

CHAPTER 460

THE VEHICLES AND ROAD TRAFFIC ACT

Arrangement of Sections

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VEHICLES AND ROAD TRAFFIC

(1st January, 1947.)

PART I

Preliminary

1. This Act may be cited as the Vehicles and Road Traffic Act. Short title.

2. In this Act— Interpretation.

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

"chauffeur" means a person who drives a motor vehicle and receives compensation therefor;

"Commissioner" means the officer for the time being performing the duties of Commissioner of Inland Revenue and includes any officer duly authorised to act on his behalf;

"driver"—

(a) in relation to a trailer means the driver of the vehicle by which the trailer is drawn and "drive" shall be construed accordingly; and

(b) where a separate person acts as a steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle and "drive" shall be construed accordingly;

"highway code" means the directions and any amendments thereto prepared by the Minister of Transport under section 45 of the Road Traffic Act, 1930 (20 & 21 Geo. 5, c. 43);

"maximum gross weight" in reference to a motor lorry means the tare weight together with the load including the weight of the driver and attendants, and in reference to a motor omnibus means the tare weight together with the weight of the driver, conductor and the number of passengers for which the vehicle is licensed. For the purposes of this definition the weight of a driver, attendant, conductor or passenger shall be taken as 126 lbs.;

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

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

"motor omnibus" means a public service vehicle which carries or is intended to carry only passengers and their personal baggage and is licensed to carry more than seven passengers excluding the driver;

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

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

"owner" in the case of a motor vehicle that is registered, means the person in whose name the vehicle is registered:

Provided that 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 the agreement:

Provided further that whenever the registered owner of a motor vehicle is absent from Antigua and Barbuda the person in actual charge or possession of the vehicle in Antigua and Barbuda shall be deemed to be the owner thereof;

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

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

"prescribed" means prescribed by this Act or regulations made thereunder;

"private motor car" means any motor vehicle, other than a motor lorry, the weight of which unladen exceeds 8 cwt. and which does not fall within the definition of 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;

"regulations" means regulations made under this Act;

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

"ton" means Imperial ton of 2,240 lbs;

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

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

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

"traffic sign" includes all signals, warning, sign-posts, direction posts, signs, lines, marks, or other devices for the guidance of persons using roads;

"Traffic Commissioner" means the Commissioner of Police or such other person as may be appointed as such under section 4;

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

3. (1) There shall be established a body called the **Transport Board.** Antigua and Barbuda Transport Board (hereinafter referred to as the Board) consisting of the Traffic Commissioner as Chairman and four other members to be appointed by the Governor-General.

(2) The Governor-General may appoint any person to act in the place of the Chairman or any other member of the Board in the case of his absence or inability to act as such Chairman or other member.

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

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

(5) The Board shall act in an advisory capacity and shall advise the Governor-General on all matters appertaining to road transport and 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) the regulation and control of traffic;

(d) any other matter affecting traffic or transport that the Governor-General may refer to the Board.

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

Provided that on the hearing of any such appeal the Traffic Commissioner shall not act as Chairman or as a member of the Board.

(7) The Board shall perform such other duties as are assigned to it by this Act and the regulations made thereunder or by an order of the Governor-General.

**Traffic
Commissioner.**

4. (1) The Commissioner of Police or such other person as the Governor-General may appoint shall be the Traffic Commissioner for Antigua and Barbuda.

It shall be his duty —

- (a) to regulate and control traffic on roads;
- (b) to keep records of all accidents on roads;

(c) to furnish annually to the Governor-General a report of all accidents on roads which result in death or injury to persons, and as far as practicable the causes attributed to such accidents;

(d) to keep a Drivers' Offences Book;

(e) to enforce the provisions of this Act and of any regulations made thereunder other than those referred to in section 5.

(2) Subject to the approval of the Governor-General, the Traffic Commissioner may, by notice in the *Gazette*, appoint such Examining Officers as may be necessary for the due carrying out of the provisions of this Act or of any regulations made thereunder.

(3) All such Examining Officers shall be under the direction of the Traffic Commissioner.

**Duties of
Commissioner of
Inland Revenue.**

5. It shall be the duty of the Commissioner of Inland Revenue in accordance with the provisions of this Act—

(a) to issue licences and certificates of registration in respect of vehicles, drivers' licences and conductors' licences;

(b) to keep a register of—

- (i) motor vehicles;
- (ii) licensed motor drivers and licensed conductors;
- (iii) animal drawn vehicles and pedal bicycles; and

(c) to perform all such other duties as are or may be conferred or imposed upon him by this or any other Act or by any regulations made thereunder.

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

Duties of Examining Officer.

(a) to examine and report upon the condition, construction and equipment of any motor vehicle or other vehicles;

(b) to test applicants for drivers' licences as to their competence to drive, and, if satisfied, to grant the necessary certificates of competency;

(c) to perform all such other duties as are or may be conferred or imposed upon him by this or any other Act or by any regulations made thereunder.

7. (1) The fees and duties specified in the First Schedule shall be payable to the Commissioner of Inland Revenue in respect of the several matters to which they are applicable.

Fees and Duties. First Schedule.

(2) All fees and duties received by the Commissioner of Inland Revenue shall be paid into the Public Treasury of Antigua and Barbuda to the credit of the General Revenue.

(3) The Cabinet may by order amend, vary, suspend or revoke any or all of the provisions of the First Schedule:

Provided that an order made under this subsection shall be of no effect unless and until approved by resolution passed by Parliament.

8. The Traffic Commissioner is hereby authorised to charge the fee set out in the First Schedule for any report supplied on request by the Police Department to any person or insurance company in connection with a traffic accident.

Power to charge fee for Police report.

PART II

Control of Importation, Registration and Licensing of Motor Vehicles

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

Restrictions on use and importation of certain motor vehicles.

(2) No motor vehicle or trailer which exceeds a maximum gross weight of five tons shall be imported for use upon any route or road:

Provided that in the case of motor vehicles, the Board may, subject to any regulations made under section 87, grant licences for the importation of any motor vehicle in excess of the maximum gross weight of five tons but not exceeding a maximum gross weight of nine tons for the operation of such motor vehicle on any such route or road as the Board may approve.

Registration of
motor vehicles.

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

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

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

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

(3) The Commissioner of Inland Revenue shall, upon being satisfied that the provisions of this Act and any regulations and of any law for the time being in force in Antigua and Barbuda relating to the protection of third parties against risks arising out of the use of motor vehicles, have been complied with, forthwith enter particulars of the vehicle in the register of motor vehicles and shall assign to the vehicle a registered letter or letters and number, which shall be the identification mark of such vehicle.

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

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

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

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

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

(a) a motor cycle, unless he is sixteen years of age or over;

(b) a motor vehicle other than a motor cycle, unless he is 18 years of age or over.

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

Verification of application for registration.

(2) Before registering any motor lorry or motor omnibus, the Commissioner of Inland Revenue shall ascertain, in

the manner prescribed, the maximum gross weight or the maximum number of passengers which the vehicle is authorised to carry and such maximum gross weight or maximum number of passengers shall be entered in the Register of motor vehicles and in the certificate of registration.

Cancellation of registration.

12. (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 Commissioner of Inland Revenue is satisfied that the vehicle has been destroyed or rendered permanently unserviceable or has been permanently removed from Antigua and Barbuda, or if it has not been re-licensed 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 Antigua and Barbuda shall notify the Commissioner of Inland Revenue of such fact within one month of the happening of such event.

Exemptions from need for registration.

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

(a) private motor cars and motor cycles brought into Antigua and Barbuda by visitors for their own use for a period not exceeding three months, subject to such conditions as may be prescribed;

(b) new motor vehicles in the possession of manufacturers or dealers in motor vehicles, intended for sale and not used except with the permission of the Commissioner of Inland Revenue in writing for the purpose of being tested with a view to sale, subject to such conditions as may be prescribed.

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

(a) which is the property of the Governor-General used by him for his official or personal duties; or

(b) which is the property of the Government or of any government body or City or Village Council; or

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

(d) which is the property of a Consular Officer or employee of the United States Embassy in Antigua and Barbuda, who is—

- (i) not a British subject,
- (ii) not engaged in private occupation for gain in Antigua and Barbuda, and
- (iii) a permanent employee of the United States Embassy in Antigua and Barbuda or, if not a permanent employee thereof was not resident in Antigua and Barbuda at the commencement of his employment in the Embassy of the United States of America,

and which is used by him for his official or personal duties:

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

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

Transfer of registration.

(a) the motor vehicle or trailer shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof;

(b) the registered owner and the new owner shall, within seven days after such change of possession, make application in writing signed by both of them to the Commissioner of Inland Revenue giving the name and address of the new owner and the date of change of possession, and such application shall be accompanied by the certificate of registration and the prescribed fee. The Commissioner of Inland Revenue shall thereupon by endorsement of the certificate of registration and entry in the register substitute the name of the new owner for that of the registered owner and shall date and initial the substitution, and from such date the new owner shall for all purposes be deemed to

be the registered owner of the motor vehicle or trailer described in the relevant entry in the Register of motor vehicles and in such certificate of registration:

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

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

Provided that such personal representative or other person as aforesaid shall notify the Commissioner of Inland Revenue of the death of the registered owner within one month of the happening of such event.

(3) The registered owner or the new owner, as the case may be, who contravenes any of the provisions of the foregoing subsections shall be guilty of an offence.

(4) At the discretion of the Commissioner of Inland Revenue a new certificate of registration may be issued instead of endorsing the original certificate.

Licensing etc.

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

(a) the owner of any motor vehicle or trailer keeps for use or allows to be kept for use such vehicle or trailer without having obtained, or otherwise fails or omits to obtain the relevant licence prescribed in respect of that motor vehicle or trailer; or

(b) any motor vehicle or trailer is used upon any road for a purpose which is not authorised by the

licence issued in respect thereof or in contravention of any of the provisions of this Act; or

(c) any motor lorry, motor omnibus or trailer is used upon a road being loaded so as to exceed the maximum gross weight or the number of passengers respectively authorised by the licence;

the owner or driver or other person in charge of the motor vehicle or trailer, as the case may be, who contravenes any of the provisions of the foregoing paragraphs (a), (b), and (c) shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of one thousand dollars:

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

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

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

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

(5) Upon any conviction for an offence under paragraph (a) of subsection (1) the Magistrate, in addition to any other penalty which may be imposed, unless such

licence duty has been paid subsequent to the commission of the offence, shall order the owner of the motor vehicle or trailer to pay into Court to the credit of the Commissioner of Inland Revenue of Antigua and Barbuda, the amount of the relevant licence duty which would have been payable if such licence had been taken out at the proper time, and in default of payment of such amount the owner shall be liable to imprisonment with or without hard labour for a term not exceeding three months.

Special permits.

16. (1) Subject to the provisions of subsection (2) of section 9 the Commissioner of Inland Revenue, may grant a special permit to the owner of a tractor, motor lorry, or trailer for conveying heavy machinery or other articles in excess of the maximum gross weight of five tons, subject to such conditions as may be specified in the permit, and on payment of a special fee calculated at the rate of fifty cents per mile or part of a mile to be travelled for each ton or part of a ton of the gross weight to be transported in excess of the maximum gross weight for which such tractor, motor lorry or trailer is licensed.

(2) The Commissioner of Inland Revenue may grant a special permit to the owner of any machine used for industrial or agricultural purposes to enable such machine to be moved from one place to another, subject to such conditions as may be specified in the permit and on payment of a special fee calculated at the rate of fifty cents per mile or part of a mile to be travelled for each ton or part of a ton gross weight to be transported.

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

(4) Notwithstanding the issue of any permit under subsections (1) and (2), no fee shall be payable in respect of road rollers or in respect of motor vehicles using roads which are not maintained at the public expense, nor in any case when the distance travelled along a public road does not exceed one-half of a mile.

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

Application for licence.

18. It shall be lawful for the Commissioner of Inland Revenue before granting a licence (including a renewal) in respect of a motor vehicle or trailer to require such motor vehicle or trailer to be weighed in the presence of a person authorised by the Commissioner of Inland Revenue.

Vehicle to be weighed.

19. Upon licensing any motor vehicle or trailer the Commissioner of Inland Revenue shall enter in the Register of motor vehicles opposite the entry relating to that vehicle or trailer the number and date of the licence issued in respect of such vehicle or trailer.

Particulars to be entered in register.

20. (1) No licence for any motor vehicle or trailer shall be issued by the Commissioner of Inland Revenue until—

Conditions to be satisfied before licence is issued.

(a) the motor vehicle has been duly registered;

(b) the motor vehicle or trailer has been examined by an Examining Officer and a certificate of fitness in respect thereof produced;

(c) in the case of a motor vehicle being a public service vehicle the owner thereof, where there are no laws for the time being in force in Antigua and Barbuda relating to the protection of third parties against risks arising out of the use of motor vehicles, has deposited with the Commissioner of Inland Revenue as security the sum of four hundred and eighty dollars or has given, executed and deposited with the Commissioner of Inland Revenue, a bond in the sum of four hundred and eighty dollars with one or more sureties as may be required and approved by the Commissioner of Inland Revenue conditioned that the owner of the motor vehicle shall pay to Her Majesty the Queen, Her Heirs and successors, every penalty which may at any time be imposed or adjudged against him in

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

(d) the Commissioner of Inland Revenue is satisfied that the provisions of this Act and of any regulations made thereunder and of any law for the time being in force in Antigua and Barbuda relating to the protection of third parties against risks arising out of the use of motor vehicles have been complied with.

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

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

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

(a) pays the whole or part of the sum for which he became bound; or

(b) dies; or

(c) is declared a bankrupt or is discharged under any law of bankruptcy for the time being in force in Antigua and Barbuda; or

(d) leaves Antigua and Barbuda without leaving sufficient property therein to satisfy the sum for which he is bound; or

(e) is discharged from his suretyship in the manner hereinbefore provided,

the person for whom the surety was bound shall not permit

any motor vehicle covered by the bond to ply for hire until a new bond has been executed and deposited in the manner hereinbefore prescribed.

21. (1) A certificate of fitness to be issued by an Examining Officer consequent upon an examination for the purposes of paragraph (b) of section 20(1) or paragraph (b) of section 23 shall be issued on payment of the fee prescribed in the First Schedule.

Certificate of fitness.

First Schedule.

(2) In the case of a motor vehicle or trailer which has been examined by an Examining Officer but for which a certificate of fitness is not issued, a certificate of failure to pass the examination, specifying the reasons for such failure shall be issued by the Examining Officer on payment of the fee prescribed in the First Schedule.

First Schedule.

22. (1) If the condition of any bond given under section 20 is not fulfilled, the Commissioner of Inland Revenue may put the bond in suit as against all or any of the persons bound thereby.

Proceedings on bond.

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

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

23. The Commissioner of Inland Revenue shall not renew a motor vehicle or trailer licence unless—

Renewal of licence.

(a) he is satisfied that the motor vehicle or trailer does not differ in any respect from the particulars in the Register of motor vehicles;

(b) the motor vehicle or trailer has been examined by the Examining Officer and a certificate of fitness in respect thereof is produced; and

(c) he is satisfied that the provisions of this Act and of any regulations made thereunder and of any law for the time being in force in Antigua and Barbuda relating to the protection of third parties against risks arising out of the use of motor vehicles have been complied with.

Licence in respect of public service vehicles.

24. In addition to the licence to be issued in respect of a motor vehicle there shall be issued a licence in respect of every motor vehicle used as a public service vehicle and the duty in respect thereof shall be as set out in the First Schedule.

Fit Schedule.

Alteration of motor vehicle occasioning higher licence duty.

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

(2) Where a licence has been taken out for a motor vehicle to be used solely for a certain purpose and the vehicle is at any time during the period for which the licence is in force used for some other purpose, the person so using the vehicle shall, if the fee chargeable in respect of a licence for a vehicle used for that purpose is higher than the fee chargeable in respect of the licence held by him, be deemed to be guilty of an offence under section 15 and the provisions of that section shall apply accordingly.

Cancellation and suspension of licence.

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

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

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

27. On transfer of ownership of a motor vehicle or trailer, the Commissioner of Inland Revenue shall, on payment of the prescribed fee, duly amend the Register of motor vehicles and the licence, and it shall not be necessary to issue a new licence.

Transfer of ownership.

28. (1) Every motor vehicle and trailer licence issued shall be in the prescribed form, and shall, unless previously suspended, cancelled or revoked by competent authority, expire on the 31st day of December next following the date of issue, and the duties to be paid on such licences shall be as set out in the First Schedule:

Licence duties.

First Schedule.

Provided that if the Commissioner of Inland Revenue is satisfied that the motor vehicle or trailer has not been used on a road previously during the current year the following percentage only of the full annual duty shall be payable, where a licence is issued—

(a) in the second quarter of the year, 75% of the duty;

(b) in the third quarter of the year, 50% of the duty;

(c) in the last quarter of the year, 25% of the duty:

Provided also that the Commissioner of Inland Revenue may issue in respect of a motor omnibus a half-yearly licence upon payment of half the yearly licence fee specified in such Schedule, and any such half-yearly licence shall expire on the 30th day of June or 31st day of December as shall first occur after the issue thereof:

Provided also that in all cases where duties are to be paid on licences for the use of motor vehicles or trailers on no other roads other than roads in the island of Barbuda for any period in any year an abatement of $66\frac{2}{3}$ per cent of the duty shall be allowed.

Exemptions.

(2) No licence duty shall be payable in respect of any vehicle which is exempt from registration or from payment of the registration fee under section 13 so long as the condition justifying such exemption continues.

Rebates.

(3) The Commissioner of Inland Revenue may in his discretion make in regard to any motor vehicle or trailer which has not been used for a continuous period of at least three months in any year or which has been rendered permanently unserviceable or which has been permanently removed from Antigua and Barbuda, a rebate of such proportion of the licence duty paid in respect of such vehicle as he thinks fit, but not exceeding one-twelfth of the annual licence duty for each complete month during which such vehicle was not in use, and shall on surrender of the licence refund to the licence holder the amount of such rebate.

Visitor's temporary licence.

29. (1) Where a private motor car or motor cycle is brought into Antigua and Barbuda for the purpose of being used by the owner during a visit, the Commissioner of Inland Revenue may issue a temporary licence to use the private motor car or motor cycle for not more than three months on payment of the fee set out in the First Schedule:

First Schedule.

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

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

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

PART III

Licensing of Drivers and Conductors.

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

Provided that if the offender has been previously refused a driving licence or is disqualified for holding or obtaining such a licence he may be arrested forthwith without a warrant and he shall on summary conviction be liable to imprisonment for one year and a fine of one thousand dollars.

(2) For the purpose of learning to drive, a person (in this section referred to as a "learner") may, though he does not hold a driver's licence, drive a motor vehicle on a road if he holds a written permission to do so (in this section referred to as a "learner's permit") granted by the Commissioner of Inland Revenue:

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

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

(a) that the learner shall drive upon such roads and at such times as may be mentioned in the permit; and

(b) that the learner shall not use a public service vehicle carrying passengers for the purpose of learning to drive;

* (c) that when learning to drive a motor vehicle (other than a motor cycle) the learner shall have sitting next to him, for the purpose of instructing him, a licensed driver; and

(d) the motor vehicle shall carry such identification marks as may be specified in the permit:

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

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

Classes of drivers' licences.

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

(a) "a motor cycle driver's licence" which shall entitle the holder thereof to drive a motor cycle, with or without a sidecar;

(b) "a private driver's licence" which shall entitle the holder thereof to drive, not for reward, such class or classes of motor vehicles as may be specified in the licence and which his driving test proves him competent to drive.

(c) "a chauffeur's licence" which shall entitle the holder thereof to drive such class or classes of motor vehicles as may be specified in the licence and which his driving test or tests prove him competent to drive.

Form of drivers' licences.

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

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- 33.** On the issue of a driver's licence or a learner's permit under section **30** there shall be payable the fee set out in the First Schedule. **Fees.**
First Schedule.
- 34.** Application for a driver's licence shall be made to the Commissioner of Inland Revenue in such form as may from time to time be prescribed and shall be signed by the applicant. **Application for driver's licence.**
- 35.** The Commissioner of Inland Revenue shall require every applicant for a driver's licence to produce a certificate of having passed a driving test conducted by an Examining Officer in accordance with regulations made under the provisions of this Act. **Certificate of competency.**
- 36.** (1) A person shall be disqualified for holding or obtaining a driver's licence— **Disqualification for obtaining driver's licence.**
- (a) if he is by a conviction under this Act or by an order of court thereunder disqualified for holding or obtaining a licence;
 - (b) in respect of a motor cycle, if he is under the age of sixteen years;
 - (c) in respect of any other motor vehicle other than a public service vehicle, if he is under the age of seven-teen years;
 - (d) in respect of a public service vehicle, if he is under the age of twenty-one years;
 - (e) if he is suffering from any disease or other disability which in the opinion of the Commissioner of Inland Revenue would be likely to cause the driving of a motor vehicle by him to be a source of danger to the public:
- Provided that if a licence is refused by virtue of this provision the applicant may claim to be subjected to a test as to his fitness or ability to drive a motor vehicle or a motor vehicle of a particular class or description or a motor vehicle of a particular form of construction, and if he passes such test and is not otherwise disqualified the licence shall not be refused by reason only of the provision of this paragraph.

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

Particulars on
drivers' and
conductors'
licences.

37. Upon issuing a driver's licence or a conductor's licence the Commissioner of Inland Revenue shall enter in the appropriate register the particulars of the licence including the name, address and description of the person licensed, the date of the licence and any convictions ordered by competent court to be endorsed thereon.

Duration of
driver's licence.

38. A driving licence is, unless previously suspended, cancelled or revoked, valid for one year from the date of issue, and may be renewed for a further period of one year, or at the request of the holder, a period of three years.

Renewal of
driver's licence.

39. On or after the expiration of a driver's licence by effluxion of time and on application by the holder thereof for the renewal of his licence, the Commissioner of Inland Revenue shall, subject to the provisions of section 36 and on payment of the prescribed fee, renew the licence.

Visitor's
temporary driver's
licence.

40. (1) It shall be lawful for the Commissioner of Inland Revenue to grant a temporary driver's licence other than a chauffeur's licence for any period not exceeding three months to any applicant for the same, when it is shown to his satisfaction that the applicant is a *bona fide* visitor to Antigua and Barbuda. Such temporary driver's licence may be granted with or without any driving test on the part of the applicant, but shall be subject to such conditions as may be stipulated on the licence and to the payment of the prescribed fee.

(2) The Licensing Officer may from time to time, by writing under his hand, authorise the owner of a self-drive hire motor vehicle to hand over on his behalf to applicants therefor, any licence granted under this section.

(3) In this section, the expression "self-drive hire motor vehicle" means a motor vehicle used for carrying passengers for hire or reward where, and only where, that motor vehicle is available for use on hire to a person who will be in actual charge or possession of the motor vehicle during such time as it is hired to him.

41. The driver of a motor vehicle shall, on being so required by any police officer, produce his driver's licence for examination so as to enable such police officer to ascertain the name and address of the holder of the licence and the date of issue of the same, and if he fails so to do he shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars:

Production of driver's licence.

Provided that, if within forty-eight hours after the production of his licence was required the holder produces the licence in person at such police station as may be specified to him at the time its production was required, he shall not be charged under this section.

42. If it appears to the Commissioner of Inland Revenue that there is reason to believe that any person who holds a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and if, on inquiring into the matter, the Commissioner of Inland Revenue is satisfied that the holder of the licence is suffering from such disease or disability as aforesaid, then whether or not the holder of the licence so suffering as aforesaid has previously passed a driving test, the Commissioner of Inland Revenue may, after giving to the holder of the licence notice of his intention so to do, revoke the licence, and the holder shall on receipt of such notice deliver the licence to the Commissioner of Inland Revenue for cancellation.

Cancellation of driver's licence for disability.

43. (1) Except as otherwise approved by the Traffic Commissioner every motor omnibus shall at all times when in use on any road carry a conductor in addition to the driver.

Motor omnibus to carry conductor.

(2) The owner of any motor omnibus used in contravention of the provisions of this section shall be guilty of an offence.

44. No person shall act as a conductor of a motor omnibus unless he is licensed for the purpose, and no person shall employ as a conductor any person who is not so licensed.

Conductor's licence.

Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

Application for
conductor's
licence.

45. (1) Any person who desires to be licensed as a conductor of a motor omnibus shall apply to the Commissioner of Inland Revenue in the prescribed form.

(2) A conductor's licence shall be in such form as may be prescribed and shall be issued by the Commissioner of Inland Revenue on payment to him of the prescribed fee and upon his being satisfied that the provisions of any regulations made under this Act have been complied with.

Duration of
conductor's
licence.

46. A Conductor's licence shall, unless previously cancelled or suspended by the Commissioner of Inland Revenue, expire upon the 31st day of December next following the date of issue.

Cancellation and
suspension of
conductor's
licence.

47. The Commissioner of Inland Revenue may cancel or suspend the licence of any conductor on his being convicted of an offence under this Act or for any contravention of the provisions of this Act or of any regulations made thereunder.

PART IV.

Licensing of Vehicles Not Propelled by Mechanical Power.

Application of
other provisions.

48. The Governor-General may, by order published in the *Gazette*, provide—

(a) that any of the provisions of this Act or any regulations relating to motor vehicles shall apply, *mutatis mutandis*, to animal drawn vehicles and pedal bicycles, and the owners, drivers or riders thereof;

(b) that any specified class of animal drawn vehicle shall be exempted from the requirements of this Part in regard to licensing or the payment of licence duties.

Licensing of
animal drawn
vehicles and
pedal bicycles.

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

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

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

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

51. (1) Application for the licensing of an animal drawn vehicle or pedal bicycle shall be made to the Commissioner of Inland Revenue in the prescribed form, and subsequent applications for the renewal of a licence shall be made in person or by letter, the old licence being at the same time returned to the Commissioner of Inland Revenue.

Application for and issue of licence.

(2) Licences issued under this Part shall be in the prescribed form, and shall expire on the 31st day of December following the date of issue.

(3) The duties to be paid on such licences shall be as set out in the First Schedule.

First Schedule.

(4) No duty shall be charged for a licence in respect of any animal drawn vehicle or pedal bicycle which is the property of the Government or of any government body or City or Village Council.

(5) Upon licensing any animal drawn vehicle or pedal bicycle the Commissioner of Inland Revenue shall enter in the Register of Animal Drawn Vehicles and Pedal Bicycles opposite the entry relating to that vehicle or bicycle the number and date of the licence.

52. The Commissioner of Inland Revenue may, if necessary for the purpose of safety or for preventing injury to roads or cruelty to animals by the overloading of any animal drawn vehicle, endorse on the licence the number of passengers or weight of load to be carried, and, in that case,

Power to fix maximum load for animal drawn vehicles.

if the number of passengers or the load carried on such vehicle is in excess of such maximum, the driver or other person in charge of the vehicle and the owner of the vehicle shall each be guilty of an offence.

PART V

Driving and Other Offences.

Speed.

Second Schedule.

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

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

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

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

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

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

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

(6) The Cabinet may by order published in the *Gazette* and in one or more newspapers circulating in Antigua and Barbuda, declare any road or portion thereof to be within a speed limit area:

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

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

(7) Any person who—

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

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

is liable on conviction to a fine of one thousand dollars or to imprisonment for a term of six months and in addition may be disqualified from holding or obtaining a driver's licence for a period not exceeding twelve months. Where a person is convicted for a second or subsequent offence under this section, the Court shall, in addition to such penalty, disqualify such person from holding or obtaining a driver's licence for such period as it may, in the circumstances, consider appropriate.

(8) On the prosecution of any person for any speeding offence under this section, the Court shall admit into evidence—

(a) the facts ascertained from the reading of a speedometer over a distance of at least two hundred metres;

(b) the measurement of any speed by a device designed or adapted for measuring by radar the speed of a motor vehicle.

(9) No Court shall admit into evidence any facts ascertained from the reading of a speedometer or the measurement from any device adapted for measuring by radar the speed of a motor vehicle unless such speedometer or radar is of a type prescribed by regulation.

**Drivers when
under influence
of liquor or drugs.**

54. (1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road is under the influence of drink or drug to such an extent as to be incapable of having proper control of the vehicle, is liable on summary conviction for a first offence to a penalty of five thousand dollars and to imprisonment for eighteen months, and on conviction for a second and every subsequent offence to a penalty of ten thousand dollars and to imprisonment for three years.

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

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

**Reckless or
dangerous driving.**

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

shall be liable—

(a) on summary conviction for a first offence to a penalty of twenty-five hundred dollars and to imprisonment for six months and for a second and every subsequent offence to a penalty of five thousand dollars and to imprisonment for a term of twelve months;

(b) on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years, or to a fine, or both such imprisonment and fine.

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

56. (1) If any person drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence and shall be liable on summary conviction for a first offence to a penalty of one thousand dollars and to disqualification from holding or obtaining a driver's licence for three months, and for a second and every subsequent offence to a penalty of twenty-five hundred dollars and to disqualification from holding or obtaining a driver's licence for one year. **Careless driving.**

57. (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 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, shall be liable on conviction on indictment to imprisonment for a term not exceeding five years. **Causing death by reckless or dangerous driving of motor vehicles.**

(2) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driv-

ing as mentioned in subsection (1) it shall be lawful for them to convict him of an offence under section 55 whether or not the requirements of section 61 have been satisfied as respects that offence.

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(3) The provisions of section 32 of the Coroners Act, shall apply to an offence against this section as it applies to manslaughter.

Racing speed trials.

58. (1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall be liable on summary conviction to a penalty of twenty-five hundred dollars and to imprisonment for twelve months.

(2) A person convicted of an offence under this section shall, unless the Court for a special reason thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for holding or obtaining a driver's licence for a period of twelve months from the date of the conviction.

Power to convict for reckless or dangerous driving.

59. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 55 to find him guilty of that offence, whether or not the requirements of section 61 have been satisfied as respects that offence.

Power to proceed on charge for careless driving on hearing of charge under section 55.

60. Where a person is charged summarily before a Magistrate with an offence under section 55 (which relates to reckless or dangerous driving) and the Magistrate is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter, the Magistrate may, without prejudice to any other powers possessed by him, direct or allow a charge for an offence under section 56 (which relates to careless driving) to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that the defendant or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall, if he considers that the defendant

is prejudiced in his defence by reason of the new charge being preferred, adjourn the hearing.

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

Warning of intended prosecution.

(a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or

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

(c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

(i) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the Court is satisfied that—

(a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for notice to be served or sent as aforesaid; or

(b) the accused by his own conduct contributed to the failure.

(ii) the requirements of this section shall in every case be deemed to have been complied with unless the contrary is proved.

62. (1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or

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

careless driving refuses, on being required by any person having reasonable grounds for so requiring, to give his name and address, or gives a false name and address, he shall be guilty of an offence.

(2) Any police officer may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving or racing on a road, unless the driver either gives his name and address or produces his driver's licence for examination.

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

Restrictions on persons riding bicycles.

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

(2) A person carried on a bicycle in contravention of subsection (1) is liable on summary conviction to a penalty of five hundred dollars.

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

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

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

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

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

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

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

(4) A person who contravenes this section is liable on summary conviction to a penalty of five hundred dollars.

65. (1) (a) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle. **Duty to stop in case of accident.**

(b) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a Police Station or to a police officer as soon as reasonably practicable and in any case within twenty-four hours of the occurrence thereof.

(c) In this section the expression "animal" means any horse, cattle, ass, mule, sheep, goat or dog.

(d) A person who fails to report an accident as is required by paragraph (b) of this section is liable on summary conviction to a penalty of fifteen hundred dollars.

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

**Offences.
Fraudulent imitation of documents.**

66. If any person—

(a) fraudulently imitates, alters, mutilates, destroys, or uses or fraudulently lends or allows to be used by any other person any identification mark, motor vehicle licence, certificate of registration or driving permit issued or deemed to have been issued under this Act; or

Interfering with motor vehicle.

(b) without permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof, or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing; or

Endangering vehicle.

(c) throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned; or

Pedestrians etc., causing obstruction.

(d) wilfully loiters or remains on any roadway in such a manner or in such circumstances as to be likely to cause danger or obstruction to persons driving or propelling vehicles on the road; or

Using vehicle in defective condition.

(e) uses or drives or permits to be used or driven any motor vehicle or trailer on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public; or

Refusing information as to identity of driver.

(f) being the owner of a motor vehicle refuses on the request of any police officer—

- (i) to give the name and address of the driver thereof, such driver having been authorized by such owner to drive the said motor vehicle; or
- (ii) to give all such information in his possession as would assist in the discovery or identity of the driver; or

(g) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being duly licensed as a public service vehicle in its appropriate class, on being so required by a police officer refuses to give a statement as to his presence in such vehicle and as to whether he is being conveyed for hire or reward; or

Refusing information as to user of private motor car as public service vehicle.

(h) being the driver or conductor of a public service vehicle stands for hire at any road or place not appointed for the purpose; or

Standing for hire at a place not appointed.

(i) being the owner, driver or conductor or person acting on behalf of the owner, driver or conductor of a public service vehicle plying for hire makes any noise or sounds any instrument in order to attract the attention of the public or of a possible passenger; or by troublesome and frequent demands or by persistent following holds out the vehicle for hire to the public in such manner as to constitute a nuisance, or acts in any way so as to cause annoyance or inconvenience to any person; or

Importuning passenger.

(j) rides on the running board, wings or fenders of a motor vehicle or on the outside of the vehicle except on a properly constructed seat; or

Riding on running board.

(k) being in a motor vehicle in any way obstructs the driver of such motor vehicle whilst the same is in motion; or

Obstructing driver.

(l) in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle or a driving licence or in connection with the endorsement of such a licence, or any change or correction in a motor vehicle licence or the registration of a motor vehicle or in giving any information lawfully demanded or required under this Act or any regulations makes any statement which is to his knowledge false or in any material respect misleading; or

Giving false information.

(m) rides, drives or propels or causes to be ridden, driven or propelled any animal or vehicle, not being a motor vehicle, on a road carelessly, negligently or recklessly, or at a speed or in a manner which is dangerous to the public or to property having regard to all

Reckless or careless driving of vehicle not being a motor vehicle.

the circumstances of the case, including the amount and nature of the traffic which actually is at the time, or might reasonably be expected to be on such road; or

Driving vehicle not being a motor vehicle, under influence of drink or drugs.

(n) rides, drives or propels or is in charge of any animal or vehicle not being a motor vehicle, on a road whilst drunk, or while his efficiency for such purpose is impaired by drink or drugs; or

Tinted windows and windscreens.

(o) drives, or being the owner permits any other person to drive, a motor vehicle on a road when the windows or windscreens of such vehicles are so tinted that the interior of the vehicle is not reasonably visible from the exterior of the vehicle;

he shall be guilty of an offence.

Taking vehicles without consent of owner.

67. (1) If any person uses any motor or other vehicle without the consent of the owner or other lawful authority, he shall be guilty of an offence:

Provided that the person shall not be convicted under this section if he proves either—

(a) that he had good reason to believe, and did in fact believe, that the owner of the vehicle would, had he been present, have consented to the vehicle being used in the manner in which it was used; or

(b) that he had reasonable cause to believe and did in fact believe that he had lawful authority to use the vehicle.

(2) If any person is convicted under this section the Magistrate may, if he thinks fit, either in addition to or without inflicting any punishment, order that the person convicted pay to the owner of the vehicle either or both of the following sums, namely—

(a) such sum as, in the opinion of the Magistrate, would have been charged if the vehicle had been hired by the person convicted;

(b) such sum as, in the opinion of the Magistrate, represents fair compensation for any damage done to the vehicle:

and payment of such sum shall be enforced in the manner provided by the Magistrate's Code of Procedure Act for the enforcing of the payment of a fine or order made on complaint. **Cap. 255.**

(3) If on the trial of any indictment for stealing any motor or other vehicle, the jury are of the opinion that the defendant was not guilty of stealing the vehicle, but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(4) Any police officer may arrest without warrant any person reasonably suspected by him of having committed an offence under this section .

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

PART VI

Disqualifications, Suspensions and Endorsements.

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

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

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

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

Temporary suspension of licence pending determination of charges.

70. (1) If and when any person is charged with manslaughter arising out of the use of any motor vehicle or with contravening the provisions of sections 54, 55 and sub-section (1) of section 57, it shall be lawful for the Traffic Commissioner to order the suspension of the driver's licence of the person so charged pending the determination of the charge.

(2) Any such licence so suspended shall on demand by any police officer be surrendered to such police officer who shall forthwith forward the same to the clerk of the court before which the person so charged is to appear.

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

Fraudulent application for driver's licence.

71. If any person who under the provisions of this Act be disqualified for holding or obtaining a driver's licence applies for or obtains a licence whilst he is so disqualified, or if any person while he is so disqualified drives a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description on a road, or if any person who has been refused a licence applies for or obtains a licence without disclosing such refusal he shall be guilty of an offence, and is liable on summary conviction to a penalty of one thousand dollars or to imprisonment for six months, or to both such penalty and imprisonment, and the licence obtained by any person so disqualified, as aforesaid, shall be of no effect.

Provision as to endorsements

72. (1) An order that the particulars of any conviction or of any disqualification be endorsed on any driver's licence held by the offender shall, whether the offender is at the time the holder of the licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under

the provisions of this section to have a licence issued to him free from endorsement.

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

(a) if the offender is at the time the holder of a driver's licence, he shall, if so required by the Court, produce the licence within five days or such longer time as the Court may determine for the purpose of endorsement; and

(b) if he is not then the holder of a driver's licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the Court for the purpose of endorsement;

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

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

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

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

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

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

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

(8) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed, the Court by which the appeal is allowed or the conviction is quashed shall send notice thereof forthwith to the Commissioner of Inland Revenue.

Removal of permanent disqualification.

73. (1) Subject to the provisions of this section a person who by order of a court is disqualified permanently from holding or obtaining a driver's licence either generally or limited to the driving of a motor vehicle of any particular class or description, may apply to the court by which the order was made to remove the disqualification; and on any such application the court may, as it thinks proper, having

regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(2) No application shall be made under the foregoing subsection for the removal of a disqualification before the expiration of seven years from the date of the order by which the disqualification was imposed.

(3) An application under subsection (1) of this section shall, where the order by virtue of which the disqualification was imposed was made by—

(a) the High Court, be by summons;

(b) a Magistrate's Court, be by petition and a copy of the summons, or as the case may be, of the petition, shall be served on the Commissioner of Police who shall be entitled to be represented at the hearing of the application and may call evidence in opposition thereto.

(4) Where an application under subsection (1) of this section is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

(5) If under this section the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant.

(6) Where an application is made under this section the applicant shall pay to the Commissioner of Inland Revenue to the credit of the general revenue such sum as may be prescribed in the First Schedule.

First Schedule.

PART VII

Foot-passenger Crossings.

74. (1) Crossings for foot-passengers may be established on roads in accordance with the provisions of this section.

Foot-passenger crossings.

(2) The Governor-General may make regulations with respect to the precedence of vehicles and foot-passengers respectively; and generally with respect to the movement of traffic at and in the vicinity of a crossing and with respect to the indication of the limits of a crossing by marks on the roadway or otherwise, and to the erection of traffic signs in connection therewith.

(3) Different regulations may be made under this section in relation to different traffic conditions and in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(4) Any person who contravenes any regulations made under this section shall be guilty of an offence and liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months and, in the case of a second or subsequent offence, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

(5) In this section the expression "crossing" means a crossing for foot-passengers proposed by the Board and approved by the Governor-General specifying either the positions of the proposed crossings, or the lengths of road, or the areas, in which crossings are to be established and indicated in accordance with the regulations having effect as respects that crossing.

(6) For the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing, the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

PART VIII

International Circulation of Motor Vehicles.

75. The Cabinet may, from time to time for the purpose of giving effect to any convention for facilitating

the international circulation of motor vehicles, by order provide—

(a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in Antigua and Barbuda when temporarily taking their motor vehicles abroad, or to drivers when proceeding abroad for the purpose of driving motor vehicles; and

(b) for modifying the provisions of this Act and any regulations, or any rules or regulations made under any Act hereby repealed which continue in force by virtue of this Act, relating to the registration of motor vehicles and the licensing of motor vehicle drivers, in the case of motor vehicles brought temporarily into Antigua and Barbuda by persons resident abroad and intending to make only a temporary stay in Antigua and Barbuda, and in the case of drivers entering Antigua and Barbuda for the purpose of driving any such vehicles.

PART IX

Supplemental Provisions.

76. The content of the Register of Motor Vehicles, the Register of Licensed Motor Drivers, the Register of Licensed Conductors, the Register of Animal Drawn Vehicles and Pedal Bicycles, and the Register of Drivers' Offences shall respectively be *prima facie* evidence of the facts contained therein in all proceedings under this Act.

Presumptive evidence of Registers.

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

Duplicate licences.

78. (1) The driver or other person in charge of a motor vehicle or trailer licensed according to its maximum gross weight may, on demand by a police officer or by any person authorized in writing by the Commissioner of Inland Revenue, be required to satisfy such police officer or person that the load, which is being carried on such motor vehicle or trailer, does not contravene the provisions of the licence or this Act or any regulations, and may be required by

Weighing of motor vehicles.

such police officer or person to drive him with such motor vehicle or trailer to a weigh-bridge or other machine for weighing vehicles for the purpose of weighing such load.

(2) Any person who fails to comply with any such requirements as aforesaid shall be guilty of an offence and shall on summary conviction be liable to a penalty of five hundred dollars.

Power to detain vehicles and enter premises.

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

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

Exemptions of fire engines, etc., from speed limits.

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

Traffic signs.

81. (1) Subject to the provisions of subsection (6) of section 53 the Traffic Commissioner may cause or permit traffic signs to be placed on or near any road and may authorize the retention of any traffic signs erected prior to the passing of the Vehicles and Road Traffic (Amendment) Ordinance 1954.

22/1954.

(2) Traffic signs erected or authorized under subsection (1) may be signs for any of the following purpose*

(a) to regulate the movement of traffic;

(b) to indicate the route to be followed by traffic;

(c) to restrict or prohibit the use of any part of any road by traffic;

(d) to prohibit the driving of any vehicle on any road otherwise than in a certain direction;

(e) to restrict or prohibit the parking of vehicles in any area or on any part of any road;

(f) to restrict or prohibit temporarily the use of any road or any part of any road by vehicles whenever it appears to the Traffic Commissioner to be necessary;

(g) to warn users of the road of the need for special caution;

(h) to give notice of dangerous places;

(i) to indicate the limits of a speed limit area and the maximum speed fixed in relation thereto;

(j) to notify users of the road of any prohibitions or restrictions which have been imposed by this Act or by any regulations or order made thereunder;

(k) to convey information to users of the road.

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

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

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

(6) Subject to the provisions of subsection (6) of section 53 that area or road or portion of a road to which a traffic sign applies shall be deemed to be determined for the purposes of this Act when the indication given by the sign is

sufficiently clear from the sign itself as being in a form commonly understood by drivers or others to whom it is directed or when the indication of the portion of the road to which the traffic sign is to apply is given by the erection of signs at each end of that portion of the road:

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

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

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

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

**Unlawful
erection or
removal of or
interference with
traffic signs.**

82. (1) Any person who—

(a) shall, without the permission of the Traffic Commissioner, erect or cause to be erected any traffic sign on or near any road, or

(b) shall injure, deface, remove or in any manner interfere with any traffic sign lawfully placed on or near any road,

shall be guilty of an offence.

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

83. It shall be lawful for the Cabinet to grant to any person, or to two or more persons jointly, a limited concession or an exclusive concession to operate motor omnibuses in any area or on any road or route or for any journey upon such conditions as shall be specified in the grant and subject to the provisions of this Act and any regulations made thereunder.

**Concession to
operate motor
omnibuses.**

84. (1) Where it appears to the Traffic Commissioner that a motor vehicle within Antigua and Barbuda is abandoned on any land in the open air or on any land forming part of a public road, the Traffic Commissioner shall have power, subject to the following provisions of this section, to remove the vehicle.

**Removal of
abandoned
vehicles.**

(2) Where it appears to the Traffic Commissioner that the land on which a motor vehicle is abandoned **as** aforesaid, is occupied by any person, the Traffic Commissioner shall give him seven days notice, in writing that it is proposed to remove the vehicle in pursuance of subsection (1) but if he makes an objection in writing within seven days of being given the notice, the Traffic Commissioner shall not be entitled to remove it until the expiration of seven days from the date of such objection.

(3) Where in pursuance of this section the Traffic Commissioner proposes to remove a vehicle which in his opinion is in such condition that it ought to be destroyed he shall, not less than fourteen days before removing it, cause to be affixed to the vehicle a notice stating that he proposes

to remove it for destruction on the expiration of that fourteen days.

(4) While a vehicle, other than a vehicle to which a notice was affixed in accordance with subsection (3), is in the custody of the Traffic Commissioner in pursuance of this section it shall be the duty of the Traffic Commissioner to take such steps as are reasonably necessary for the safe custody of the vehicle.

Disposal of
removed vehicle.

85. (1) Subject to subsection (4) the Traffic Commissioner may, in such manner as he thinks fit, dispose of any vehicle which is in his custody in pursuance of section 84—

(a) in the case of a vehicle to which a notice was affixed in accordance with subsection (3) of section 84 and on which no current licence was displayed at the time of its removal, at any time after its removal.

(b) in the case of a vehicle to which a notice was so affixed and on which a current licence was so displayed, at any time after the licence expires;

(c) in any other case, at any time after the Traffic Commissioner has taken steps as may be prescribed by regulation to find a person appearing to him to be the owner of the vehicle and either—

- (i) he has failed to find such a person; or
- (ii) such person has failed to comply with a notice served on him in the prescribed manner by the Traffic Commissioner requiring him to remove the vehicle within the prescribed period from his custody, but not earlier, in the case where it appears to the Traffic Commissioner that a licence is in force in respect of the vehicle, than the expiration of the licence.

(2) The power to dispose of a vehicle conferred on the Traffic Commissioner by subsection (1) includes power to provide plant and apparatus for the purpose of disposing of vehicles.

(3) If before the vehicle is disposed of by the Traffic Commissioner in pursuance of subsections (1) and (2), the vehicle is claimed by a person who satisfies the Traffic Commissioner that he is its owner and pays to the Traffic Commissioner such sums in respect of its removal and storage as may be prescribed, the Traffic Commissioner shall permit him to remove the vehicle from his custody during a period not exceeding three months from the date of removal; and if before the expiration of six years beginning with the date on which any vehicle is sold by the Traffic Commissioner in pursuance of this section, any person satisfies the Traffic Commissioner that at the time of its sale he was the owner of the vehicle, the Traffic Commissioner shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums as may be due in respect of the removal, storage and disposal of the vehicle.

(4) If, in the case of any vehicle, it appears to the Traffic Commissioner that more than one person is or was the owner at the relevant time, such one of them as the Traffic Commissioner thinks fit shall be treated as its owner for the purpose of subsection (3).

86. (1) Where a vehicle is removed in pursuance of section 84 (1) The Traffic Commissioner shall be entitled to recover from any person responsible—

Recovery of expenses connected with removal of vehicles.

(a) such charges as may be prescribed by regulation in respect of the removal of the vehicle;

(b) such charges as may be prescribed in respect of any period during which the vehicle is in the custody of the Traffic Commissioner; and

(c) where the vehicle is disposed of in pursuance to section 85 such charges as may be prescribed by regulation in respect of its disposal.

(2) Any sum recoverable under this section shall be recoverable as a simple contract debt in the Magistrate's Court.

(3) In this section—

"person responsible", in relation to a vehicle means—

(a) the owner of the vehicle at the time when it was put in the place from which it was so removed unless he shows that he was not concerned in and did not know of its being put there; or

(b) any person by whom it was put in the place aforesaid.

Regulations.

87. (1) The Cabinet may make regulations in respect of all or any of the following matters, that is to say—

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

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

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

(d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles, and regulating and controlling their use;

(e) the number, position and kind of lights and reflectors to be carried on motor and other vehicles and the times during which they are to be exhibited;

(f) the duties and powers of Examining Officers in regard to the inspection of motor and other vehicles and in regard to driving tests;

(g) the duties and powers of conductors;

(h) the inspection of motor and other vehicles and the times, places and manner of such inspection;

(i) the form of identification marks to be fixed on motor vehicles and trailers in respect of registration and licensing and the sizes and colour of the letters of and the manner of displaying such marks;

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

(k) the driving of any vehicle on any specified road otherwise than in a specified direction;

(*l*) the appointment of parking places and the regulation of the use of such parking places including the imposition of charges in respect thereof;

(*m*) the badges and uniform to be worn by drivers and conductors of public service vehicles and the conduct of drivers, conductors and passengers;

(*n*) passenger fares and tolls in respect of public service vehicles;

(*o*) the maximum hours of employment of persons as drivers of public service vehicles and of motor lorries;

(*p*) the determination of the number of passengers which a public service vehicle is adapted to carry and the number which may be carried;

(*q*) the carriage of luggage and goods on public service vehicles;

(*r*) the number, nature and use of brakes and other equipment to be carried in the case of vehicles not propelled by mechanical power;

(*s*) the prohibition of excessive noise owing to the design or condition of the vehicle or the loading thereof;

(*t*) the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road;

(*u*) the establishment of silence zones;

(*v*) the restriction on the importation of motor vehicles;

(*w*) generally, for the better carrying out of the provisions of this Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used.

(2) As regards motor omnibuses—

(*a*) the restriction of the use of motor omnibuses using specified routes;

(b) the regulation and restriction of the number of motor omnibuses using specified routes;

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

(d) the issue of licences by the Commissioner of Inland Revenue, and conditions of issue of such licences and conditions to be observed by the holders of such licences in respect of specified routes;

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

(f) the returns to be rendered by the owners of motor omnibuses showing the number and nature of journeys completed, the mileage covered, the times taken, the number of passengers carried and the operating costs;

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

(3) Regulations made under subsection (1) may prescribe penalties of a fine not exceeding five hundred dollars or of imprisonment for a term not exceeding six months.

Highway Code.

88. (1) It shall be the duty of persons using the road to acquaint themselves with and observe the directions contained in the highway code.

(2) The Traffic Commissioner and the Commissioner of Inland Revenue shall cause the highway code to be issued to the public at a price to be fixed by the Cabinet.

(3) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings under this Act, but such failure may in any such proceedings be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Power to Traffic Commissioner to make orders.

89. (1) The Traffic Commissioner may by notice published in the *Gazette* or in a newspaper published in Antigua and Barbuda make orders as to the line to be kept by persons driving or riding any vehicle or animal on any

road and as to the manner in which vehicles of any description shall be drawn up while waiting on any road and as to the route to be observed by all vehicles, horses, and persons, and for preventing obstructions on any road, in any case where such a road is liable to be thronged or obstructed; and also may give directions to police officers for the purpose of regulating traffic in the neighbourhood of Courts of Law, public offices, churches, theatres, and other places of public resort; and any person who, after being made acquainted with any orders made or directions given under this section, shall contravene or fail to comply with such orders or directions shall be guilty of an offence.

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

90. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on summary conviction to a penalty not exceeding fifteen hundred dollars or to a term of imprisonment not exceeding six months. **General penalty.**

91. Any person who is aggrieved by any act, order or decision of the Traffic Commissioner, the Commissioner of Inland Revenue or of any Examining Officer, may appeal to the Board and the decision of the Board shall be final. **Right of appeal.**

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

93. Whenever the provisions of this Act or of any regulations made thereunder are in conflict with the provisions of any other Act relating to the control of vehicles and road traffic the provisions of this Act and the regulations made thereunder shall prevail. **Conflict of laws.**

LAWS OF ANTIGUA AND BARBUDA

60

CAP. 460)

Vehicles and Road Traffic

THE FIRST SCHEDULE (Ss. 7, 21, 28, 29 & 33)

1. Motor Cycle	\$
–125 cc or less	40.00
over 125 cc but less than 251 cc	50.00
251 cc and over but less than 501 cc	75.00
501 cc and over 501 cc	100.00
Motor Cycle with side car – an additional	25.00
2. Motor Cars	
including station wagons, dune buggies, wagons and similar vehicles	
–1 200 cc or less	125.00
over 1200 cc but less than 1500 cc	150.00
1500 cc and over but less than 1800 cc	200.00
1800 cc and over	300.00
3. Motor Cars used as taxis	
(a) –Taxi to carry up to 5 passengers in addition to the duty payable under item 2	150.00
–over 5 passengers in addition to the duty payable under item 2	200.00
(b) –Self Drive Hire	
–in addition to the duty payable under item 2	500.00
4. Motor Cycles used for hire	
– in addition to the duty payable under item 1	150.00
5. Buses	
(a) up to 16 passengers	500.00
(b) over 16 passengers	650.00
(c) operated by hotels and companies to transport staff	1000.00
(d) operated by churches and charitable and educational organisations	400.00
6. Motor Vehicles licenced to be used as hearse or ambulance	500.00

7. Goods Vehicles—constructed or adapted for use for the carriage of goods (including jeeps and public and service vehicles)	\$
(a) over 2100 lbs or less	200.00
(b) 2100 lbs and over but less than 3101 lbs	300.00
(c) 3101 lbs and over but less than 4501 lbs	400.00
(d) 4501 lbs and over but less than 6721 lbs	500.00
(e) 6721 lbs and over but less than 11201 lbs	800.00
(f) 11201 lbs and over –	
(i) with 3 or more axles	1000.00
(ii) less than 3 axles	1200.00
8. Tow Trucks (containers & trailers)	1000.00
9. Concrete Trucks	
–under 10 tons tare weight	1200.00
–10 tons and over tare weight	1500.00
10. Containers	
–20 ft or less	100.00
–over 20 ft.	200.00
11. Special and heavy duty vehicles (with rubber wheels)–	
–(a) backhoes and front end loaders	1000.00
–(b) bulldozers, cranes and graders	1500.00
–(c) any other	1000.00
12. Drivers Licence	
(a) Motor Cycle (for 1 year)	20.00
(3 years)	50.00
(b) Motor Vehicles (for 1 year)	30.00
(3 years)	75.00
(c) Chauffeur (for 1 year)	40.00
(3 years).	100.00
(d) Learner's Permit (6 months)	20.00
(e) Visitor's Temporary Licence	30.00
(f) Duplicate Licence	15.00
13. Registration of Motor Vehicles	50.00

	\$
14. Transfer or change of Registration	20.00
15. Vehicle Certificate	30.00
16. Driving Test	20.00
17. Dealers plates	20.00

THE SECOND SCHEDULE s.53

LIMITS OF SPEED

	Maximum speed miles per hour
1. On any road within the limits of the City of Saint John's or within a speed limit area—	
(a) motor omnibuses and motor lorries	15
(b) tractors, with or without trailer	15
(c) other motor vehicles	20
2. On all roads in Antigua and Barbuda other than those specified in paragraph 1 of this Schedule—	
(a) motor omnibus and motor lorries	25
(b) tractors, with or without trailer	20
(c) other motor vehicles	40