LAWS OF DOMINICA

VEHICLES AND ROAD TRAFFIC ACT

CHAPTER 46:50

Act
17 of 1993

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Note on Subsidiary Legislation

This Chapter contains no Subsidiary Legislation (See however section 127).

Note on Revision Date

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VEHICLES AND ROAD TRAFFIC ACT

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CHAPTER 46:50

VEHICLES AND ROAD TRAFFIC ACT

17 of 1993. **AN ACT to revise and consolidate the Vehicles and Road Traffic Ordinance, Cap. 200.**

Commencement. [10th March 1994]

Short title. **1.** This Act may be cited as the –

VEHICLES AND ROAD TRAFFIC ACT.

PART I

GENERAL

Interpretation. **2.** In this Act, unless the context otherwise requires –

"agricultural tractor" means a tractor used exclusively for agricultural purposes under the authority of a licence issued by the Licensing Authority under this Act;

"agricultural trailer" means a trailer used exclusively for agricultural purposes under the authority of a licence issued by the Licensing Authority under this Act;

"Board" means Dominica Transport Board;

"Chief Technical Officer" means the Chief Technical Officer in the Ministry of Communications, Works and Housing;

"commercial vehicle" means a goods vehicle available for hire or reward and not used by the owner for the transport of his own goods exclusively;

"demerit point" means a point recorded pursuant to section 49 against the name of a driver of a motor vehicle as part of a penalty on his conviction for an offence under this Act;

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

"driver" includes any person actually driving a motor vehicle at any given time and any person in charge thereof for the purpose of driving at any time when the same is stationary on any road;

"driving licence" means a licence issued in accordance with Part IV and kept in the form specified in section 42;

"freight passenger vehicle" means a motor vehicle constructed for the purpose of carrying both passengers and goods and which is approved by the Licensing Authority as suitable for that purpose;

"goods vehicle" means a motor vehicle which is so constructed or adapted as to show that its primary purpose is the carriage or haulage of goods, merchandise or other loads;

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

"hiring car" or "taxi" means a public service vehicle having seating accommodation for not more than six passengers and which is of a type approved by the Licensing Authority as suitable for the ordinary purposes of a taxi;

"Inspector" means any person appointed under the provisions of this Act to carry out the inspection, examination and making of reports on the condition of vehicles or for other purposes of this Act;

"Licensing Authority" means the authority appointed in accordance with the provisions of section 4 for the registration, licensing and control of motor vehicles;

"maximum gross weight" or "M.G.W." in reference to a goods vehicle means the tare together with the load including the weight of the driver and loaders, and in reference to a motor omnibus means the tare together with the weight of the driver, conductor and number of passengers for which the vehicle is licensed; and for the purposes of this definition the weight of each person to be carried shall be taken as one hundred and twenty-six pounds;

"Minister" means the Minister responsible for Communications, Works and Housing;

"motor cycle" means a motor vehicle with less than four wheels and the weight of which unladen does not exceed eight hundred pounds;

"motor lorry" means a goods vehicle which is itself constructed to carry goods, merchandise or other loads;

"motor omnibus" means a public service vehicle other than one licensed as a "hiring car" or "taxi", and includes a light motor omnibus having seating accommodation for not more than eight passengers, an ordinary motor omnibus having seating accommodation for more than eight passengers and a freight passenger vehicle;

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

"overtaking" means passing or attempting to pass any other vehicle that is proceeding in the same direction;

"owner" –

(a) in the case of a motor vehicle that is registered means the person in whose name the vehicle is registered;

(b) in the case of a motor vehicle that is not registered, includes the person in actual charge or possession of the vehicle in Dominica.

Notwithstanding paragraphs *(a)* and *(b)* in the case of a motor vehicle which is the subject of a hire purchase agreement, it means the person in possession of the vehicle under that agreement, and whenever the registered owner of a motor vehicle is absent from Dominica, the person in actual charge or possession of the vehicle in Dominica shall be deemed to be the owner thereof;

"parking" means causing or permitting a vehicle, whether occupied or not, to stand on a road, except –

(a) while the vehicle is being loaded or unloaded;

(b) while passengers are entering or leaving the vehicle;

(c) in compliance with the directions of a member of the Police Force or of a traffic sign or with the requirements of traffic regulations;

(d) while temporarily stopped by reason of traffic conditions; or

(e) while stopped owing to mechanical breakdown or lack of fuel;

"parking place " means –

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

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

"private motor car" means any motor vehicle, other than a goods vehicle or a public service vehicle;

"public service vehicle" means a motor vehicle used for carrying passengers for hire or reward, whether at separate and distinct fares for their respective places or not;

"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;

"tare" 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 purposes of propulsion;

"ton" means the imperial ton of two thousand two hundred and forty 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 goods vehicle so constructed except when such goods vehicle is hauling a trailer;

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

"traffic sign" means any object or device (whether fixed or portable) for conveying to traffic on a road or to any particular class of traffic, warnings, information, requirements, restrictions or prohibitions of any description and a reference to the erection or placing of a traffic sign includes a reference to the display thereof in any manner whatsoever (whether or not involving fixing or placing);

"trailer" means any vehicle which has no independent motor power of its own and which may or may not be attached to a tractor or other motor vehicle but does not include a side-car attached to a motor cycle; and

"vehicle" includes carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, hand carts, sledges, trucks, barrows and all other machines for the portage of goods or persons.

Dominica Transport Board.

3. (1) There is hereby established for the purposes of this Act a body called the Dominica Transport Board (hereinafter referred to as "the Board") consisting of the Commissioner of Police as Chairman, the Chief Technical Officer, the Officer-in-Charge of the Traffic Department of the Police Force, a representative of the Attorney General from the Ministry of Legal Affairs, a representative of insurance companies appointed by the Minister, and two other persons appointed by the Minister. In the absence of the Chairman the members present shall elect one of their members to preside as Chairman of the meeting. The Board may act by any three of their members and may so act notwithstanding any vacancy in the numbers constituting the Board. The Board shall have the power to regulate its procedure.

(2) The Board shall act in an advisory capacity and shall advise the Minister on all matters pertaining to road traffic and in particular as to 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) customs duties in respect of transport vehicles and fuel therefor; and

(d) the needs of any area or areas in relation to traffic (including the provision of adequate, suitable and efficient services and the elimination of unnecessary or unremunerative services) and the co-ordination of all forms of passenger and goods transport;

(e) road safety;

(f) the regulation and control of traffic;

(g) the construction and maintenance of roads and the cost thereof; and

(h) any other matter affecting traffic or transport that the Minister may refer to the Board.

(3) The Board shall perform such other duties as are assigned to it by this Act and Regulations made hereunder.

Licensing Authority, Licensing Officers and Inspectors.

4. (1) The Commissioner of Police is the Licensing Authority and is charged with responsibility for the registration, licensing and inspection of all motor vehicles, the issue of driving permits, and such other matters as are assigned to him by this Act or any Regulations made hereunder.

Fifth Schedule.

(2) The Licensing Authority may appoint Licensing Officers and Inspectors in the form set out in the Fifth Schedule to serve in various localities to ensure the proper carrying out of this Act and Regulations made hereunder.

(3) All Licensing Officers and Inspectors shall be under the direction of the Licensing Authority.

(4) All licences and certificates of registration shall be issued by Licensing Officers on behalf of the Licensing Authority.

PART II

REGISTRATION OF MOTOR VEHICLES

Motor vehicle registers.

5. (1) The Licensing Authority shall keep registers of motor vehicles in the prescribed forms and separate registers shall be kept by the Licensing Officer in any locality as directed by the Licensing Authority.

(2) Every Licensing Officer shall forward to the Licensing Authority a copy of every entry made in his local register.

(3) The Licensing Authority shall supply to any person applying for a copy of the entries relating to any specified vehicle a copy of these entries on payment of five dollars by the person requiring the copy.

Registration of motor vehicle.

6. (1) No person shall, in any place, use or keep for use or, being the owner, permit any other person to use or keep for use any motor vehicle except a vehicle exempted from registration, unless it is registered under this Act and has affixed thereto the prescribed identification mark in the prescribed manner.

(2) No person shall be convicted of an offence against this section if he proves that he has taken all reasonable steps to comply with its requirements, or that the vehicle was in use on a road, on its way for the purpose of being registered.

(3) Application for the registration of a motor vehicle shall be made by the owner on the prescribed form, and be accompanied by the prescribed registration fee.

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(4) The Licensing Officer to whom application is made shall upon being satisfied that this Act and the Motor Vehicles Insurance (Third-Party Risks) Act, and Regulations respectively made thereunder, have been complied with, forthwith enter particulars of the vehicle in the register, and shall assign to the vehicle a registered number with or without letters which shall become the identification mark of the vehicle.

(5) A certified copy of the entry in the register 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.

(6) 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 member of the Police Force may detain such a vehicle until enquiries have been made.

(7) The onus of proving that a vehicle has been registered rests upon the owner of the vehicle.

(8) The owner of a motor vehicle shall forward his certificate of registration for amendment, on notifying the Licensing Authority of any circumstance or event which affects the accuracy of the entries in the register. A Licensing Officer may at any time call upon any owner of a motor vehicle to furnish all information for the verification of the entries in the register relating to the vehicle.

(9) Whenever the registered owner of a motor vehicle is about to absent himself from the State leaving his registered vehicle in the State, he shall notify the Licensing Authority in writing of the name and address of the person, if any, in whose charge or possession the vehicle will be left.

(10) No person shall be registered as the owner of a motor vehicle unless he is at least eighteen years of age.

Examination of motor vehicle.

7. (1) Before registering any motor vehicle or trailer the Licensing Officer shall verify all the particulars entered on the application form and may, if he deems it necessary, send any vehicle to be examined by an Inspector for the purpose of ensuring that it is of the construction and

in the condition necessary for the purpose for which it is sought to register the vehicle.

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

(3) If any owner of a motor vehicle or trailer is aggrieved at any decision of an Inspector, he shall be permitted to appeal to the Licensing Authority, who may rule that the decision of the Inspector is unreasonable, or that the decision is valid.

Cancellation of registration.

8. (1) The registration of a motor vehicle shall remain valid so long as the vehicle is kept in use, and shall only be cancelled if the Licensing Authority is satisfied that the vehicle has been destroyed or rendered permanently unserviceable or permanently removed from the State, or if it has not been relicensed for two consecutive years.

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

(3) A prosecution for an offence under subsection (2) may be instituted at any time within one year from the commission of the offence.

Exemptions from need for registration.

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

(a) new motor vehicles in the possession of manufacturers or dealers in motor vehicles, subject to the provisions as to dealer's general licences as appear hereafter;

(b) private motor cars and motor cycles brought into the State by visitors for their own use for a period not exceeding three months subject to conditions as may be prescribed; or

(c) any motor vehicle which is the property of or used by the President for his official duties.

(2) No fees on registration shall be charged in respect of the following:

(a) any motor vehicle which is the property of the Government or of any local government authority;

(b) any motor vehicle specially exempted by an Order of the Minister for Finance on account of its being owned by a public body or of its being used for any charitable, philanthropic or other public purpose; or

(c) any motor vehicle the property of or used by a diplomat or head of mission for his official or personal duties.

(3) Notwithstanding subsections (1) and (2) the non-payment of registration fee in respect of a vehicle shall cease whenever the condition justifying the exemption ceases to apply.

Registration on change of use.

10. Where the owner of a motor vehicle which is registered for use for a particular purpose intends to use that vehicle for some other purpose he shall, before using that vehicle for that other purpose, apply to the Licensing Authority for registration of the vehicle for use for that other purpose; and the application shall be dealt with as if the vehicle had not previously been registered but the fee payable for such a registration shall be the fee prescribed for an amendment of the register.

Transfer of registration.

11. (1) On the change of ownership of a motor vehicle otherwise than by death –

(a) the motor vehicle shall not be used for more than one month after the change of ownership unless the new owner is registered as the owner thereof;

(b) the registered owner and the new owner shall, within three weeks after the change of ownership, make a written application signed by both of them to the Licensing Authority giving the name and address of the new owner and the date of change of ownership and the application shall be accompanied by the certificate of registration and the prescribed fee; however where the new owner satisfies the Licensing Officer that the registered owner is out of the State an application by the new owner accompanied by a note of change of ownership issued by the registered owner and the said certificate and fee shall suffice. 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 described in the relevant entry in the register and in the certificate of registration.

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

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

(3) A Licensing Officer may issue a new certificate of registration instead of endorsing an original certificate.

PART III

LICENSING OF MOTOR VEHICLES

Using vehicle without prescribed licence, an offence.

12. (1) Except as provided in this Act, if –

(a) the owner of any motor vehicle or trailer keeps for use or allows to be kept for use a 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;

(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 of the provisions of this Act; or

(c) any goods vehicle, public service vehicle or trailer is used upon a road being loaded so as to exceed the maximum gross weight or the number of passengers authorised by the licence or, in the case of an unlicensed vehicle, specified in the register of motor vehicles in respect of that vehicle,

the owner, driver or other person in charge of the vehicle commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(2) Where the driver of any vehicle is charged with an offence under 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, thus making the alleged owner the 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 fine and costs as to the Magistrate seems just.

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

(4) No motor vehicle shall be used as a taxi which is not licensed as such under this Act; and if this subsection is contravened, the owner and the driver of the motor vehicle commit an offence.

(5) Upon any conviction for an offence under subsection (1)*(a)* or subsection (4), the Magistrate, in addition to any other penalty which may be inflicted, 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 the licence had been taken out at the proper time, and in default of payment of the amount, the owner shall be liable to imprisonment for three months; but no such order shall be made if the Magistrate is satisfied that the licence duty has been paid subsequent to the commission of the offence.

(6) Where a magistrate has made an order under subsection (5) in respect of a goods vehicle, public service vehicle or trailer, the Magistrate shall, unless he is satisfied that the vehicle has been inspected in accordance with any Regulations made under this Act, further order the owner of the vehicle to produce it within forty-eight hours to the Licensing Authority for inspection; and the Licensing Authority shall, if satisfied that the amount of the licence duty has been paid and that the vehicle complies with all provisions of this Act and the Regulations made thereunder, issue the appropriate licence.

(7) A person shall not be convicted for 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 it was being driven for the purpose of obtaining a licence, or that the contravention

was without his knowledge and that he had taken all reasonable steps to avoid the contravention.

(8) Any owner who contravenes an order made under subsection (6) is liable on summary conviction to a fine of seven hundred and fifty dollars and to imprisonment for six months.

Licensing Authority may permit goods vehicle to be used for the conveyance of persons.

13. (1) Notwithstanding section 12 the Licensing Authority may, in his discretion, grant permission to enable a goods vehicle or trailer to be used for the conveyance, either generally or on particular journeys, of such number and classes of passengers, without hire or reward, and of such number of other persons employed for the purpose of loading or unloading the goods, merchandise or other loads carried on the goods vehicle or trailer as he may think fit, subject to any condition he may impose.

(2) Whenever permission is granted under subsection (1), a licence issued by the Licensing Authority in a form to be determined by him and containing the conditions subject to which permission has been granted shall be issued to the licensee of the goods vehicle or trailer.

(3) A licence issued under this section for the conveyance of passengers shall be valid for a period not exceeding twelve months from the date of issue.

(4) The Licensing Authority may cancel or suspend any licence issued under this section if in his opinion any of the conditions attached to the issue of the licence has not been complied with by the licensee.

Restrictions on licensing of certain motor vehicles and trailers.

14. (1) Save as provided in this section no motor vehicle exceeding the maximum gross weight of ten tons or trailer exceeding the maximum gross weight of eight and a half tons shall be used upon any road and no licence shall be issued in respect thereof.

(2) All the wheels of every motor vehicle or trailer used or to be used upon any road shall be fitted with pneumatic tyres and no motor vehicle not so fitted shall be used or licensed to be used on any road.

(3) The Chief Technical Officer may grant a special licence to the owner of a tractor, goods vehicle or trailer for conveying an indivisible load of heavy machinery or other articles in excess of the maximum gross weight of eight and a half tons, subject to any condition specified in the licence, and on payment of a special fee calculated at such rate as the Chief Technical Officer shall, subject to the approval of the Minister, determine.

(4) The Chief Technical Officer may grant for a period of one year a special licence to the owner of any machine used for industrial purposes to enable the machine to be moved from one place to another, subject to any condition as may be specified in the licence, and on payment of a special fee calculated at a rate as the Chief Technical Officer shall with the approval of the Minister determine, but the Chief Technical Officer may reduce by not more than fifty per cent the special fees payable under this subsection when the licence is granted in respect of a machine which is fitted entirely with pneumatic tyres.

(5) Notwithstanding the issue of any licence under subsections (3) and (4) no fee shall be imposed by the Chief Technical Officer in respect of –

(a) road rollers; or

(b) motor vehicles using roads which are not maintained at the public expense but in any such case the person or authority at whose expense the roads are maintained may charge a fee as he thinks fit.

(6) Any person to whom a licence has been granted under this section who fails to observe any of the conditions specified in the licence commits an offence and is liable on summary conviction to a fine of five hundred dollars, and, in addition, he is liable for any damages occasioned by his neglect or failure to observe any of the conditions.

Application for licence.

15. Applications for the licensing of a motor vehicle or trailer or for subsequent renewals of a licence therefor shall be made in the prescribed form.

Conditions to be satisfied before licence is issued.

16. (1) A Licensing Officer shall not issue a motor vehicle or trailer licence until the motor vehicle or trailer has been registered, or renew a motor vehicle or trailer licence unless he is satisfied that the motor vehicle or trailer does not differ in any respect from the particulars in the register and also that the Motor Vehicles Insurance (Third-Party Risks) Act and this Act and the Regulations respectively made thereunder, have been complied with.

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(2) The decision of the Licensing Authority regarding the class or type to which any vehicle conforms or under which it should be registered and the licence that may be issued in respect of any such vehicle shall be conclusive.

Alteration in conditions on which licence is issued.

17. (1) Where the registered owner of a motor vehicle or trailer applies under section 10 for the registration of a vehicle for a purpose other than that for which it is registered, he shall, at the time of making the application, apply for the vehicle to be licensed for that other purpose; and when after the issue of a licence a vehicle is registered for a use other than that for which it is registered or is so altered that a higher fee or a fee of a different class is required the licence shall become void, and the owner of the vehicle shall apply for a new licence.

(2) A new licence shall not be issued under subsection (1) until the old licence has been surrendered and there shall be deducted from the fee on the new licence a sum equal to the fee which would have been payable on the old licence if issued on the same day as the new licence, provided that the minimum fee on the new licence shall be five dollars.

(3) Before issuing the new licence the Licensing Officer shall be satisfied that the Motor Vehicles Insurance (Third-Party Risks) Act has been complied with in respect of the new purposes. Ch. 46:51.

(4) Where a new licence is issued under this section, the Licensing Officer shall amend the register and issue a new certificate of registration.

Cancellation or refusal of licence.

18. (1) A Licensing Officer may cancel or suspend or refuse to issue or renew a motor vehicle or trailer licence if an Inspector certifies in writing 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 may be injurious to the roads themselves, or it fails to satisfy the requirements of this Act or Regulations made thereunder.

(2) Any owner of a motor vehicle or trailer in respect of which the licence is cancelled or suspended or for which the issue or renewal of a licence is refused may appeal against the decision of the Licensing Officer to the Licensing Authority and the Licensing Authority may, if he thinks fit, direct the Licensing Officer in writing to withhold, grant, or issue the licence applied for.

Transfer of ownership.

19. On transfer of ownership of a motor vehicle or trailer, the Licensing Officer shall, on payment of the prescribed fee, amend the register, the certificate of registration, and the licence and it shall not be necessary to issue a new licence.

Duplicate licences.

20. (1) If a motor vehicle or trailer licence is lost, defaced, mutilated, or rendered illegible, the Licensing Officer may issue a duplicate licence on payment of the prescribed fee.

(2) If any lost licence is subsequently found, the holder of the duplicate licence shall forthwith deliver up to the Licensing Officer the duplicate licence and any person who knowingly retains or has in his possession both an original and a duplicate licence commits an offence.

Licence duties.

First Schedule.

21. (1) Every motor vehicle and trailer licence issued shall be in the prescribed form and the fees payable for such licences are set out in the First Schedule.

(2) No licence fee is payable in respect of any vehicle which is exempt from registration or from payment of the registration fee under section 9 once the condition justifying the exemption continues.

(3) The Minister responsible for Finance may exempt from payment of licence fees or duties any agricultural tractor used solely for the purpose of agriculture, and any other vehicle which, in the opinion of the Minister, is so constructed as to show that its primary purpose is for use in agriculture or industry, but any vehicle so exempted shall be used subject to the conditions specified in the instrument of exemption.

Dealer's general licence.

22. A Licensing Officer may issue to a dealer in, manufacturer or repairer of motor vehicles or trailers, who applies in the prescribed form, a dealer's general licence which subject to sections 23 to 28 and to any other conditions which may from time to time be prescribed, shall authorise the use of any number of motor vehicles or trailers the property of the dealer, manufacturer, or in the possession of the repairer.

Uses of dealer's general licence.

23. (1) A dealer's general licence in the prescribed form shall authorise the use of any motor vehicle or trailer, the property of the dealer, which is being tested by the dealer or his employee or is being tested or used by the dealer, his employee or a prospective purchaser for the purpose of effecting a sale. It shall not authorise the carriage of passengers or goods for fee or reward, or any passenger not engaged in testing the vehicle, or inspecting the vehicle with a view to purchase, or the use of the vehicle for any purpose other than those specified in this section.

(2) Notwithstanding subsection (1) a dealer's general licence shall not authorise the use of a motor vehicle or trailer on a Sunday or Public Holiday or between 6:00 p.m. and 8:00 a.m.

Register of dealer's general licence.

24. Motor vehicles and trailers used under the authority of a dealer's general licence shall not be registered in the manner described in section 6 but the Licensing Officer shall keep a separate register in the prescribed form of all such licences issued by him.

Cancellation of dealer's general licence.

25. (1) A Licensing Officer may at any time cancel a dealer's general licence for a breach of any of the provisions of this Act or any Regulations made thereunder.

(2) The Licensing Officer shall give notice of the cancellation to the person to whom the licence was issued.

(3) Any person whose licence has been cancelled under this section or to whom a dealer's general licence has been refused may appeal to the Licensing Authority, and the Licensing Authority may order that the cancellation shall be confirmed or that the licence be restored or issued.

Dealer's general licence not transferable.

26. No dealer's general licence shall be used for any purpose not provided for in this Act nor shall it be transferred or assigned to any other person, without the authority of the Licensing Officer.

Dealer to accompany vehicle when used.

27. No motor vehicle or trailer shall be used on any road under the authority of a dealer's general licence unless the holder of the licence, or a person authorised by him in writing accompanies such vehicle.

Record of vehicles used under authority of dealer's general licence.

28. (1) The holder of a dealer's general licence shall keep, in the prescribed form, a record of every motor vehicle or trailer which is used under the authority of the licence, and shall produce the record for inspection when requested by any member of the Police Force.

(2) The record shall contain details of the use of the motor vehicle or trailer, the names of the users and the purpose for which the motor vehicle or trailer was used, together with any other information as may be prescribed.

International certificates and temporary licences for motor vehicles.

29. (1) The owner of any motor vehicle in respect of which an international certificate for a motor vehicle has been issued elsewhere than in the State in accordance with any International Convention relating to the international circulation of motor vehicles which applies to the State shall, whilst the certificate remains valid, and subject to any prescribed conditions, be exempted from any requirement to register

the motor vehicle, and also be exempted for ninety days from any requirement to hold a licence in respect of the motor vehicle.

(2) Where a motor vehicle is brought into the State for the purpose of being used by the owner during a visit, and the owner of the motor vehicle does not hold an international certificate the Licensing Authority may issue a temporary licence to use the motor vehicle without registration or payment of any fee for not more than three months and subject to any prescribed conditions.

(3) No motor vehicle in respect of which an international certificate or temporary licence has been issued shall be used in the State unless the owner has complied with the Motor Vehicles Insurance (Third-Party Risks) Act.

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(4) Where a person in the State desires to use a motor vehicle in any other country which has adhered to any International Convention as aforesaid, he shall apply to the Licensing Authority in the prescribed manner for an international certificate in respect of the motor vehicle.

(5) The Licensing Authority shall have power, subject to any prescribed conditions to issue an international certificate for motor vehicles in accordance with any International Convention. Before a certificate is issued the applicant must satisfy the Licensing Authority that the motor vehicle complies with the requirements of the Convention, and for that purpose the Licensing Authority may require an Inspector to examine the motor vehicle and report thereon.

(6) The Licensing Authority shall keep a record of all international certificates for motor vehicles and temporary licences issued by him, and of all motor vehicles being used in the State under the authority of international certificates issued in other countries.

PART IV

DRIVING LICENCE

Driving without licence.

30. (1) Subject to section 32, no person shall drive a motor vehicle of any class or description on a road unless he is the holder of a driving licence authorising him to drive a motor vehicle of that class or description.

(2) No person shall employ or permit any person to drive a motor vehicle of any class or description on a road unless the person he

employs or permits to drive the motor vehicle is the holder of a valid driving licence authorising him to drive a motor vehicle of that class or description.

(3) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

Age.

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

Minimum age for driving.

32. No person under the age of seventeen years shall be qualified to obtain a driving licence to drive a motor cycle and no person under the age of eighteen years shall be qualified to obtain a driving licence to drive any other class of motor vehicle.

Restrictions on driving licences for omnibuses.

33. No driver's permit shall be issued or endorsed as valid for a public service vehicle or for a motor omnibus to an applicant who is under the age of twenty-one years nor for a public service vehicle, motor omnibus vehicle or goods vehicle unless the applicant has driven a vehicle other than a motor cycle regularly in Dominica during the preceding twelve months.

Driving when under prescribed age.

34. A person who drives or causes or permits another person to drive a motor vehicle on a road while he is under the minimum age prescribed for the driving of a motor vehicle of the class he is driving commits an offence and is liable on summary conviction, in the case of a first offence, to a fine of two hundred dollars and to imprisonment for three months and, in the case of a second or subsequent conviction, to a fine of one thousand dollars and to imprisonment for twelve months.

Learner's licence.

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

(2) A learner's licence is obtainable, subject to this Act, by applying to the Licensing Authority and on payment of the prescribed fee.

(3) Where the Licensing Authority grants a learner's licence to any person he may set out in the licence any condition and restrictions as he thinks necessary for the safety of the public.

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

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

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

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

(ii) is present with him in the vehicle while he is driving it; and

(b) there is clearly displayed in a conspicuous position on the front and on the rear of the vehicle, as directed by the Licensing Authority, the letter "L" in red on a white background.

(6) Notwithstanding anything contained in this section, the holder of a learner's licence shall not drive and shall not be permitted to drive a vehicle while it is being used to draw a trailer or convey passengers.

(7) Subsection (5)*(a)* does not apply to the holder of a learner's licence who –

(a) is undergoing a driving test; or

(b) is driving a vehicle constructed or adapted to carry only one person.

(8) A person who is learning to drive and contravenes any of the conditions set out in a learner's licence commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months and in addition the Court may cancel the learner's licence.

(9) A learner's licence is valid for the prescribed period and is, upon payment of the prescribed fee, renewable for a period not exceeding the period for which it was first granted.

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

36. Where a person who is learning to drive is charged with an offence under this Act, the driver who is present with him in the vehicle by reason of section 35(5) is also chargeable with the same offence and both are equally punishable.

Driving test.

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

(2) Driving tests may be conducted by examiners authorised by the Licensing Authority.

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

(4) For the purpose of this section, motor vehicles are divided into the classes specified in section 40(2).

(5) Subject to subsection (3), the test that a person is required to pass before a driving licence is granted to him authorising him to drive a motor vehicle of a particular class or description, is a test carried out on a vehicle of that class or description and the person conducting the test must satisfy himself that the person taking the test –

(a) is conversant with the rules of the road, road signs and road signals;

(b) is competent to drive without danger to, and with due consideration for other users of the road; and

(c) is able to comply with any other requirements specified for the purpose in the Regulations.

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

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

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

38. (1) Subject to subsection (3), the Licensing Authority shall not issue a driving licence or a learner's licence to any person unless he is satisfied that his vision, hearing, physical and mental fitness are adequate for him to hold a driving licence.

(2) Subject to the discretion of the Licensing Authority or the Judicial Officer at the time of sentencing, a person who has been convicted of an offence involving the use of a motor vehicle in the conveyance of stolen goods shall not hold a driving or learner's licence within five years after the date of conviction.

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

(4) Where the Licensing Authority refuses to issue a driving licence or learner's licence to an applicant, the applicant may appeal against the decision of the Licensing Authority to a Magistrate whose decision is final.

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

Application for driving licence.

39. (1) An application for a driving licence or a learner's licence must be made to the Licensing Authority in the prescribed form.

(2) Any person who, in or in connection with an application for a driving licence or a learner's licence, makes a statement that to his knowledge is false commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

Validity of driving licence and classification of motor vehicles.

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

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

(a) motor cycles;

(b) motor omnibuses;

(c) goods vehicles;

(d) private motor cars;

(e) taxi; and

(f) motor vehicles other than those classes specified in paragraphs *(a)*, *(b)*, *(c)*, *(d)* and *(e)*.

Driving test fee.

41. (1) Every person who presents himself for a driving test shall pay, in respect of the test and certificate of competence the prescribed fee.

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

Form of driving licence.

42. (1) A driving licence –

(a) shall be in the form specified by the Licensing Authority; and

(b) is not valid unless signed by the holder thereof.

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

Driving licence fee.

43. There is payable, on the issue of a driving licence, a prescribed fee.

Production of driving licence.

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

(2) Any person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

(3) Notwithstanding subsection (2), a person may not be convicted under this section if he produces his driving licence within forty-eight hours at the police station nearest to his address or at the police station specified by the police officer at the time its production was required.

Register of driving licences.

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

(a) the name and address of the holder;

(b) the date of issue of the driving licence;

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

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

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

Duration of driving licences.

46. A driving licence shall, unless previously suspended, cancelled or revoked by a competent authority expire on the third anniversary of the holder's birthday following the date of issue or renewal.

Re-issue of lost or defaced driving licence.

47. (1) Where a driving licence is lost, defaced, mutilated or rendered illegible, the Licensing Authority shall issue a new licence on payment of the prescribed fee without requiring the applicant to undergo a further driving test.

(2) The Licensing Authority shall record on a new driving licence issued pursuant to subsection (1) any endorsements made in the register of driving licences in respect of the driving licence.

(3) If any lost driving licence is subsequently found, the holder of the new driving licence shall forthwith deliver up to the Licensing Authority the original licence and any person who knowingly retains or has in his possession both an original and a new licence commits an offence.

Restriction on the issue of new driving licence after expiration of former licence.

48. (1) On or after the expiration of a driving licence by effluxion of time and on application by the holder thereof for the issue of a new driving licence the Licensing Officer shall, subject to section 38 issue a new driving licence to the applicant without subscribing thereon any endorsements other than those made within the three years preceding the application.

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

(a) causing death by dangerous driving;

(b) manslaughter arising out of the use of any motor vehicle;

(c) any offence under section 54 or 55;

(d) repeated offences under any one or more of the other sections of this Act; or

(e) a repeated offence caused by breaches of the Regulations,

upon the recommendation of the Court and upon certification from the Court of such conviction.

Demerit points.
Second Schedule.

49. (1) Where a person has been convicted under this Act or the Regulations for an offence set out in column 2 of the Second Schedule, the Licensing Authority shall record in respect of that person the number of demerit points set out opposite that offence in column 3 of that Schedule.

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

(a) no demerit points shall be recorded in respect of that conviction unless the conviction is confirmed on appeal; and

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

(3) Where a person is convicted of two or more offences arising out of the same circumstances the demerit points to be recorded are those –

(a) relating to the offence in respect of which the greatest number of points are imposed; or

(b) for one conviction only, where equal points are imposed for the various offences.

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

(5) Where, under subsections (8) to (11) or by an order of a court, a driving licence has been suspended for a period of three months

or more and the period of suspension has expired, the Licensing Authority shall cause all demerit points to be expunged from the record of the holder of the driving licence.

(6) Where a total number of more than ten but less than fourteen demerit points have accumulated in the record of any person, the Licensing Authority shall cause a notice to be sent to that person informing him of the number of demerit points accumulated.

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

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

(9) The Licensing Authority may suspend the driving licence of any person who has appeared before him in compliance with subsection (7) for a period not exceeding six months if he is of the opinion that that person has failed to show cause why his driving licence should not be suspended.

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

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

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

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

(14) A person who drives a motor vehicle while his driving licence is suspended under this section commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months and in addition, his driving licence shall be suspended for a further period of six months.

Visitors driving licence and international driving licence.

50. (1) The Licensing Authority may grant a temporary driving licence for a 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 the State. A temporary driving licence may be granted with or without the taking of a driving test on the part of the applicant or without his being required to supply photographs but shall be subject to the conditions stipulated on the licence and to the payment of the prescribed fee.

(2) The holder of an international driving licence issued elsewhere than in the State in accordance with any International Convention with respect to the international circulation of motor vehicles to which the State has adhered shall, whilst the licence remains valid, be exempted from any requirement to hold a driving licence under this Act but he is only entitled to drive a motor vehicle of the class for which he holds an authorisation to drive in the country in which his international driving licence was issued.

(3) Where a person in Dominica desires to drive a motor vehicle in any other country which has adhered to any International Convention as aforesaid, he shall apply to the Licensing Authority in the prescribed manner for an international driving licence. The applicant must comply with requirements of the Convention and shall, in addition to any other particulars as may be required by the Licensing Authority, satisfy the latter that he holds a valid driving licence issued in Dominica and that he is ordinarily resident in Dominica. The Licensing Authority has the power to issue international driving licences in accordance with any International Convention as aforesaid and on payment of the prescribed fee. These licences shall, unless suspended, remain in effect for twelve months from the date of issue.

(4) The Licensing Authority shall keep a register of all holders in the State who hold valid international driving licences issued elsewhere and of all holders of international driving licences and temporary licences issued by him.

PART V

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

Causing death by reckless or dangerous driving.

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

(2) Where, upon the trial of a person for an offence under this section, the jury is not satisfied that his driving was the cause of the death but is satisfied that he is guilty of driving as described in section 52(1), it may find him guilty of that offence whether or not section 69 has been complied with in respect of that offence.

Reckless or dangerous driving.

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

(a) in the case of a first conviction, to a fine of two thousand dollars and to imprisonment for twelve months; or

(b) in the case of a second or subsequent conviction, to a fine of three thousand five hundred dollars and to imprisonment for two years.

(2) The Court shall order particulars of any conviction under this section or section 55 to be endorsed on any driving licence held by the person convicted.

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

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

(a) the driver refuses to give his name and address when requested so to do;

(b) the member of the Police Force has reason to believe that the name or address given is false; or

(c) the motor vehicle does not bear a registration number plate.

Driving without due care and attention.

53. (1) A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

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

Maximum speed.

54. (1) A person who drives a motor vehicle of a class or description specified in the Regulations at a speed greater than the speed specified in the Regulations or in an Order made under subsection (4) as being the maximum speed for a vehicle of that class or description on the road on which it is being driven, commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

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

(3) Any person, whether the registered owner or the temporary possessor under a hiring agreement, who aids, abets, counsels or procures a person who is employed by him to drive a motor vehicle on a road to commit an offence under this section commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

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

(5) Before the Minister makes an Order under subsection (4), he must –

(a) by Notice published in the *Gazette* on at least three occasions over a period of one month, inform the public of his intention to make the Order; and

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

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

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

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

(a) to a fine of two thousand dollars and to imprisonment for twelve months in the case of a first conviction; and

(b) to a fine of three thousand five hundred dollars and to imprisonment for two years in the case of a second or subsequent conviction.

(2) A person convicted of an offence under this section shall, unless the Court for any special reason thinks fit to order otherwise, be disqualified from the date of the conviction for a period of not less than one year nor more than five years from holding or obtaining a driving licence.

(3) Where there is an appeal against a conviction under this section, a period of disqualification runs from the date of conviction but if the appeal is allowed the disqualification shall immediately cease.

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

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

Driving or being in charge, with blood alcohol concentration above the prescribed limit.

56. (1) If a person drives or attempts to drive or is in charge of a motor vehicle on the road, having consumed alcohol in such a quantity that the proportion thereof in his blood, as ascertained from a laboratory test for which he subsequently provides a specimen under section 59, exceeds the prescribed limit at the time he provides the specimen, he commits an offence and is liable on summary conviction –

(a) to a fine of two thousand dollars and to imprisonment for twelve months in the case of a first conviction; and

(b) to a fine of three thousand five hundred dollars and to imprisonment for two years in the case of a second or subsequent conviction.

(2) A person shall not be convicted under this section of being in charge of a motor vehicle if he proves that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as there was any probability of his having alcohol in his body in a proportion exceeding the prescribed limit.

(3) In determining for the purposes of subsection (2) the likelihood of a person driving a motor vehicle when he is injured or the vehicle is damaged, the Court may disregard the fact that he had been injured or that the vehicle had been damaged.

Evidence on charge of unfitness to drive.

57. (1) In any proceedings for an offence under section 55, the Court shall, subject to section 60(4), have regard to any evidence which may be given of the proportion or quantity of alcohol or any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis of a specimen of blood taken from him with his consent by a medical practitioner, or of urine provided by him, at any material time; and if it is proved that the accused, when so requested by a member of the Police Force at any such time, refused to consent to the taking of or to provide a specimen for analysis, his refusal may, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

(2) A person shall not be treated for the purposes of subsection (1) as refusing to provide a specimen unless –

(a) he is first requested to provide a specimen of blood, but refuses to do so;

(b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and

(c) he is again requested to provide a specimen of blood, but refuses to do so.

(3) The specimen of urine first taken in pursuance of a request under subsection (2)*(b)* shall be disregarded for the purposes of subsection (1).

Breath test.

58. (1) A member of the Police Force in uniform may require any person driving or attempting to drive a motor vehicle on a road to provide a specimen of breath for a breath test there or nearby, if the member of the Police Force has reasonable cause –

(a) to suspect him of having alcohol in his body; or

(b) to suspect him of having committed a traffic offence while the vehicle was in motion;

but no requirement may be made by virtue of paragraph *(b)* unless it is made as soon as reasonably practicable after the commission of the traffic offence.

(2) If an accident involving the presence of a motor vehicle on a road occurs, a member of the Police Force, on proper identification may require any person whom he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test either –

(a) near the place where the requirement is made;

(b) if the member of the Police Force thinks fit at a police station specified by him; or

(c) while that person is at a hospital as a patient;

but a person shall not be required to provide a specimen while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to require the test or the medical practitioner objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) A person who, without reasonable excuse, fails to provide a specimen of breath for a breath test under subsection (1) or (2) commits

an offence and is liable on summary conviction to a fine of five hundred dollars and imprisonment for six months.

(4) If it appears to a member of the Police Force in consequence of a breath test carried out by him on any person under subsection (1) or (2) that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit, the member of the Police Force may arrest that person without warrant except while that person is at a hospital as a patient.

(5) If a person required by a member of the Police Force under subsection (1) or (2) to provide a specimen of breath for a breath test fails to do so and the member of the Police Force has reasonable cause to suspect him of having alcohol in his body the member of the Police Force may arrest him without warrant except while he is at a hospital as a patient.

(6) Subsections (4) and (5) shall not be construed as prejudicing the provisions of section 55(5).

(7) A person arrested under this section or under section 55(5), shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test to be taken there.

Laboratory tests.

59. (1) A person who has been arrested under section 55(5) or 58 may, while at a police station, be required by a member of the Police Force to provide a specimen for a laboratory test (which may be a specimen of blood or of urine), if he has previously been given an opportunity to provide a specimen of breath for a breath test at that station under section 58(7), and either –

(a) it appears to a member of the Police Force in consequence of the breath test that the device by means of which the test is carried out indicates that the proportion of alcohol in his blood exceeds the prescribed limit; or

(b) that person had been required, whether at a hospital or elsewhere, to provide a specimen of breath for a breath test, but failed to do so and a member of the Police Force has reasonable cause to suspect him of having alcohol in his body;

but a person shall not be required to provide a specimen for a laboratory test under this subsection if the medical practitioner in immediate charge of his case is not first notified of the proposal to require the test

or if the medical practitioner objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(2) A person who, without reasonable excuse, fails to provide a specimen for a laboratory test in pursuance of a requirement under this section commits an offence and is liable –

(a) in the case of a first conviction, to a fine of five hundred dollars and to imprisonment for three months; or

(b) in the case of a second or subsequent conviction, to a fine of one thousand dollars and to imprisonment for six months.

(3) The Court shall order particulars of any conviction under this section or section 58 to be endorsed on any driving licence held by the person convicted.

(4) Nothing in the foregoing provisions of this section shall affect the provisions of section 57(1).

(5) A person shall not be treated for the purposes of subsection (2) as failing to provide a specimen unless –

(a) he is first requested to provide a specimen of blood but refuses to do so;

(b) he is then requested to provide two specimens of urine within one hour of the request, but fails to provide them within the hour or refuses at any time within the hour to provide them; and

(c) he is again requested to provide a specimen of blood but refuses to do so.

(6) The specimen of urine first taken in pursuance of a request under subsection (5)*(b)* shall be disregarded for the purposes of section 56.

Ancillary provisions as to evidence in proceedings for an offence under section 55 or 56.

60. (1) For the purposes of any proceedings for an offence under section 55 or 56, a certificate signed by an authorised analyst, and certifying –

(a) the proportion of alcohol or any drug found in a specimen identified by the certificate; and

(b) for the purposes only of proceedings for an offence under section 55, in the case of a specimen of urine, the proportion of alcohol or of that drug in the specimen,

shall, subject to subsection (3), be evidence of the matters so certified and of the qualifications of the analyst.

(2) For the purposes of any proceedings for an offence under section 55 or 56, a certificate purporting to be signed by a medical practitioner that he took a specimen of blood from a person with his consent shall, subject to subsection (3), be evidence of the matter so certified and of the qualifications of the medical practitioner.

(3) Subsections (1) and (2) shall not apply to a certificate tendered on behalf of the prosecution unless a copy has been served personally on the accused not less than seven days before the hearing or trial, nor if the accused, not less than three days before the commencement of the hearing or trial, or within such further time as the Court may in special circumstances allow, has served notice on the prosecution requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(4) Where, in proceedings for an offence under section 55 or 56, it appears that the accused, at the time a specimen of blood or urine was taken from or provided by him, asked to be supplied with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless –

(a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and

(b) the other specimen or part was supplied to the accused.

(5) A member of the Police Force requesting any person to consent to the taking of or to provide a specimen of blood or urine for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to have taken.

(6) In this section "authorised analyst" means any person authorised by the Minister by Notice published in the *Gazette* to make analysis for the purpose of this section or any person holding an office designated by the Minister by Notice published in the *Gazette* for that purpose.

Detention of persons while affected by alcohol.

61. Any person required to provide a specimen for a laboratory test under section 59(1) may thereafter be detained at the police station until he provides a specimen of breath for a breath test and if it appears to a member of the Police Force that the device by means of which the test is carried out indicates that the proportion of alcohol in that person's blood exceeds the prescribed limit.

Interpretation of sections 56 to 61.

62. (1) In sections 56 to 61, except so far as the context otherwise requires –

"breath test" means a test for the purpose of obtaining an indication of the proportion of alcohol in a person's blood carried out by means of a device of a type approved for the purpose of such a test by the Minister, on a specimen of breath provided by that person;

"fail", in relation to providing a specimen, includes refuse;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients;

"laboratory test" means the analysis of a specimen provided for the purpose; and

"prescribed limit" means eighty milligrammes of alcohol in one hundred millilitres of blood or such other proportion as may be prescribed.

(2) A person shall be treated for the purposes of sections 56 to 59 as providing a specimen of blood if, but only if, he consents to the specimen being taken by a medical practitioner and it is so taken and shall be treated for those purposes as providing it at the time it is so taken.

(3) References in sections 58, 59 and 61 to providing a specimen of breath for a breath test are references to providing a specimen thereof in sufficient quantity to enable that test to be carried out.

(4) For the purposes of section 56 and this section, one hundred and seven milligrammes of alcohol in one hundred millilitres of urine shall be treated as equivalent to eighty milligrammes of alcohol in one hundred millilitres of blood, and the power conferred by subsection (1) to prescribe some other proportion of alcohol in the blood shall include power to prescribe a proportion of alcohol in urine which is to be treated as equivalent to the prescribed proportion of alcohol in the blood.

Using motor vehicle without consent of the owner.

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

(a) on conviction on indictment, to a fine of two thousand five hundred dollars and to imprisonment for a term of two years; or

(b) on summary conviction, to a fine of one thousand dollars and to imprisonment for nine months.

(2) It is a defence to a charge brought under subsection (1) if the accused establishes that at the time he committed the act in respect of which he is charged he reasonably believed –

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

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

(c) the vehicle was being driven with the consent of its owner or other lawful authority.

(3) Where, on a trial on indictment for stealing a motor vehicle, the jury is of the opinion that the accused is not guilty of stealing the motor vehicle but is guilty of an offence under this section, it may find him guilty of that offence and thereupon he is liable to be punished accordingly.

(4) A member of the Police Force may arrest without a warrant any person reasonably suspected by him of having committed, or of attempting to commit, an offence under this section.

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

(a) an amount as in the opinion of the Court would have been charged if the motor vehicle had been hired by the person convicted; or

(b) an amount as in the opinion of the Court represents fair compensation for any damage done to the motor vehicle,

or both.

Interfering with motor vehicle.

64. Any person who, without the permission of the owner, gets on or into a motor vehicle or attempts to manipulate any of the levers, the starter, brakes, controls or machinery of a motor vehicle or in any way interferes with or damages a motor vehicle while that vehicle is on a road or parking place, commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months but a person shall not be convicted under this section where that motor vehicle is obstructing his vehicle or that of any other person, and he does the act complained of for the purpose of clearing the obstruction.

Endangering vehicle, etc.

65. Any person who throws any object at a motor vehicle or trailer, or at any person in or on a motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Using vehicle in defective condition.

66. Any person who 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 so as to be a source of danger to its occupants or the public commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Prohibition as to use of siren horn.

67. (1) No vehicle other than an ambulance, fire or police department vehicle shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

(2) Any person in charge of a motor vehicle who contravenes subsection (1) commits an offence and is liable on conviction to a fine of five hundred dollars and imprisonment for three months.

Leaving vehicle in dangerous position.

68. (1) A person in charge of a motor vehicle shall not cause or permit that vehicle or any trailer drawn thereby to remain stationary on any road in such a position, in such condition or in such circumstances as is likely to cause danger or obstruction to other traffic using the road.

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

(3) Any member of the Police Force, the Chief Technical Officer or any person authorised by the Chief Technical Officer may require the owner, driver or other person in charge of any motor vehicle or trailer referred to in this section to remove that vehicle or cause it to be removed, and a requirement to remove a motor vehicle includes a requirement that the motor vehicle shall not be removed to any road or to any particular position on a road.

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

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

(6) Any person in charge of a motor vehicle who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months and, in addition the expenses incurred in removing a motor vehicle or trailer are recoverable as a debt due to the Government of Dominica in civil proceedings before a Magistrate.

Restriction on prosecution under certain sections.

69. (1) Subject to subsection (2) a person may not be convicted of an offence under section 53 or 54 unless –

(a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under the relevant section would be considered;

(b) within fourteen days of the commission of the offence a summons in respect of the offence was served on him; or

(c) within fourteen days of the commission of the offence a notice of intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on him or on the person in whose name the vehicle was registered at the time of the commission of the offence.

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

(a) the name and address of the accused or the name and address of the registered owner of the motor vehicle was not ascertained in time for the summons or notice to have been served on or sent to the accused or the owner of the motor vehicle; or

(b) the accused by his own conduct contributed to the failure to comply with that subsection.

(3) The requirements of subsection (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

Restrictions on carriage of persons on motor cycle.

70. (1) It is unlawful for more than one person in addition to the driver to be carried on a two-wheeled motor cycle, or for any such one person to be carried otherwise than sitting astride the cycle on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If a person is carried on a cycle in contravention of subsection (1), the driver of the cycle commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for one month.

Reckless and dangerous cycling.

71. If a person rides a cycle 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 is liable on summary conviction to a fine of five hundred dollars and imprisonment for three months.

Careless and inconsiderate cycling.

72. If a person rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, he commits an offence and is liable on summary conviction to a fine of seven hundred and fifty dollars and imprisonment for one month.

Cycling when under influence of drink or drugs.

73. (1) A person who, when riding a cycle on a road or other public place, is unfit to ride through drink or drugs commits an offence and is liable on summary conviction to a fine of one thousand dollars and imprisonment for six months.

(2) A member of the Police Force may arrest without warrant a person committing an offence under this section.

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

Regulation of cycle racing on roads.

74. (1) A person who promotes or takes part in a race or trial of speed between cycles on a road commits an offence and is liable on summary conviction to a fine of seven hundred and fifty dollars and imprisonment for three months unless the race or trial is authorised, and is conducted in accordance with any conditions imposed by or under Regulations under this section.

(2) The Minister may by Regulations authorise, or provide for authorising, for the purposes of subsection (1), the holding on a road of races or trials of speed of any class or description or a particular race or trial of speed, in cases as may be prescribed and subject to conditions as may be imposed by or under the Regulations.

(3) Regulations under this section may –

(a) prescribe the procedure to be followed, and the particulars to be given, in connection with applications for authorisation under the Regulations; and

(b) make different provision for different classes or descriptions of race or trial.

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

Restrictions of carriage of persons on bicycles.

75. (1) It is unlawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) If any person is carried on a bicycle in contravention of subsection (1), each of the persons carried commits an offence and is

liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

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

Restrictions on cyclists riding abreast or holding on to other moving vehicles.

76. (1) It is an offence for more than two persons to ride abreast on a road either upon motor cycles or bicycles not propelled by mechanical power.

(2) A person shall not be convicted under subsection (1) in respect of the overtaking of two persons so riding and in the absence of other traffic on the road at the point of overtaking.

(3) It is an offence for any person while riding a motor cycle, or a bicycle not propelled by mechanical power, on a road –

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

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

(4) Any person who contravenes this section is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Pedestrians to comply with directions to stop.

77. Where a member of the Police Force in uniform engaged in the regulation of vehicular traffic on a road gives a traffic control signal to enable any vehicle to proceed in an indicated direction, any cyclist or pedestrian who proceeds against the flow of traffic consequent upon the signal or loiters in the road or otherwise impedes any vehicle from proceeding in the direction indicated commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for one month.

Wearing of protective headgear.

78. (1) The Minister may make Regulations requiring, subject to any exception specified in the Regulations, persons driving or riding on motor cycles of any class specified in the Regulations to wear protective headgear of such description as may be specified.

(2) Regulations under this section may make different provision in relation to different circumstances.

(3) Any person who drives or rides on a motor cycle in contravention of Regulations made under this section commits an

offence and is liable on summary conviction to a fine of five hundred dollars and imprisonment for one month.

Seat belts, use and exemptions, etc.

79. (1) In this section, "seat belt assembly" means a device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or an upper torso restraint or both of them.

(2) No person shall drive on a road a motor vehicle in which a seat belt assembly was installed at the time that the vehicle was manufactured or imported into the State has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness.

(3) Subject to subsection (5), every person who drives on a road a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner.

(4) Subject to subsection (5), every person who is a passenger on a road in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner.

(5) Subsections (3) and (4) do not apply to a person –

(a) driving a motor vehicle in reverse;

(b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is –

(i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or

(ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;

(c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding forty kilometres per hour; or

(d) under the age of eighteen years.

(6) No person shall drive on a road a motor vehicle in which there is a passenger who has attained the age of two years and is under eighteen years of age and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened.

(7) Subsection (6) does not apply where the passenger –

(a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is –

(i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or

(ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly;

(b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding forty kilometres per hour; or

(c) is occupying and properly secured in child seating and restraint systems prescribed under Regulations made by the Minister.

(8) Any person who contravenes or fails to comply with this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for two weeks.

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

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

(a) immediately stop;

(b) if required to do so by any person having reasonable grounds for so requiring, give –

(i) his name and address;

(ii) the name and address of the owner of the vehicle;

(iii) the registration number of the vehicle;

(iv) the name of the insurance company with which the owner of the vehicle is insured; and

(v) the names of all persons in the vehicle at the time of the accident; and

(c) report the accident at a police station as soon as reasonably practicable but before the expiration of a period of twenty-four hours after its occurrence.

(2) Subsection (1)*(c)* does not apply if a report is made, at the time and place of the accident, to a member of the Police Force.

(3) Any person who contravenes or fails to comply with this section commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for one month.

Power of police to test or cause motor vehicle to be tested after accident.

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

(2) Any person who –

(a) obstructs an Inspector or a member of the Police Force in the performance of his duty under this section;

(b) contravenes or fails to comply with this section; or

(c) fails to comply with a requirement by a member of the Police Force made under subsection (1),

commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Allowing objects or things to fall on road.

82. (1) No person shall allow any object or thing which is being carried on a motor vehicle to fall onto any road.

(2) The driver of any motor vehicle from which any object or thing falls onto any road shall remove the object or thing from the road within a reasonable time.

(3) The driver or any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine of five hundred dollars and imprisonment for three months.

PART VI

TRAFFIC SIGNS

Traffic signs.

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

(2) The Licensing Authority may not cause or permit any traffic sign to be placed, erected or otherwise marked, or authorise the retention of any traffic sign, on or near any road in respect of which an Order of the Board made under section 84 is in force, where the sign relates to the subject matter of such an Order but is not in conformity with the provisions thereof.

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

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

(a) to have been lawfully erected, placed, marked or retained; and

(b) to be of the prescribed type and substantially of the prescribed size and colour, where the size, colour and type of the same have been prescribed, and in other cases to be of a character authorised by the Licensing Authority under this section.

(5) *(a)* Notwithstanding anything contained in subsection (4), after the commencement of this Act no person other than the Licensing Authority or any person acting under his directions may, except with general or special permission in writing of the Licensing Authority –

(i) erect, place or mark any traffic sign on or near any road; or

(ii) retain any traffic sign erected, placed or marked, or cause to be erected, placed or marked by him on or near any road.

(b) Without prejudice to the operation of subsection (6), nothing in subsection (5)*(a)* shall apply to any traffic sign –

(i) which the owner of any land erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any private road which is situated on such land; or

(ii) which any person erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any road in pursuance of any authority conferred upon him by or under any law of the State other than this Act.

(c) For the purposes of subsection (5)*(b)* –

"owner" in relation to any land includes any person in lawful occupation of the land; and

"private road" means any privately owned street, road or open space to which the public is granted access conditionally.

(6) The Licensing Authority may, by notice in writing require the owner or occupier of any land on which there is a 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 person fails to comply with such a notice, the Licensing Authority may himself effect or authorise the removal, causing as little damage as possible, and may, except where the sign was erected, placed, marked or retained by the Licensing Authority, recover in a court of competent jurisdiction as a civil debt from the person so in default the expenses incurred by him in doing so.

(7) The Licensing Authority or any person authorised by him may, on any land near to or adjoining a road, cut branches of trees, or other vegetation, or remove any other thing which obscures or is likely to cause damage to a traffic sign; but the Licensing Authority or any person authorised by him shall not exercise any powers under this section until after the expiration of three days' written notice given to the owner of the land or posted up conspicuously thereon, stating his intention to exercise the relevant power.

(8) The Licensing Authority or any person authorised by him may enter any land near to or adjoining a road –

(a) for the purpose of exercising any power conferred by this section upon the Licensing Authority; or

(b) for the purpose of replacing or maintaining traffic signs.

(9) The Licensing Authority shall do as little damage as possible in executing any work authorised by this section.

(10) In any case where a member of the Police Force 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 has been lawfully placed, erected, marked or retained on or near any road, then in any such case any person driving or propelling any vehicle or any person riding or driving any animal –

(a) who neglects or refuses to stop the vehicle or animal or to make the vehicle or animal proceed in or keep to a particular line of traffic when directed or signalled to do so by the member of the Police Force in the execution of his duty; or

(b) who fails to conform to the indication given by the traffic sign,

commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and imprisonment for one month.

(11) Any person who –

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

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

commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

(12) For the purposes of this section "prescribed" means prescribed by Order of the Board and any such Order may revoke any Regulation in force in respect of the size, colour and type of any traffic sign.

(13) If any person –

(a) who owns or has interest in any property suffers pecuniary loss by reason of any damage to the property resulting

from the exercise by the Licensing Authority of the powers conferred upon him by subsection (7), compensation shall be payable to the person in respect of the loss; and

(b) if any difference arises between any person claiming compensation and the Licensing Authority as to whether the person is entitled to compensation or as to the amount due, the difference shall on the written application of the person or the Attorney General be determined by a Magistrate if the amount claimed does not exceed one thousand dollars,

as if the Magistrate is a single arbitrator appointed pursuant to the Arbitration Act, and the said Act shall apply accordingly. Ch. 4:50.

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

Parking of vehicles on one-way roads.

84. (1) The Board may by Order –

(a) prohibit or regulate the parking of vehicles on any road; or

(b) prohibit the driving of any vehicle on any specified road otherwise than in a specified direction.

(2) An Order made under this section may prescribe in respect of any contravention thereof a penalty not exceeding a fine of five hundred dollars and imprisonment for three months on summary conviction and any such Order may revoke any Regulations in force in respect of any of the matters specified in subsection (1).

(3) Where any provision in an Order made under this section conflicts with any Order made to meet the exigencies of a special occasion, or directions given under section 86, the operation of the provision shall be suspended during the continuance in force of the last mentioned Order or directions, as the case may be.

Parking contrary to no parking sign for over an hour.

85. (1) A person in charge of a motor vehicle shall not cause or permit that vehicle or any trailer drawn thereby to remain parked for over one hour on any road contrary to a no parking sign.

(2) Any motor vehicle or any trailer which remains parked for more than an hour contrary to a no parking sign shall be towed under the authority of the Commissioner of Police or the Chief Technical Officer.

(3) The owner of a motor vehicle or trailer that has been removed pursuant to subsection (1) shall pay any costs incurred by the Commissioner of Police or Chief Technical Officer in removing the motor vehicle or trailer.

(4) Any person in charge of a motor vehicle who contravenes subsection (1) is liable for the expenses incurred in removing the motor vehicle or trailer and the expenses are recoverable as a debt due to the Government of Dominica in civil proceedings before a Magistrate.

Special regulations may be made by Commissioner of Police.

86. (1) The Commissioner of Police may by Notice published in the *Gazette* and at least one local newspaper make orders concerning the lane 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 the road is liable to be thronged or obstructed; and may also give instructions to members of the Police Force for the purpose of regulating traffic in the neighbourhood of the Courts of Law, public offices, churches, theatres and other places of public resort.

(2) Any person who contravenes or fails to comply with orders or directions issued under subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars and imprisonment for one month.

(3) Any member of the Police Force may apprehend without warrant, any person who commits an offence under this section, within his view, if the person refuses to give his name and address or gives a name or address which the member of the Police Force has reasonable grounds for believing to be false.

Drivers to comply with traffic directions.

87. Where a member of the Police Force in uniform is engaged in the regulation of traffic on a road where a traffic sign, being a sign of the prescribed size, colour and type or of another character authorised by the Licensing Authority under section 83 or when a notice of the Commissioner of Police under section 86 has been lawfully placed on or near a road, a person driving or propelling a vehicle who –

(a) neglects or refuses to stop the vehicle or to make it proceed in or keep to, a particular lane of traffic when directed to do so by the member of the Police Force in the execution of his duty; or

(b) fails to comply with the indication given by the traffic sign or notice,

commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Bus stop.

88. (1) The Licensing Authority may by traffic sign designate as stopping places for motor omnibuses areas on any road along which motor omnibuses operate and these areas are hereinafter referred to as "bus stops".

(2) Any person who parks any vehicle other than a motor omnibus or mini-bus on a road so that any part of the vehicle or any load carried thereon is within any bus stop commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for one month.

(3) For the purposes of this section, "parking" includes causing or permitting a vehicle, whether occupied or not, to stand on a road –

(a) while the vehicle is being loaded or unloaded; or

(b) while passengers are entering or leaving the vehicle.

PART VII

LEGAL PROCEEDINGS, SUSPENSION, CANCELLATION, ENDORSEMENT OF DRIVING LICENCES

Procedure on failure of jury to agree on alternative verdict.

89. (1) Where, upon the trial of a person for an offence under section 51, the jury finds the accused not guilty of the offence charged but fails to agree on the alternative verdict provided for in subsection (2) of that section a charge based on the same facts for an offence under section 52 shall not be preferred against the accused without the consent of the Director of Public Prosecutions.

(2) Where, pursuant to subsection (1) a person is charged with an offence under section 52, he may be convicted of the offence notwithstanding that section 69 has not been complied with in respect of the offence.

Power to proceed on charge of careless driving on hearing of dangerous driving.

90. (1) Where, upon the trial of a person for an offence under section 52, the Court is of the opinion that the offence is not proved, then, without prejudice to any other power the Court possesses, it may at any time during the hearing or immediately thereafter –

(a) grant permission for a charge for an offence under section 53 to be preferred; or

(b) allow the charge to be preferred forthwith against the accused and, subject to subsection (2), may thereupon proceed with the charge.

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

(3) Where –

(a) a charge to which section 69 relates has been brought against an accused and that section has been complied with; or

(b) a charge has been brought against an accused under section 52, in which case section 69 does not apply,

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

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

91. (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 that offence, order that the offender be disqualified for a stated period or permanently from obtaining a driving licence either generally or limited to the driving of a motor vehicle of any particular class and where the offender holds a driving licence the Court shall require him to produce the licence and endorse upon the licence particulars of any order the Court makes under this section together with the particulars of the conviction.

(2) A person who is disqualified under this Act from holding or obtaining a driving licence may, after the expiration of six months from the date of disqualification, apply to the Court by which he was disqualified to remove the disqualification and the Court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the disqualification, the nature of the offence and any other circumstances of the case either by order remove the disqualification as from the date specified in the order or refuse the application.

(3) Where an application is refused under this section a further application shall not be entertained within six months of the date of refusal.

(4) Particulars of a conviction or disqualification or of a removal of a disqualification under this Act shall be furnished to the Licensing Authority.

(5) A person who by virtue of an order of a court under this section is disqualified from holding or obtaining a driving 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.

Production of driving licence for endorsement.

92. (1) Any person who is convicted of an offence in connection with the driving of a motor vehicle shall, if he holds a driving licence, produce it within such time as the Court directs for the purpose of endorsement thereon of the particulars of the conviction.

(2) Any person who contravenes or fails to comply with this section commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Custody of driving licence when suspended or cancelled.

93. (1) Where a court orders the suspension or cancellation of a driving licence or disqualifies a person from obtaining a driving licence, the owner of that suspended or cancelled driving licence shall surrender it to the Court within seven days of the order.

(2) At the expiration of the period of suspension of a driving licence the Court shall return the licence to the holder on demand.

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

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

94. A driving licence suspended by a court or, as the case may be, under section 48 or 49 by the Licensing Authority, is of no effect during the period of suspension and a person who has been disqualified by the Court from obtaining a driving licence is not competent to hold a driving licence during the period of disqualification.

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

95. (1) Where a person is charged with an offence under section 51, 52 or 55 the Court may order the suspension of the driving licence or the learner's licence of that person pending the determination of the charge.

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

(3) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Liability of person disqualified from holding or obtaining driving licence.

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

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

(b) drives a motor vehicle on a road while he is disqualified; or

(c) if the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives on a road a motor vehicle of that class or description,

commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for one year.

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

Non-disclosure of refusal of driving licence.

97. Any person who has been refused a driving licence and subsequently applies for or obtains a driving licence without disclosing the fact that he has been previously refused a licence commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

Non-disclosure of endorsement.

98. Where –

(a) a driving licence has been ordered to be endorsed; and

(b) the holder of the driving licence is not yet entitled to a driving licence free from endorsement pursuant to section 100,

if the holder applies for or obtains a driving licence without stating in the application particulars of the endorsement, he commits an offence and

is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months and in addition thereto any licence so obtained is of no effect.

Particulars of endorsement to be copied on new driving licence.

99. Subject to sections 48(1) and 100, any particulars endorsed on a driving licence previously held by a person must be copied on any new driving licence issued to him.

Issue of new licence free from endorsement.

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

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

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

(a) the character of the person disqualified;

(b) his conduct subsequent to the order;

(c) the nature of the offence; and

(d) any other circumstances of the case,

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

(4) An application may not be made under subsection (3) for an order for the removal of a disqualification before the expiration of –

(a) six months from the date of the disqualification, if the disqualification was ordered for a period less than a year;

(b) one-half of the period of the disqualification from the date of the disqualification if the disqualification was made for a period less than six years but not less than one year; or

(c) three years, in any other case.

(5) In determining the expiration of the period after which a person may apply under subsection (4) for removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(6) Where an application made pursuant to subsection (3) is refused, a further application shall not be entertained if made within three months after the date of the refusal.

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

PART VIII

FIXED PENALTY

Special meanings.

101. In this Part –

"fixed penalty" means the penalty prescribed under section 105;

Third Schedule.

"notice" means a document in the form set out in the Third Schedule offering the opportunity for the discharge of any liability to conviction for the offence specified therein by payment of a fixed penalty in accordance with this Part;

Fourth Schedule.

"offence" means an offence listed in the Fourth Schedule, being an offence created by or under the enactments specified therein;

"proceedings" means proceedings by complaint before a Magistrate.

Member of Police Force may give or affix notice.

102. (1) Where a member of the Police Force has reason to believe that an offence has been or is being committed, it shall be lawful for him to give to the driver a notice charging him with the commission of the offence, and notifying him that a complaint will be made against him in respect thereof and requiring him either to pay the fixed penalty within the time specified in the notice or to appear at the Court specified in the notice on the day at the hour stated therein to answer the complaint.

(2) Subject to this section, where a member of the Police Force finds a vehicle and has reason to believe that an offence is being or has been committed in respect of that vehicle, the member of the Police Force may affix a notice to any part of the vehicle where the notice may easily be seen.

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

(4) Where a member of the Police Force intends to proceed under subsection (1) or (2), the notice shall be given or affixed on the occasion when he had reason to believe that the offence was committed.

(5) The member of the Police Force shall send a duplicate of the notice to the Chief Magistrate and the duplicate shall be deemed to be a complaint laid before the Magistrate.

Particulars to be specified in notice.

103. A notice given or affixed under section 102 shall be signed by the member of the Police Force 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 alleged, and particulars of the offence as are required under the Magistrate's Code of Procedure Act; Ch. 4:20.

(c) the time within which the fixed penalty may be paid in accordance with section 104(2);

(d) the amount of the fixed penalty;

(e) the Clerk of the Magistrate's Court to whom, and the address at or to which the fixed penalty may be paid or remitted; and

(f) the address of the Magistrate's Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of appearance.

Payment of fixed penalty precludes prosecution.

104. (1) Where a notice has been given under section 102, the driver or the registered owner of the vehicle, as the case may be, may pay the fixed penalty in accordance with the notice.

(2) The time within which a fixed penalty is payable is fourteen days from the date of the notice, and where payment reaches the Clerk of the Magistrate's Court after that time it shall be returned to the sender.

(3) Where the fixed penalty is paid in accordance with the notice, no person shall then be liable to be convicted for the offence in respect of which the notice was given and the proceedings instituted by the notice shall be deemed to have been dismissed.

Amount of fixed penalty payable. Fourth Schedule.

105. The fixed penalty for an offence shall be the amount specified in the third column of the Fourth Schedule for that offence.

Payment of fixed penalty.

Ch. 4:20.

106. (1) Payment of the fixed penalty shall be made to the Clerk of the Magistrate's Court as stated in the notice given or affixed pursuant to section 102, and shall be dealt with in the same manner as payment of a fine imposed for an offence under the Magistrate's Code of Procedure Act.

(2) Payment of the fixed penalty shall be accompanied by the notice which shall be completed by the driver or the registered owner, as the case may be, in the manner prescribed.

Certificate of payment or non-payment of fixed penalty.

107. In any proceedings, a certificate that payment of the fixed penalty was or was not made to the Clerk of the Magistrate's Court by the date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Consequence of failure to pay or to appear. Ch. 4:20.

108. Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Magistrate's Code of Procedure Act.

Notice not to be removed or interferred with.

109. (1) A notice affixed to a vehicle under section 102(2) shall not be removed or interferred with except by or under the authority of –

(a) the driver or the person in charge of that vehicle; or

(b) the person liable for the offence in question.

(2) Any person who, in contravention of subsection (1), removes a notice from a vehicle commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Amendment of Fourth Schedule.

110. (1) The Minister may from time to time by Regulation –

(a) add any offence to the Fourth Schedule; or

(b) remove any offence from the Fourth Schedule.

(2) In subsection (1)*(a)* "offence" means an offence against any enactment relating to the use of vehicles on roads which is punishable on summary conviction.

Special Regulations.

111. The Minister may by Regulations make provisions respecting any matter incidental to the operation of sections 101 to 110 and in particular for prescribing –

(a) the form of notice given pursuant to section 102; and

(b) the duties of the Clerk of the Magistrate's Court and the information to be supplied to the Clerk by the person on whom the fixed penalty is imposed.

PART IX

GENERAL

Fees and duties. First Schedule.

112. (1) Unless otherwise provided in this Act, the fees and duties specified in the First Schedule shall be payable to the Accountant General on account of the general revenue of the State.

(2) The Minister may by Regulations amend, vary, suspend or revoke the provisions of the First Schedule.

(3) A Regulation made under subsection (2) is subject to affirmative resolution of Parliament.

Fraudulent imitation.

113. Any person who –

(a) fraudulently imitates, alters, mutilates; or

(b) uses or fraudulently lends or allows to be used by any other person,

any identification mark, motor vehicle licence, certificate of registration or driving licence issued or purported to have been issued under this

Act, commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

Appointment of stands for public service vehicles, etc.

114. (1) The Minister may by Notice published in the *Gazette* designate stands and parking places for use exclusively by public service vehicles and taxis plying or standing for hire.

(2) The driver of a public service vehicle or taxi who causes that public service vehicle or taxi to ply or stand for hire on a road or place not designated under subsection (1) for the use of a vehicle of that kind commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for three months.

Penalty for offence not specifically provided for.

115. Any person who commits an offence under this Act or the Regulations for which no penalty is specifically provided is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

Failure to give certain information.

116. A driver or conductor of a motor vehicle who commits an offence under this Act and –

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

(b) gives a false name or address,

commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for twelve months.

General power of arrest.

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

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

(a) in the case of a driver or conductor, where the driver or conductor, on being requested to give his name and address or to produce his licence for examination refuses to do so;

(b) in any other case, where a person upon request refuses to give his name or address; or

(c) there are reasonable grounds for suspecting that a person has given a false name or address.

False statement.

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

(a) an application for a motor vehicle licence;

(b) an application for the registration of a motor vehicle;

(c) an application for a driving licence;

(d) the endorsement of a driving licence;

(e) any change or correction in a motor vehicle licence;

(f) any change or correction in the registration of a motor vehicle; or

(g) the giving of any information lawfully demanded or required under this Act, the Regulations or an Order made under this Act,

commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months.

Duplicate certificate, licence, etc.

119. Any person or authority having power under this Act to issue any certificate, licence or other document shall on proof to his satisfaction that the certificate, licence or other document has been lost, destroyed, defaced, mutilated or rendered illegible may on payment of the prescribed fee issue a duplicate of the certificate, licence or other document to the person entitled thereto.

Liability of driver and owner of vehicle.

120. Where an act committed by means of a motor vehicle is in contravention of this Act or any Statutory Rule or Order made pursuant to this Act, the driver of the motor vehicle at the time the act was committed and the owner of the vehicle both commit an offence unless –

(a) in the case of the driver, the act was not due to his neglect or default; and

(b) in the case of the owner, the act was committed without his consent and –

(i) was not due to any act on his part, and

(ii) he had taken all reasonable precautions to prevent the commission thereof.

Power of entry.

121. Any person authorised in writing by the Licensing Authority may at all reasonable times enter any premises for the purpose of –

(a) ascertaining whether any vehicle is being kept on the premises for use in contravention of this Act or the Regulations; and

(b) inspecting any vehicle on the premises.

Motor vehicle deemed to be kept for use.

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

Power to require motor vehicle licensed according to maximum gross weight to be weighed.

123. (1) The driver or any other person in charge of a motor vehicle or trailer licensed according to its maximum gross weight may on demand of a police officer or the Licensing Authority or any person authorised in writing by the Licensing Authority be required to satisfy the police officer or person that the load which is being carried on the motor vehicle or trailer does not contravene the licence or this Act or any Regulation made thereunder and may be required by the police officer or person to drive the motor vehicle or trailer to the nearest weigh-bridge or other machine for weighing vehicles for the purpose of weighing the load.

(2) Any person who, upon being required pursuant to subsection (1) to proceed to the nearest weigh-bridge, fails to do so commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

Non-application of section 54 to vehicles when used for certain purposes.

124. Section 54 does not apply to a motor vehicle while it is being used –

(a) by a member of the Fire Service for the purpose of proceeding to a fire in answer to a fire alarm;

(b) by a member of the Police Force while in the execution of his duty; or

(c) as an ambulance,

if the observance of that section would be likely to hinder the use of the vehicle for that purpose.

Application to persons in the service of the State.

125. This Act applies to persons in the service of the State.

Regulations.

126. The Minister may make Regulations respecting –

(a) the prescribing of anything that is by this Act required or authorised to be prescribed;

(b) the forms to be used under this Act;

(c) the construction, fittings, dimensions and design of any motor vehicle;

(d) the fitting and regulating the use of appliances on motor vehicles and the maintaining of those appliances in working order, including –

(i) mirrors;

(ii) trafficators; and

(iii) warning or other devices;

(e) the number, position and kind of lights and reflectors to be carried on vehicles together with the times during which they are to be used or exhibited, and the conditions regarding their use;

(f) the duties and powers of Inspectors with regard to the inspection of any kind of vehicle;

(g) the inspection of any kind of vehicle and the time, place and manner of inspection;

(h) the 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 and figures thereon and the manner of displaying such marks;

(i) the classification of roads, and the restriction or prohibition of the use of any classified road by vehicles of any specified class or description;

(j) the precedence of vehicles and pedestrians respectively at and in the vicinity of crossings and the erection of traffic signs and other notices;

(k) the speed limits nationally and for different classes of vehicles;

(l) the driving of any vehicle on any specified road;

(m) stands and parking places generally and the regulation of the use of such stands and parking places including the imposition of charges in respect of parking places;

(n) the badges to be worn by drivers and conductors while operating public service vehicles and the conduct of drivers, conductors and passengers while on such vehicles;

(o) the fares and tolls to be paid by passengers using public service vehicles;

(p) the maximum hours of employment of persons as drivers of goods vehicles;

(q) motor omnibuses –

(i) restricting the use of motor omnibuses to specified routes;

(ii) regulating and restricting the number of motor omnibuses on specified routes;

(iii) the time-tables to be observed by drivers of motor omnibuses;

(iv) the issue of licences by the Licensing Authority and conditions of issue of such licences and conditions to be observed by the holders of such licences in respect of specified routes;

(v) the taking up and setting down of passengers;

(vi) the carriage of goods or luggage;

(vii) the maximum hours of employment of drivers and conductors;

(viii) the issue, cancellation and suspension of licences of conductors; and

(ix) granting limited or exclusive concessions to operate motor omnibuses and the conditions under which such concessions may be granted;

(r) the removal from roads, and safe custody of vehicles which have broken down, or which have been permitted to remain on a road in such a position or in such condition or in such circumstances or for such time as is likely to cause danger or

obstruction to other persons using the road, or which appears to have been abandoned and of the loads carried thereby; and

(s) generally for the better carrying out 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.

127. The Motor Vehicles and Road Traffic Regulations and the Motor Vehicles and Road Traffic (Public Service Vehicle) (Passenger Fares and Tolls) Regulations made under the Vehicles and Road Traffic Ordinance (repealed by this Act) shall in so far as they are not inconsistent with this Act, remain in force as if made under this Act with such adaptations, modifications and qualifications as may be necessary.

Effect of existing Regulations. Cap. 200 Vol. VI (1961 Ed.). 34/1975. Cap. 200 (1961 Ed.).

FIRST SCHEDULE

(Sections 21(1), 112(1) and (2)).

FEES AND DUTIES

			$
1.	Motor Cycle under 1 H.P.		100.00
2.	Motor Cycle 1 H.P. and over		175.00
3.	Motor Vehicles (other than vehicles described in paragraphs 4 and 5 below) –		
	(a)	not exceeding 1,800 lbs. unladen	425.00
	(b)	exceeding 1,800 lbs. but not exceeding 2,800 lbs.	500.00
	(c)	exceeding 2,800 lbs. but not exceeding 3,800 lbs.	575.00
	(d)	exceeding 3,800 lbs.	675.00
4.	Commercial vehicles, motor omnibuses, tractors other than tractors used solely for agricultural purposes, motor hearses –		
	(a)	in respect of the first ton weight	575.00
	(b)	for every additional ton or part thereof	275.00

		$
5.	Tractors used solely for agricultural purposes	60.00
6.	Trailers for each hundred weight	75.00
7.	Drivers licences –	
	(a) Motor cycle driver's licence	50.00
	(b) Private driver's licence	100.00
	(c) Chauffeur's licence	125.00
	(d) Visitors or temporary licence	75.00
	– Not exceeding thirty days	50.00
	(e) Learner's licence	75.00
8.	Motor Dealer's licence	3,750.00
9.	Motor Omnibuses conductor's licence	30.00
10.	Transfer or amendment of registration or licence	30.00
11.	Registration of motor cycle	75.00
12.	Registration of motor vehicle or trailer	125.00
13.	Duplicate licence or permit	45.00
14.	Driver's test and certificate of competence	187.50
15.	Examination of motor vehicle for grant or renewal of licence	50.00
16.	Examination of trailer for grant or renewal of licence	25.00
17.	Police report for insurance	100.00
18.	Replacement of certificate or licence	75.00

SECOND SCHEDULE

(Section 49(1)).

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

(Section 101).

THIRD SCHEDULE

COMMONWEALTH OF DOMINICA

(NOTE: It is an offence for anyone other than the person liable for the undermentioned offence to remove or interfere with this notice without authority)

VEHICLES AND ROAD TRAFFIC ACT 1993

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

TAKE NOTICE that I, ...
(number, rank and name of constable)

have reason to believe that an offence, particulars of which are given overleaf, has been committed in respect of motor vehicle registration number

.....
(registration number)

The fixed penalty for the offence is .....

.....
(penalty in words and figures)

If this amount is paid to the Clerk of the Magistrate's Court within fourteen (14) days from the date of this notice no proceedings will be taken and any liability to conviction of the offence will be discharged. The offence carries a maximum fine of $.....

In paying the fixed penalty the following conditions shall be observed:

(1) The fixed penalty shall be accompanied by this notice on which shall be inserted in the space provided the serial number of the driving permit of the person liable for the offence.

(2) Where payment of the fixed penalty is made otherwise than in conformity with these Regulations, the Clerk shall as soon as practicable after payment return the amount paid to the sender, and thereafter proceedings in respect of the alleged offence shall begin.

(3) Payment of the fixed penalty be made or remitted to "The Clerk of the Magistrate's Court" at the following address:

.....

.....

Should you fail to pay the fixed penalty you are hereby required to attend the Magistrate's Court on the.....day of....., 19..... at 9:00 o'clock in the forenoon at the undermentioned address as the defendant in the matter in respect of which this notice was issued.

.....
(state name and address of court)

.....

This notice was given/affixed at .....
(state location)

on ..... 19.....at.....a.m./p.m.
(state date) *(state time)*

PARTICULARS OF OFFENCE

At.....a.m./p.m. on the..... day

of..... 19 .....at .....

you .....

.....

.....

contrary to .....
(state section/regulation contravened)

of the .....

.....
Signature of Police Officer

(Sections 101, 105 and 110(1)).

FOURTH SCHEDULE

	Offence	*Written Law*	*Fixed Penalty*
1.	Using a motor vehicle on a road without the plates forming the identification marks being so fixed at the front and back of the motor vehicle, in an upright position so that every letter or figure on the plate is upright and easily distinguishable.	Regulation 8 of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
2.	Motor vehicle or trailer being used on a public road at night without illumination of rear identification plates.	Regulation 9 of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
3.	Using on a public road a motor vehicle with a lateral overhang of more than six inches or a longitudinal overhang of more than one third of the wheel base.	Regulation 22(3) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
4.	Using a motor vehicle which is not equipped with an efficient braking system.	Regulation 22(5)*(a)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
5.	Motor vehicle being used on a public road with its brakes not properly adjusted and not maintained in good and efficient working order.	Regulation 22(5)*(f)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
6.	Motor vehicle or trailer and the fittings thereof in such condition as to cause or be likely to cause danger to any person.	Regulation 22(7) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
7.	Motor vehicle fitted with unauthorised or unsatisfactory silencer.	Regulation 22(8) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
8.	Having affixed to the front or rear of a motor vehicle any unauthorised letters or figures or lighted lamp.	Regulation 22(9) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
9.	Motor vehicle in motion on a road at night without two lighted lamps at the front of the vehicle.	Regulation 22(10)*(a)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00

	Offence	*Written Law*	*Fixed Penalty*
10.	Motor vehicle or trailer on a road at night without carrying one lamp showing a red light to the rear, of such intensity as to indicate clearly its presence on the road.	Regulation 22(10)*(b)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
11.	Carrying spot lights or other similar light on a motor vehicle without the authority of the Licensing Authority.	Regulation 22(10)*(c)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
12.	Motor vehicle not being equipped with a mirror attached to the vehicle in such a manner as to afford the driver of such vehicle an unobstructed view of all traffic at the rear of the vehicle.	Regulation 22(12) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
13.	Failing to park a vehicle longitudinally as close to the road as possible or not less than four feet from any other parked vehicle.	Regulation 23(1) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
14.	Failing to slow down or stop when driving a motor vehicle from a secondary road into a major road.	Regulation 24(4) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
15.	Failing to comply with a "no entry" sign.	Regulation 25 of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
16.	Causing a motor vehicle to travel backwards for a greater distance or time than is requisite.	Regulation 26(1) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
17.	Allowing a person to sit on the right-hand side of the driver of a motor vehicle not constructed with a left-hand drive.	Regulation 26(4) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
18.	Failing to keep a motor vehicle on the left side of the road without sufficient cause.	Regulation 26(5)*(a)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
19.	Driver of motor vehicle, when being overtaken by another vehicle failing to drive as close as possible to the left or near side of the road.	Regulation 26(5)*(b)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00

	Offence	*Written Law*	*Fixed Penalty*
20.	Driver of motor vehicle failing to keep to the right or off side when overtaking other vehicles.	Regulation 26(5)*(c)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
21.	Driver of motor vehicle overtaking other traffic without having a clear and unobstructed view of the road ahead or overtaking other traffic when the road ahead is not 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.	Regulation 26(5)*(e)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
22.	Driver of motor vehicle overtaking other traffic where a white line is painted longitudinally along the centre of the road surface or when rounding a corner or where road intersects or forks or where the road passes the brow of a hill or over a bridge.	Regulation 26(5)*(f)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
23.	Stopping a motor vehicle within fifteen feet of any corner.	Regulation 26(5)*(j)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
24.	Drawing up the motor vehicle alongside any other vehicle or backing the motor vehicle to the side of any road for a purpose other than turning or parking.	Regulation 26(5)*(k)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
25.	Driving a motor vehicle negligently or wilfully preventing, hindering or interrupting the free passage of a vehicle, person or animal or allowing a motor vehicle or any trailer drawn thereby to stand in a road so as to cause unnecessary obstruction thereto.	Regulation 26(5)*(l)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$100.00
26.	Failing to slow down and make the appropriate traffic signals when approaching turnings or cross-roads or coming from any private road or place to a public road.	Regulation 26(6)*(a)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00

	Offence	*Written Law*	*Fixed Penalty*
27.	Failing to slow down and make the appropriate traffic signal when turning across traffic or turning to the right.	Regulation 26(6)*(b)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
28.	Failing, when about to stop or slow down the motor vehicle on a public road, to do so gradually and make the appropriate traffic signal.	Regulation 26(6)*(c)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
29.	Driver failing to make the appropriate traffic signal, when quitting any place at which his motor vehicle has been stationary.	Regulation 26(6)*(d)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
30.	Driver failing to comply with the directions of road signs without sufficient cause.	Regulation 26(6)*(e)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
31.	Driver failing to comply with the rules of the road in regard to traffic or with the lawful directions of any Constable charged with the control of traffic.	Regulation 26(8) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
32.	Failure to carry attached to a motor vehicle a horn or other instrument capable of giving audible and sufficient warning of its approach or position.	Regulation 26(11)*(a)* of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
33.	Driver permitting sparks, smoke or visible vapour of an avoidable nature which can cause annoyance or danger to the public to come from any motor vehicle in his charge on or near any public road or failing to take proper precautions to prevent the unnecessary discharge of lubricating oil on any road.	Regulation 26(12) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
34.	Carrying on a motor vehicle or trailer an object projecting beyond the permitted length or in such a manner as to obstruct, endanger or interfere with traffic.	Regulation 26(14) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00

	Offence	*Written Law*	*Fixed Penalty*
35.	Driver allowing motor vehicle to carry more persons than it is licensed to carry.	Regulation 26(15) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
36.	Driver allowing persons to ride otherwise than inside the vehicle.	Regulation 26(16) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$250.00
37.	Leaving or permitting a motor vehicle which has broken down to be left on any public road without taking requisite steps to indicate its presence and position or failing to take immediate steps to have it removed as near to the left side of the road as possible.	Regulation 26(17) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
38.	Motor vehicle standing abreast of any other vehicle or failing to draw up close to the left-hand side of the road and stop on the approach of any engine or other apparatus of a fire brigade.	Regulation 26(18) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
39.	Motor vehicle causing a loud noise to the disturbance or annoyance of any person.	Regulation 28 of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
40.	Using a motor vehicle the tyres of which are not 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 on the vehicle or to any person using the road.	Regulation 29 of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$150.00
41.	Driver of a public service vehicle drawing up his vehicle in the town of Roseau, on a road other than at a public stand appointed by the Licensing Authority for purposes other than the taking up or discharging of passengers or cargo.	Regulation 42(8) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
42.	Public service vehicle loitering for the purpose of procuring passengers or otherwise.	Regulation 42(5) of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00

	Offence	*Written Law*	*Fixed Penalty*
43.	Holding out a vehicle for hire to the public by troublesome and frequent demands or by persistent following in such a manner as to constitute a nuisance or cause annoyance or inconvenience to any person.	Regulation 43 of the Motor Vehicles and Road Traffic Regulations, Cap. 200.	$75.00
44.	Driver of a vehicle failing to comply with the indication given by a traffic sign authorised by the Licensing Authority.	Section 83(10) of the Vehicles and Road Traffic Act 1993	$75.00
45.	Driving a motor vehicle on a road at a speed greater than the speed so specified as the maximum speed in relation to a vehicle of that class or description.	Section 54 of the Vehicles and Road Traffic Act 1993	$150.00
46.	Using a motor vehicle or trailer without having obtained the relevant licence prescribed in respect of that motor vehicle or trailer.	Section 12(1)*(a)* of the Vehicles and Road Traffic Act 1993	$150.00
47.	Failure to observe any of the conditions specified in a special licence granted by the Chief Technical Officer.	Section 14(5) of the Vehicles and Road Traffic Act 1993	$150.00
48.	Driving a motor vehicle on a road without being the holder of a driving licence authorising the driving of a motor vehicle of that class or description by that person.	Section 30 of the Vehicles and Road Traffic Act 1993	$250.00
49.	Driving or causing another to drive a motor vehicle on a road while that other person is under the minimum age prescribed for the driving of a motor vehicle of that class.	Section 34 of the Vehicles and Road Traffic Act 1993	First Conviction $100.00 Second or Subsequent Conviction $250.00
50.	Using a 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 to the public.	Section 66 of the Vehicles and Road Traffic Act 1993	$150.00

	Offence	*Written Law*	*Fixed Penalty*
51.	Causing motor vehicle to remain stationary on a road in such a position or in such condition or in such circumstances as to be likely to cause danger or obstruction to other traffic.	Section 68 of the Vehicles and Road Traffic Act 1993	$100.00
52.	Driver of a motor cycle carrying more than one other person or carrying another person otherwise than on a proper seat behind the driver's seat.	Section 70 of the Vehicles and Road Traffic Act 1993	$100.00
53.	Riding a cycle without due care and attention or without reasonable consideration for other road users.	Section 72 of the Vehicles and Road Traffic Act 1993	$250.00

(Section 4(2)).

FIFTH SCHEDULE

FORM

VEHICLES AND ROAD TRAFFIC ACT 1993

APPOINTMENT OF LICENSING OFFICER/INSPECTOR

Made under section 4(2) of the Act.

The Licensing Authority hereby appoints ..... of

.....a ..... to ensure the
(Insert Licensing Officer or Licensing Inspector)

proper carrying out of the Act.

Made this day of , 199 .

.....
LICENSING AUTHORITY.