit shall be in the centre of the rear end of the vehicle when the normal entrance and exit are at the front of the near or left side. Where the normal entrance and exit are at the rear of the near or left side of the vehicle, the emergency exit shall be at the front of the off or right side of the vehicle.

(2) Access to the driver's seat shall be through an entrance separate from that to the body of the vehicle used by passengers, unless otherwise approved by an Examining Officer.

(3) All entrances and exits shall at all times be kept free from all obstructions including seats, luggage or any other thing whatsoever.

(4) All sides of the body of such an enclosed motor omnibus excepting the spaces provided for doors in accordance with the above shall be closed with horizontal rails of metal or wood spaced not more than nine inches apart vertically, and extending from end to end of each side from floor level to two feet above the level of the seats. Such rails shall not be moveable.

(5) Entrance to and exit from a motor omnibus with open sides shall be from the near or left hand side of such motor omnibus. The front and rear as well as the off or right hand side of such motor omnibus shall be closed with horizontal rails of metal or wood spaced not more than nine inches apart vertically and extending from end to end of each side from floor level to two feet above the level of the seats. Such rails shall not be moveable.

Glass

39. No glass, except that fitted to the lights of the vehicle, shall be fitted to a motor omnibus unless it is non-splinterable glass approved by the Examining Officer.

Saving as to freight passenger vehicles

40. The Licensing Officer in his discretion may exempt freight passenger vehicles from any of the provisions of these Regulations relating to motor omnibuses, having regard to the number of passengers and amount of load to be carried by such vehicles and to the safety and convenience of the public.

Special regulations for drivers of public service vehicles

41. The driver of a public service vehicle shall comply with the following regulations—

- (a) he shall not use a horn or other instrument for the purpose of calling passengers;
- (b) he shall not smoke whilst any passenger is being carried on the vehicle;

- (c) he shall not make use to any passenger of any abusive language or insulting gestures;
- (d) he shall not loiter for the purpose of procuring passengers or otherwise;
- (e) he shall not, while waiting to pick up passengers, race his engine or make any loud or unnecessary noise with his engine;
- (f) he shall at the request of any passenger immediately stop in order to enable such passenger to alight, provided that, he does not thereby cause an obstruction;
- (g) he shall not in the town draw up his motor omnibus on a road or any public place elsewhere than at a stopping place or parking station appointed under these Regulations except for the purpose of discharging passengers;
- (h) he shall maintain the public service vehicle in a clean and sanitary condition;
- (i) he shall carry at least one spare inflated tyre fixed to the rim, spare wheel or other device, capable of being fitted to a wheel or axle.

Special regulations for motor omnibus conductors

42. Every conductor of a motor omnibus on a public road shall comply with the following regulations—

- (a) he shall not smoke whilst any passenger is being carried on the vehicle;
- (b) he shall not make use of any abusive language or insulting gestures;
- (c) he shall not ride otherwise than inside such omnibus;
- (d) he shall not permit more passengers than any omnibus is licensed for to be carried in such omnibus;
- (e) he shall not be under the influence of drink or drugs during his employment;
- (f) he shall at all times wear his badge in such a manner that the whole of the writing thereon is distinctly legible;
- (g) he shall not permit any passenger to ride otherwise than inside such omnibus.

Motor omnibus to proceed direct to destination

43. Every person driving a motor omnibus on a road shall after leaving any stand or garage with passengers proceed directly to the place or places included in the route of such omnibus, and shall not delay in so doing, and shall not return to the place of departure after leaving it, except on a return journey.

Lost property

44. The driver of a taxicab or motor omnibus wherein any property is left shall within 24 hours deposit such property, if not sooner claimed, at a Police Station.

Entering or leaving omnibus

45. The driver or conductor of a motor omnibus on any road shall not permit passengers to enter or leave such omnibus otherwise than by the entrance and exit provided in accordance with regulation 38.

Taxi Cab rank

46. Taxi Cabs may while awaiting hire park at any public stand appointed by the Traffic Commissioner as a taxi cab rank.

(Inserted by S.R.O. 1/1996)

Speed-measuring devices

47. (1) In this regulation—

“**authorised testing officer**” means a technician authorised by the Commissioner of Police under subregulation (9);

“**speed-measuring device**” means a speed-measuring device prescribed in subregulation (2).

(2) For the purposes of section 49 of the Act, a prescribed measuring device is—

- (a) the Kustom HR5 Hand Held Traffic Radar System or Speed Measuring Device;
- (b) the Kustom’s “**Falcon**” Hand Held Traffic Radar System or Speed Measuring Device; or
- (c) any other Hand Held Traffic Radar System or Speed Measuring Device equipment prescribed by the Governor.

(3) Every speed-measuring device for determining the speed at which a motor vehicle travels shall be tested for accuracy and sealed, under subregulation (4), by an authorised testing officer—

- (a) before being first used; and
- (b) afterwards, at least once every six months.

(4) The seal on a speed-measuring device that has passed the test for accuracy shall be a seal that effectively prevents the mechanism of the device being tampered with or interfered with without the seal being broken.

(5) If after the sealing of a speed-measuring device under subregulation (3) any repair, alteration or adjustment to its mechanism is affected, it shall again be tested for accuracy and sealed by an authorised testing officer.

(6) Full and accurate records of all speed-measuring devices tested and sealed shall be kept by an authorised testing officer in a book provided for the purpose, giving in each case—

- (a) the identifying number of the device;
- (b) the dates on which tests were made;

- (c) the results of the tests; and
 - (d) the name and signature of the person conducting the tests.
- (7) The production of a certificate signed by an authorised testing officer is *prima facie* evidence of—
- (a) the testing and sealing of the speed-measuring device referred to in the certificate; and
 - (b) the accuracy of the device.
- (8) A person who, without proper authority, wilfully tampers or interferes with the mechanism of a speed-measuring device is guilty of an offence.
- (9) The Commissioner of Police may authorise a technician having experience or training in testing speed-measuring or time-measuring device, to test a speed measuring or time measuring device.
- (10) For the purposes of this regulation, a certificate of—
- (a) approval for a speed measuring or time measuring device shall be in Form 1 of the Third Schedule;
 - (b) accuracy of a speed measuring or time measuring device shall be in Form 2 of the Third Schedule; and
 - (c) authority to test a speed measuring or time measuring device shall be in Form 3 of the Third Schedule.

(Inserted by S.R.O. 60/2012)

Miscellaneous Regulations

Stopping

48. (1) Motor omnibuses shall stop at the request of a passenger or intending passenger at any point on a scheduled route outside the limits of the town of Plymouth.

(2) In these Regulations, “**stop**” means to remain stationary for so long as may be reasonably necessary to allow passengers to alight from or to get on a motor omnibus.

(3) When stopping, a motor omnibus shall draw up on the left side of the road, facing the direction in which it is proceeding, and the driver thereof shall observe all rules of the road and other regulations as may be provided for the safety of road users when stopping a vehicle.

Travelling on scheduled routes

49. (1) Motor omnibuses shall travel only on such other routes as may be prescribed by special permit granted by the Traffic Commissioner.

(2) Before a motor omnibus travels on any route, scheduled or otherwise, the owner thereof must obtain a permit in writing from the Traffic Commissioner.

(3) The Traffic Commissioner shall state on any permit governing the route on which a motor omnibus may travel the following details—

- (a) the name of the owner;
- (b) the registration number of the omnibus;
- (c) the route on which the omnibus is permitted to travel; and
- (d) the time table in accordance with which the omnibus is to be operated.

(4) Permits for travel on scheduled routes shall be valid for one year from the date of their coming into operation.

(5) No fee shall be payable for such permits.

(6) Permits for travel on routes other than those set out in the Fifth Schedule shall be valid for one day only.

(7) A fee of twenty four cents (payable in stamps affixed to such permit and cancelled by the officer issuing the permit) shall be payable by the applicant for each permit to travel on an unscheduled route.

Removal of broken down vehicle

50. (1) It shall be the duty of the owner, driver, or other person in control or in charge of any vehicle—

- (a) when the vehicle has broken down on a road in such circumstances that the defects cannot be remedied within a reasonable time or the presence of the vehicle is likely unnecessarily to obstruct or to cause danger to other persons using the road; or
- (b) when required so to do by any police officer on the ground that the vehicle has been permitted to remain at rest on the road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road,

to remove or to take all reasonable steps to secure the removal of such vehicle as soon as practicable.

(2) A police officer may remove or take all reasonable steps to secure the removal of any such vehicle, mentioned in subregulation (1), where—

- (a) the owner, driver or other person in control or in charge of the vehicle fails or neglects to comply with subregulation (1); or
- (b) any such person is not known to the police officer; or
- (c) in the opinion of the police officer, he is unlikely to find such person within a reasonable time, or if found such person will be unable to comply with subregulation (1).

FIRST SCHEDULE

FORM 1

(Regulation 4(1))

**FORM OF PARTICULARS TO BE GIVEN BY APPLICANT
FOR REGISTRATION OF A MOTOR VEHICLE**

Road Traffic Act

1.	Full name of owner.	
2.	Postal address of residence of owner.	
3.	Description or type of vehicle.	
4.	Type and colour of body and seating accommodation.	
5.	Make of car and year of manufacture.	
6.	Engine number and number of cylinders.	
7.	Name of company with which insured.	
8.	Weight for licensing purposes.	
9.	Whether intended for— (a) Private use, or (b) Use for trade purposes, or (c) Use as a public service vehicle, or (d) Use as a passenger freight vehicle.	
10.	Particulars as to the position on the car in which it is proposed to place the plates forming the identification mark.	

Signature of Owner

Date of application

N.B.—It is an offence under the Act to give any particulars which are not correct.

FORM 2

*(Regulation 4(2))***FORM OF PARTICULARS TO BE GIVEN BY APPLICANT
FOR REGISTRATION OF A PEDAL BICYCLE***Road Traffic Act*

1.	Full name of owner.	
2.	Postal address of residence of owner.	
3.	Make of Bicycle.	
4.	Whether men's or ladies' frame.	
5.	Manufacturer's Number.	
6.	Particulars as to the position on the vehicle in which it is proposed to place the plate forming the identification mark.	

Signature of Owner

Date of application

N.B.—It is an offence under the Act to give any particulars which are not correct.

FORM 3

(Regulation 10(1))

APPLICATION FOR LICENCE FOR A MOTOR VEHICLE

Road Traffic Act

PARTICULARS

Full name of owner.....

Residential address.....

Registered letter and identification mark and number

Type of vehicle.....

Whether intended for— (a) Private use, or.....

(b) Use for trade purposes, or.....

(c) Use as a public service vehicle, or.....

(d) Use as a passenger freight vehicle.....

Weight for licensing purposes.....

Inspecting engineer's certificate No. Date

Insured with.....

Address.....

Number of policy.....

Date policy expires.....

.....
Signature of Owner.

Date

N.B.—It is an offence under the Act to give any particulars which are not correct.

FORM 4

(Regulation 10(1))

LICENCE FOR MOTOR VEHICLE NO.*Road Traffic Act*

The motor vehicle herein described is licensed
under the Road Traffic Act

1. Name of registered owner.	
2. Residential address.	
3. Date of issue of licence.	
4. Date of expiration of licence.	
5. Description or type of vehicle.	
6. Use for which licensed.	
7. Registered identification mark and number.	
8. Number of vehicle plate.	
9. Weight for licensing purposes.	
10. Insured with.	
11. Date of expiration of insurance policy.	

The sum of dollars cents has been paid for this licence.

Treasury receipt No.

.....
Licensing Officer.

Date

FORM 5

(Regulation 10(3))

**APPLICATION FOR LICENCE FOR A VEHICLE
NOT PROPELLED BY MECHANICAL POWER**

Road Traffic Act

PARTICULARS

Full name of owner.....

Residential address.....

Type of vehicle.....

Whether intended for—

(a) Private use or.....

(b) Use for trade purposes.....

Weight of vehicle (if animal drawn).....

.....
Signature of Owner

Date

N.B.—It is an offence under the Act to give any particulars which are not correct.

FORM 6

*(Regulation 10(3))***LICENCE FOR A VEHICLE NOT PROPELLED BY MECHANICAL POWER***Road Traffic Act*

The vehicle herein described is licensed under Road Traffic Act

1.	Name of registered owner.	
2.	Residential address.	
3.	Date of issue of licence.	
4.	Date of expiration of licence.	
5.	Description or type of vehicle.	
6.	Use for which licensed.	
7.	Number of vehicle plate.	
8.	Weight of vehicle if animal drawn.	

The sum of dollars cents has been paid for this licence.

Treasury Receipt No.

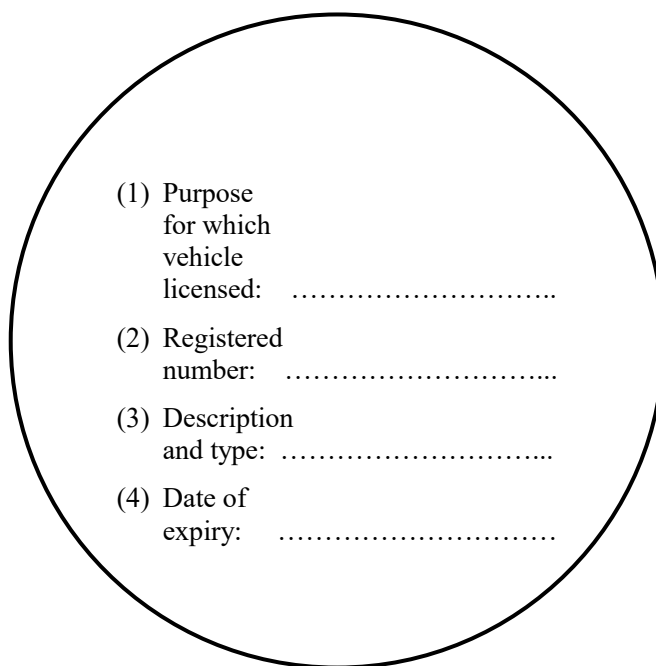
.....
Licensing Officer.

Date

FORM 7

(Regulation 10(1))

DIAGRAM (CIRCULAR DISC.)



(1) Purpose
for which
vehicle
licensed:

(2) Registered
number:

(3) Description
and type:

(4) Date of
expiry:

FORM 8

(Regulation 11)

**PARTICULARS TO BE GIVEN BY APPLICANT FOR ISSUE OR RENEWAL
OF PRIVATE DRIVER'S LICENCE, MOTOR CYCLE DRIVER'S LICENCE,
PUBLIC SERVICE VEHICLE DRIVER'S LICENCE AND HEAVY
EQUIPMENT DRIVER'S LICENCE**

1. Name	
2. Residential Address	
3. Email Address	
4. Telephone Number	
5. Date of Birth	
6. Place of Birth	
7. Gender	
8. Height	
9. Blood Group	
10. Nationality	
11. Social Security Number	
12. Class of Licence	
13. (a) Are you the holder of a driver's licence or have you at any time been the holder of a driver's licence?	<p>.....</p> <p>.....</p>

<p>(b) If so, state the number and date of expiry.</p>	
<p>14. State the particulars of any endorsement on any driver's permit which you hold or have held previously.</p>	<p>.....</p> <p>.....</p>
<p>15. (a) Have you at any time been disqualified from obtaining a driver's licence?</p> <p>(b) If so, provide particulars as to the Court that imposed the disqualification, the date of the order and the period for which you were disqualified.</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>16. (a) Have you passed a driving test?</p> <p>(b) If so, by whom were you tested and in what country?</p>	<p>.....</p> <p>.....</p> <p>.....</p>
<p>17. (a) Are you suffering from any disease or disability?</p> <p>(b) If so, please specify.</p>	<p>.....</p> <p>.....</p> <p>.....</p>

18. Name and Address of Employer (if applying for a public service vehicle licence)
--	----------------------------------

Signature.....

Date.....

(Substituted by S.R.O. 60/2012)

FORM 9

(Regulation 12)

Particulars to be given by Applicant for issue of a Visitors Temporary Licence

PRIVATE LICENCE

MOTOR CYCLE LICENCE

1. Full name of Applicant	
2. Address of Applicant	
3. Telephone	
4. Particulars of driving licence which you hold. a. Country of issue: b. Date of issue: c. Class of licence: d. Licence number: e. Expiration date:	

Signature of applicant.....

Date of application.....

(Inserted by S.R.O. 60/2012)

FORM 10

(Regulation 13)

(Front)

MONTSERRAT DRIVER'S LICENCE

Licence No. Class:

Name:

PHOTO

Address

Social Security No.
(where applicable)

Date Sex: Height Blood:
of ;

Birth:

Place of Birth:

Nationality:

Date of Issue: Expiry date:

Issued in accordance with the Road Traffic Act (Cap. 7.06) of the
Revised Laws of Montserrat

(Back)

Class:

First Issue

Private

Public Service Vehicle

Motor Cycle

.....
Licencing Officer

(Substituted by S.R.O. 10/2011)

FORM 11

(Regulation 15)

REGISTER TO BE KEPT BY EXAMINING OFFICER

1	2	3	4	5	6	7	8	9	10	11
Number of Certificate issued	Date of Inspection	Date Certificate issued	Registered Number of Vehicle	Name of Owner	Address of Owner	Type of Vehicle	No. of passengers to be carried	Tare in Pounds	M. G. W. in Pounds	Remarks

FORM 12

*(Regulation 15)***EXAMINING OFFICER'S CERTIFICATE**

No.

I HEREBY CERTIFY that

(1) I have personally made a thorough examination of, and have driven and tested the—

Motor vehicle No.(.....)

Owned by

of

which is described below—

(a) Chassis manufactured by

(b) Model

(c) Engine No. No. of cylinders

(d) Year manufactured

(e) Factory number of chassis

(f) Maker's maximum gross weight in pounds when new

(g) Type of body

(h) Tare in pounds

and found the condition of its several parts to be—

Chassis

Engine

Body

Tyres

Brakes

Mechanism

and have allowed a

Longitudinal overhang of

Lateral overhang of

(2) The said vehicle conforms to the Regulations for the time being in force under Road Traffic Act, and is in good and proper condition to—

(a) Carry passengers.

(b) Carry a load of pounds.

(c) Be licensed for a maximum gross weight of pounds.

Licence duty to be paid

(3) The Accountant General's Receipt bearing No. dated, 20..... for the examination fee has been produced and seen by me.

(4) And that the said may be duly licensed.

(5) That not more than persons may sit on the left of the driver.

.....
Examining Officer.

Date of Certificate, 20.....

SECOND SCHEDULE

(Inserted by S.R.O. 17/1988 and amended by S.R.O.s 2/1989, 60/2012 and 30/2016)

1	2	3	4
M201	H202	R203	G204

The actual size of the plate will differ according to the number of digits required.

PROVISIONS TO BE COMPLIED WITH*General*

1. Each Licence plate must be rectangular and bear upon it the index letter ‘**M**’ or ‘**H**’ or ‘**R**’ or ‘**G**’ as the case may be, and the separate number assigned to the motor vehicle by the Licensing Officer, the letter and number being arranged in conformity with the arrangement of letters and figures shown in the above diagrams.

2. A letter or a number forming an identification mark of a licence plate on a motor vehicle shall be no less than 2½ inches in height. *(Substituted by S.R.O 30/2016)*

3. The space between a letter or a number forming an identification mark of a licence plate on a motor vehicle shall be sufficient to ensure that the letter or number does not touch another letter or number. *(Substituted by S.R.O 30/2016)*

4. In the case of the plate for a motor tricycle or a motor bicycle of a weight unladen not exceeding eight hundred-weights or for a pedal bicycle, each of the above-mentioned dimension may be halved, and the shape of the plate need not be rectangular, so long as the minimum margin between any letter or figure and the top, bottom and sides of the plate is preserved.

5. The index letters and figures on all licence plates shall be coloured in white, except in the case of Government vehicles which shall be coloured in black.

6. The index letters and the colour of the background of the plates to be used in respect of the various categories of vehicles shall be as indicated in the schedule hereunder:

SCHEDULE

<i>Purpose</i>	<i>Index Letter</i>	<i>Colour of Background Plate</i>
<i>a) Private</i>	M	Black
<i>b) Hire</i>	H	Green
<i>c) Rental</i>	R	Red
<i>d) Government</i>	G	Yellow

7. Pedal bicycles shall bear the index letter as illustrated in diagram 1 above with the ground of the plate coloured green and the index letter and number coloured white.

8. (1) Despite items 1 to 5, the owner of a vehicle may apply to the Licensing Officer for a personalised licence plate.

(2) An application for a personalised licence plate shall include—

- (a) a receipt for the application fee prescribed in the First Schedule to the Act;
- (b) a detailed description or image of the proposed personalised licence plate; and
- (c) a description of any licence plate that was previously assigned to the motor vehicle.

9. A letter, number, symbol or image placed on a licence plate and not forming part of the identification mark shall—

- (a) not exceed $\frac{3}{4}$ of an inch in height; and
- (b) be placed at least $\frac{1}{2}$ of an inch away from a letter or number which forms part of the identification mark. (*Inserted by S.R.O. 30/2016*)

THIRD SCHEDULE**FORM 1***(Regulation 47(10)(a))**(Inserted by S.R.O. 60/2012)***CERTIFICATE OF APPROVAL OF A SPEED
MEASURING OR TIME MEASURING DEVICE**

I, Commissioner of Police HEREBY
APPROVE the device described below as a speed/ time measuring device to determine
the speed at which a motor vehicle travels, in accordance with regulation 47(10)(a) of
the Road Traffic Regulations.

Make and description of device:

Serial number:

Dated the day of, 20

.....
Commissioner of Police

FORM 2

(Regulation 47(10)(b))

(Inserted by S.R.O. 60/2012)

CERTIFICATE OF ACCURACY

The speed/time measuring device bearing No. was tested by me on the day of, 20 and the instrument was found to be capable of accurately determining the speed at which a motor vehicle travels within a limit of error not exceeding one part in thirty, and the device has, in accordance with the Road Traffic Regulations, been duly and properly sealed by me.

Dated the day of, 20

.....
Authorised Testing Officer

FORM 3

*(Regulation 47(10)(c))**(Inserted by S.R.O. 60/2012)***CERTIFICATE OF AUTHORITY TO TEST SPEED
MEASURING OR TIME MEASURING DEVICES**

I , Commissioner of Police HEREBY
CERTIFY that is authorised to test
speed/time measuring devices in accordance with the regulation 47(10)(c) of the Road
Traffic Regulations.

Dated the day of , 20

.....
Commissioner of Police

BICYCLE REGULATIONS – SECTION 78(1)

(S.R.O. 17/1952)

Short title

1. These Regulations may be cited as the Bicycle Regulations.

Warning appliance

2. (1) Every bicycle shall be fitted with a bell capable of giving audible and sufficient warning of its approach.

(2) Every person riding or being upon any bicycle on any road, shall, by sounding the bell as prescribed by subregulation (1) give audible and sufficient warning of his approach, and in the event of his overtaking any traffic he shall do so within a reasonable distance from such traffic before such overtaking.

(3) The use of a bell as prescribed by subregulation (1) in such a manner as to cause a nuisance or annoyance to other persons and the use of any mechanical whistle, horn, siren or instrument other than a bell as prescribed by paragraph (1) are prohibited.

(4) Every person contravening subregulation (2) or (3) shall be guilty of an offence.

Illumination

3. (1) Every person riding or being upon any bicycle on any road at night shall carry and exhibit on such bicycle—

- (a) a lamp which shall be so constructed and placed as to exhibit a white light to the front and so lighted and kept lighted as to be visible from a reasonable distance and to afford adequate means of signalling the approach or position of such bicycle; and
- (b) a lamp showing to the rear a red light visible from a reasonable distance:

Provided that, it shall not be necessary to carry a lamp showing a red light to the rear if the bicycle has attached thereto an unobscured and efficient red reflector or if the lowest six inches of the hindmost outer part of the rear mudguard of the bicycle is painted white.

- (2) Every person contravening subregulation (1) shall be guilty of an offence.

Brakes

4. Every bicycle shall be equipped with efficient brakes on each wheel and every person riding or being upon a bicycle not so equipped shall be guilty of an offence.

Traffic signs

5. Where any police officer is for the time being engaged in the regulation of traffic on a road, or where any traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, and being of the prescribed size, type

and colour, has been lawfully placed on or near any road, every person riding or being upon a bicycle who neglects or refuses to stop or to proceed in or keep to a particular line of traffic when directed so to do by the police officer in the execution of his duty, or fails to conform to the indication given by the sign, shall be guilty of an offence.

Traffic signals

6. (1) Every person riding or being upon a bicycle on any road shall, when necessary, indicate clearly to police officers and to traffic in front of or in rear of the bicycle the direction he proposes to take.

(2) Every person contravening subregulation (1) shall be guilty of an offence.

PASSENGER FARES REGULATIONS – SECTION 78

(S.R.O. 70/2005)

Commencement

[15 October 2005]

Short title

1. These Regulations may be cited as the Passenger Fares Regulations.

Interpretation

2. In these Regulations, “**taxicab**” means a public service vehicle other than a motor omnibus.

Fares and other particulars to be exhibited in taxicabs

3. (1) The driver of any taxicab shall exhibit in a conspicuous place inside such taxicab an easily legible notice specifying all the prescribed fares and rates for taxicabs and also the number of passengers which such taxicab is licensed to carry.

(2) Any person who contravenes or fails to comply with subregulation (1) shall be guilty of an offence.

Fares for hiring taxicabs

4. (1) The following fares shall be the maximum fares chargeable in respect of taxicabs for the distances mentioned—

	Geralds Airport	Port Little Bay	Tropical Mansion Suites	Old Towne
Baker Hill	EC\$30 US\$12	EC\$20 US\$8	EC\$25 US\$10	EC\$40 US\$16
Banks	EC\$25 US\$10	EC\$20 US\$8	EC\$25US\$10	EC\$40US\$16
Barzeys	EC\$20 US\$8	EC\$25 US\$10	EC\$20 US\$8	EC\$40 US\$16
Brades	EC\$20 US\$8	EC\$15 US\$6	EC\$15 US\$6	EC\$40 US\$16
Cavalla Hill	EC\$35 US\$14	EC\$30 US\$12	EC\$25 US\$10	EC\$40 US\$16
Cheap End	EC\$35 US\$14	EC\$30 US\$12	EC\$35 US\$14	EC\$30 US\$12
Cudjoe Head	EC\$25 US\$10	EC\$20 US\$8	EC\$20 US \$8	EC\$40 US\$16
Davy Hill	EC\$15 US\$6	EC\$10 US\$4	EC\$10 US\$4	EC\$45 US\$18
Dick Hill	EC\$20 US\$8	EC\$25 US\$10	EC\$20 US\$8	EC\$60 US\$24

	Geralds Airport	Port Little Bay	Tropical Mansion Suites	Old Towne
Drummonds	EC\$10 US\$4	EC\$25 US\$10	EC\$15 US\$6	EC\$55 US\$22
Flemmings	EC\$50 US\$20	EC\$45 US\$18	EC\$45 US\$18	EC\$15 US\$6
Friths	EC\$50 US\$20	EC\$45 US\$18	EC\$45 US\$18	EC\$15 US\$6
Geralds	EC\$10 US\$4	EC\$20 US\$8	EC\$15 US\$6	EC\$55 US\$22
Grand View B &B	EC\$35 US\$14	EC\$30 US\$12	EC\$25 US\$10	EC\$40 US\$16
Hope	EC\$50 US\$20	EC\$45 US\$18	EC\$45 US\$18	EC\$15 US\$6
Isles Bay	EC\$65 US\$25	EC\$60 US\$24	EC\$60 US\$24	EC\$20 US\$8
Jones Hill	EC\$35 US\$14	EC\$30 US\$12	EC\$35 US\$14	EC\$35 US\$14
Judy Piece	EC\$20 US\$8	EC\$25 US\$10	EC\$15 US\$6	EC\$60 US\$24
Little Bay	EC\$20 US\$8	-	EC\$20 US\$8	EC\$50 US\$20
Lookout	EC\$20 US\$8	EC\$25 US\$10	EC\$15 US\$6	EC\$60 US\$24
Mongo Hill	EC\$20 US\$8	EC\$25 US\$10	EC\$15 US\$6	EC\$60 US\$24
Montserrat Moments (Inn)	EC\$30 US\$12	EC\$25 US\$10	EC\$20 US\$8	EC\$45 US\$18
Montserrat Volcano Observatory	EC\$60 US\$24	EC\$55 US\$22	EC\$50 US\$20	EC\$20 US\$8
Manjack	EC\$25 US\$10	EC\$20 US\$8	EC\$20 US\$8	EC\$45 US\$18
Nixons	EC\$25 US\$10	EC\$20 US\$8	EC\$20 US\$8	EC\$45 US\$18
Olveston	EC\$50 US\$20	EC\$45 US\$18	EC\$40 US\$16	EC\$15 US\$6
Old Towne	EC\$55 US\$22	EC\$50 US\$20	EC\$55 US\$22	EC\$10 US\$4
Salem	EC\$50 US\$20	EC\$45 US\$18	EC\$40 US\$16	EC\$10 US\$4
St. Johns	EC\$10 US\$4	EC\$20 US\$8	EC\$10 US\$4	EC\$55 US\$22
St. Peters	EC\$35 US\$14	EC\$30 US\$12	EC\$35 US\$14	EC\$30 US\$12
Salt Springs	EC\$25 US\$10	EC\$20 US\$8	EC\$20 US\$8	EC\$40 US\$16

	Geralds Airport	Port Little Bay	Tropical Mansion Suites	Old Towne
Sweeneys	EC\$10 US\$4	EC\$15 US\$6	EC\$10 US\$4	EC\$50 US\$20
Woodlands	EC\$45 US\$18	EC\$40 US\$16	EC\$40 US\$16	EC\$20 US\$8

(2) The maximum rate to be charged for distances not herein listed shall be EC\$10 US\$4.

(3) An additional 25% will be chargeable for night time operation from 9 pm – 5 am.

Fares for tour

5. (1) The following maximum fares per hour shall be charged for tours.

Passenger seats	EC\$	US\$
1-4	50	20
5-9	70	28
10-12	100	40
13-15	130	52
16-26	235	94
27-36	260	104

(2) The minimum rate is one hour.

(3) Special package rates must be arranged in advance.

(4) If a specific size vehicle is requested that hourly rate will be charged regardless of number of passengers.

Fares for motor omnibuses

6. (1) The following maximum fares per person shall be chargeable by motor omnibuses for the distances set out below—

ZONE	DISTANCE	DAY RATE EC\$	NIGHT RATE EC\$
A1	Salem to St. Peters	\$2	\$3
A2	Lookout/Judy Piece to St. Johns	\$2	\$3
B1	Salem/St. Johns	\$3	\$4.50
B2	Lookout/Judy Piece to St. Peters	\$3	\$4.50
C1	Salem to Lookout/Judy Piece	\$4	\$6
C2	Lookout/Judy Piece to Salem	\$4	\$6

(2) The maximum fare for short stops are as follows—

- (a) day - EC\$2;
- (b) night - EC\$3.

(3) Any stop off the main road an additional fare will be chargeable as follows—

(a) EC\$2 for day; and

(b) EC\$3 for night.

(4) Children under twelve years will pay half times the rate set out above.

(5) Day time hours are 5a.m – 9 p.m and night time hours is 9 p.m – 5 a.m.

MOTOR VEHICLE (IMPORTATION RESTRICTION) ORDER – SECTION 78

(S.R.O. 29/1978)

Commencement

[1 January 1979]

Short title

1. This Order may be cited as the Motor Vehicle (Importation Restriction) Order.

Importation restriction

2. From and after the coming into force of this Order, the importation into Montserrat of any motor vehicle exceeding the dimensions set out in the Schedule hereto, not being a motor omnibus, motor lorry or tractor, is hereby prohibited.

SCHEDULE
(Paragraph 2)

IMPORTATION RESTRICTION

(Dimensions of Vehicles)

Length	Width
16'6"	6'

ROAD TRAFFIC (MOTOR CYCLE HELMETS) REGULATIONS – SECTION 78

(S.R.O.s 69/1980 and 43/1982)

Commencement

[15 December 1980]

Short title

1. These Regulations may be cited as the Road Traffic (Motor Cycle Helmets) Regulations.

Interpretation

2. In these Regulations—

- (a) **adequate footwear**” means shoes or boots which fully enclose the foot, which are made of leather, rubber or similar material, and which could be expected to provide to the wearer in the event of accident on a motor cycle a reasonable degree of protection from injury;
- (b) **“motor cycle”** shall have the meaning ascribed to it in section 2 of the Road Traffic Act; *(Amended by S.R.O. 43/1982)*
- (c) **“properly secured”** means securely fastened to the head of the wearer by means of straps or other fastening, provided on the headgear for that purpose;
- (d) **“safety helmet”** means any headgear which complies with one or more of the following specifications or which by virtue of its shape, material and construction could reasonably be expected to provide to the wearer in the event of accident on a motor cycle a degree of protection from injury similar to or greater than that provided by a helmet of a type complying with one or more of the following specifications, namely—
 - (i) British Standard 2001:1970 (as amended);
 - (ii) British Standard 1869:1960 (as amended);
 - (iii) American Standards Institution specification 290 or 290.1:1966 (as amended); or
 - (iv) such helmets of Japanese manufacture of the ranges D.S.1, D.S.3, D.S.4 or D.S.9 as are warranted to be of quality equivalent to those of the American Standards Institution;
- (e) references to selling or offering for sale shall include references to letting on hire or offering to let on hire.

Safety helmets

3. (1) The driver of, and every person carried on, a motor cycle on a road shall while driving or being carried on such motor cycle as the case may be wear a safety helmet properly secured and adequate footwear.

(2) The driver of a motor cycle on a road shall not carry any other person on that motor cycle unless such person is wearing a safety helmet properly secured and adequate footwear.

(3) Any person who contravenes subregulation (1) or (2) shall be guilty of an offence.

Powers of police officers

4. (1) Any police officer in uniform who sees a person driving a motor cycle in circumstances which give the officer reasonable cause to suspect that an offence is being committed under these Regulations may require such person to stop and if the officer is satisfied that such an offence is being committed he may cause such person to surrender to him the motor cycle ignition key, if any, and may prohibit such person from driving the motor cycle until he can do so without committing an offence.

(2) Any person who fails to stop when required to do so under subregulation (1) who refuses to surrender the motor cycle ignition key when so required or who drives or attempts to drive a motor cycle after being prohibited by a police officer from doing so under subregulation (1) shall be guilty of an offence.

Sale of inadequate helmets

5. Any person who knowingly sells or offers for sale as a safety helmet any headgear which does not conform to the definition of “**safety helmet**” in regulation 2(d) hereof shall be guilty of an offence.

Sale of motor cycles without helmets

6. Any person who sells a motor cycle in the way of business without taking all reasonable steps to satisfy himself that the purchaser thereof is the owner or otherwise entitled to possession of a safety helmet shall be guilty of an offence.

ROAD TRAFFIC (HAPPY HILL) REGULATIONS – SECTION 78

(S.R.O 52/2005)

Commencement

[23 August 2005]

Short title

1. These Regulations may be cited as the Road Traffic (Happy Hill) Regulations.

Traffic on happy hill

2. (1) No person shall drive or ride any loaded vehicle weighing in excess of seven (7) tons along the Happy Hill public road.

(2) The Traffic Commissioner may erect or cause to be erected signs to indicate the requirements of subregulations (1) hereof in accordance with the Traffic Signs (Kinds and Descriptions) Regulations, and any person who fails to comply with the direction or prohibition given by any such signs shall be guilty of an offence.

CHAPTER 7.06

ROAD TRAFFIC (SPECIAL PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Offences
3. Member of Police service may give or affix notice
4. Time when notice to be given or affixed
5. Notice to be sent to Magistrate
6. Particulars to be specified in notice
7. Payment of penalty
8. Procedure in case of failure to pay penalty
9. Certificate of payment
10. Unauthorised interference with notice
11. Appointment of Traffic Wardens
12. Regulations
13. Act not to apply in certain cases
14. No restriction or prohibition of proceedings under the Road Traffic Act
15. Conflict

SCHEDULES

CHAPTER 7.06

ROAD TRAFFIC (SPECIAL PROVISIONS) ACT

(Act 3 of 1995, 9 of 2010 and 9 of 2011)

AN ACT TO MAKE SPECIAL PROVISIONS REGARDING VEHICLES AND ROAD TRAFFIC.

Commencement

[22 May 1995]

Short title

1. This Act may be cited as the Road Traffic (Special Provisions) Act.

Offences

2. The various acts set out in Column I of Schedule I shall be offences under this Act, punishable on conviction by the corresponding penalties set out in Column II of that Schedule.

Member of Police Service may give or affix notice

3. (1) Where an offence created by section 2 or listed in Column I of Schedule II to this Act has been committed, a member of the Police Service may give to the driver of the motor vehicle in respect of which the offence was committed a notice charging him with the commission of that offence and requiring him either to pay the penalty set out in the corresponding entry in Column II of Schedule I or Schedule II within the time specified in the notice or to appear at the court specified in the notice on the day and hour stipulated therein for the purpose of answering the charge. *(Amended by Act 9 of 2011)*

(2) Where under subsection (1) the driver of the motor vehicle is not present at the place of the commission of the offence a member of the Police Service may affix the notice to such part of the vehicle as may readily be seen by a driver of that vehicle. *(Amended by Act 9 of 2011)*

(3) Where a notice has been affixed to a motor vehicle under subsection (2), it is deemed to have been given to the person liable for the offence, and notwithstanding any law to the contrary, the registered owner of the vehicle shall, for the purposes of the proceedings instituted by the notice, be the person liable for the offence.

Time when notice to be given or affixed

4. A notice under section 3(1) or (2) shall be given or affixed at the time of the commission of the offence, and where the circumstances render it impracticable so to do, any charge or notice to be issued in respect of that offence shall be issued in accordance with the Road Traffic Act.

Notice to be sent to Magistrate

5. (1) Where a member of the Police Service gives a notice under section 3(1) or affixes a notice under section 3(2) he shall send a copy of the notice to the Magistrate and to the registered owner of the motor vehicle. (*Amended by Act 9 of 2011*)

(2) A copy of a notice under subsection (1) is deemed to be a complaint laid before a Magistrate for the purposes of section 25 of the Criminal Procedure Code. (*Amended by Act 9 of 2010*)

Particulars to be specified in notice

6. A notice under section 3 shall be signed by the member of the Police Service who gives or affixes it, and shall specify—

- (a) the date, time and place of the giving or affixing of the notice;
- (b) the section of the enactment creating the offence and the act alleged to have been committed which amounts to a contravention of that section;
- (c) the time within which the penalty is payable;
- (d) the amount of the penalty;
- (e) the address of the court into which the penalty is to be paid; and
- (f) the address of the court at which the person is required to appear in the event of his failure to pay the penalty within the specified time.

(Amended by Act 9 of 2011)

Payment of penalty

7. (1) The driver or registered owner of a motor vehicle on whom notice has been served under section 3 shall, if he wishes to plead guilty to the charge, pay the penalty in accordance with the notice.

(2) A penalty is payable within ten days of the date of the notice.

(3) Payment of a penalty shall be made to a Clerk of the Magistrate's Court and shall be dealt with in the same manner as the payment of a fine imposed by a Magistrate for the commission of an offence.

(4) Where a penalty is duly paid in accordance with the notice the Magistrate shall enter conviction and the proceedings instituted by the notice shall be deemed complete.

Procedure in case of failure to pay penalty

8. (1) Where a penalty is not paid within the time specified in the notice, the Magistrate may issue a summons in accordance with section 27 of the Criminal Procedure Code and proceedings in respect of the offence shall proceed in the manner prescribed by that enactment.

(Amended by Act 9 of 2010)

(2) Notwithstanding anything in the Road Traffic Act, where a person is issued with a notice under this Act and elects to answer the charge in court, he shall, if convicted of the offence charged, be liable to a fine of not less than the amount for which he is liable under this Act in respect of that offence.

(3) Where, in proceedings for an offence in respect of which a notice was affixed under section 3(2) the Magistrate is satisfied that the registered owner of the motor vehicle had not paid the penalty in accordance with section 7(1) for the reason that he was unaware during the relevant period of the existence of the notice, the Magistrate may order that the penalty contained in the notice be paid within ten days of that order.

(4) For the purpose of subsection (3), “**relevant period**” means a period of ten days from the date a notice is affixed to a vehicle under section 3(2).

Certificate of payment

9. In any proceedings under this Act a certificate signed by the Clerk of the Magistrate stating that a penalty has not been paid, or has been paid on a specified date, shall be sufficient evidence of that fact unless the contrary is proved.

Unauthorised interference with notice

10. A notice affixed to a vehicle under section 3(2) shall not be removed or interfered with except by or under the authority of the driver of the vehicle or the person liable for the offence in question and any person who contravenes this section commits an offence and is liable on summary conviction to a fine of \$500.

Appointment of Traffic Wardens

11. The Governor may appoint such number of Traffic Wardens as may be required for the purpose of giving effect to this Act, notwithstanding anything in any other law, such Traffic Wardens shall have the powers and duties of a member of the Police Service under this Act and the Road Traffic Act. *(Amended by Act 9 of 2011)*

Regulations

12. The Governor acting on the advice of Cabinet may make regulations to—

- (a) prescribe the form of notice to be used under this Act;
- (b) prescribe the duties of the clerks of the Magistrate's Court and the information to be supplied to them;
- (c) amend the Schedules;
- (d) provide for any matter incidental to the operation of this Act.

(Amended by Act 9 of 2011)

Act not to apply in certain cases

13. This Act shall not apply to any vehicle operated by the fire and rescue service, ambulance services or the police in an emergency.

No restriction or prohibition of proceedings under the Road Traffic Act

14. Nothing in this Act shall prohibit or restrict a member of the Police Service from charging a person for an offence under the Road Traffic Act or any other law. *(Amended by Act 9 of 2011)*

Conflict

15. This Act shall be construed as one with the Road Traffic Act and, in case of conflict, the Road Traffic Act shall prevail.

SCHEDULE I

COLUMN I	COLUMN II
Offences	Amount of penalty
1. <i>Acts of non-compliance with the Road Traffic Regulations made under section 79 of the Road Traffic Act</i>	
(a) Failure to position identification marks in accordance with Regulation 5	\$25
(b) Driving a car on which the identification mark affixed is not legible in accordance with Regulation 5.....	\$25
(c) Failure to illuminate an identification mark in accordance with Regulation 7	\$25
(d) Failure to fix licence (circular disc) on windscreen in accordance with Regulation 10(2)	\$25
(e) Driving without proper lights contrary to Regulation 17	\$25
(f) Stopping at corners contrary to Regulation 24(5)(i)	\$25
(g) Sounding horn at improper time and place contrary to Regulation 24(12)(b)	\$25
(h) Failure to stop motor vehicle on request of a police officer contrary to Regulation 24(14)	\$50
(i) Transporting goods projecting to either side contrary to Regulation 24(15)	\$25
(j) Overcrowding contrary to Regulation 24(18)	\$50

SCHEDULE II

COLUMN I		COLUMN II
Offences		Amount of penalty
1.	<i>Offences under the Road Traffic Act</i>	
	<i>Section</i>	
9	Driving or permitting a person to drive a motor vehicle which is not registered and which does not have affixed in the prescribed manner, the prescribed identification mark	\$50
16	Driving, or permitting a person to drive an unlicensed vehicle	\$50
2.	<i>Offences under the Traffic Signs (Kinds and Descriptions) Regulations made under section 76 of the Road Traffic Act</i>	
	<i>Section</i>	
3(a)(i)	Failure to stop at a stop sign or stop line	\$50
3(c)(i)	Failure to comply with the directions of a halt sign, or a slow sign	\$50
3(d)	Failure to comply with a sign at or near a school	\$50
3(e)	Failure to comply with signs not to proceed from one road into another by means of making a turn to the left or to the right as the case may be	\$50
3(f)	Failure to comply with signs prohibiting entry	\$25
3(g)	Failure to comply with signs which close a road to traffic	\$25
3(h)	Failure to comply with signs or markings prohibiting or restricting parking	\$25
3(j)	Failure to comply with a speed limit sign	\$50
3(l)	Failure to slow or halt at a pedestrian crossing	\$50