

# Bill No. 15 of 1961

PUBLISHED 27TH MAY, 1961.

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## MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL, 1961.

### ARRANGEMENT OF SECTIONS

#### Section

1. Short title.
2. Amendment of section 2 of Chapter 280.
3. Amendment of section 3 of Chapter 280.
4. Amendment of section 20 of Chapter 280.
5. Amendment of section 31 of Chapter 280.
6. Amendment of section 33 of Chapter 280.
7. Insertion of section 35A in Chapter 280.
8. Repeal and re-enactment of section 94 of Chapter 280.
9. Amendment of section 104 of Chapter 280.
10. Amendment of section 112 of Chapter 280.
11. Amendment of Principal Ordinance, regulations, etc.
12. Transitional provisions.

### A BILL

Intituled

### AN ORDINANCE TO AMEND THE MOTOR VEHICLES AND ROAD TRAFFIC ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Motor Vehicles and Road Traffic (Amendment) Ordinance, 1961, and shall be construed and read with the Motor Vehicles and Road Traffic Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.  
Short title.  
Cap. 280
2. Section 2 of the Principal Ordinance is hereby amended—  
Amendment  
of section 2  
of Chapter  
280.
  - (a) by the repeal of the definition of the expression “district” and the substitution therefor of the following definition —  
“division” means a police division; ; and
  - (b) by the insertion after the definition of the expression “local authority” of the following definition —  
“Minister” means the Member of the Executive Council for the time being charged with responsibility for the subjects of road transport and traffic.

- Amendment of section 3 of Chapter 280. 3. Subsection (1) of section 3 of the Principal Ordinance is hereby amended by the substitution for the words "Commissioner of Police" of the word "Minister".
- Amendment of section 20 of Chapter 280. 4. Subsection (2) of section 20 of the Principal Ordinance is hereby amended by the substitution for the words "the licence held by him," of the words "the licence which has been taken out,".
- Amendment of section 31 of Chapter 280. 5. Subsection (2) of section 31 of the Principal Ordinance is hereby repealed and the following subsection substituted therefor —  
 Cap. 17. "(2) A person who by virtue of an order of a court under this Ordinance is disqualified from holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, notwithstanding the provisions of section 12 of the Summary Jurisdiction (Appeals) Ordinance, declare that the disqualification shall operate pending the appeal."
- Amendment of section 33 of Chapter 280. 6. Section 33 of the Principal Ordinance is hereby amended —  
 (a) by the insertion in subsection (6) after the words "Licensing Authority" in the fifth line of the words "and the Commissioner of Police";  
 (b) by the deletion of the full stop after the word "Authority" in subsection (7) and the addition of the words "and the Commissioner of Police."
- Insertion of section 35A in Chapter 280. 7. The Principal Ordinance is hereby amended by the insertion after section 35 of the following section —  
 Cap 12. "Causing death by reckless or dangerous driving of motor vehicles."  
 35A.(1) Any person who causes the death of another person by the driving of a motor vehicle on the 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 guilty of a misdemeanour and on conviction thereof on indictment shall be liable to imprisonment for a term not exceeding five years.  
 (2) Section 21 of the Coroners Ordinance shall apply to an offence against this section as it applies to manslaughter.  
 (3) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under section 36 of this Ordinance whether or not the requirements of section 45 of this Ordinance, have been satisfied as respects that offence."
- Repeal and re-enactment of section 94 of Chapter 280. 8. Section 94 of the Principal Ordinance is hereby repealed and the following section substituted therefor —  
 "Power to appoint Road Transport Advisory Board."  
 94.(1) The Prescribed Authority shall appoint a Board to be called "The Road Transport Advisory Board" which shall consist of —  
 (a) the Licence Revenue Officer who shall be the Chairman of the Board;  
 (b) the Director of Public Works, the General Manager of the Transport and Harbours Department and the Commissioner of Police, or their duly authorised representatives; and  
 (c) three other fit and proper persons appointed by the Prescribed Authority.

(2) The Minister shall appoint a public officer as Secretary to the Board.

(3) The Board shall advise the Prescribed Authority in respect of all matters connected with road service, hire car and goods transportation licences and other matters relating to this Part of this Ordinance.

(4) The Board may invite any person to attend at a meeting of the Board for the purpose of giving advice or information on any matter which is being considered by the Board, but such person shall not be entitled to vote thereat.

(5) The Board may regulate its own procedure in any matter not otherwise provided for by this Ordinance or any regulations made thereunder."

9. Section 104 of the Principal Ordinance is hereby amended by the insertion of the words, "the Commissioner of Police" after the words "Licensing Authority."

Amendment  
of section  
104 of  
Chapter 280.

10. Subsection (1) of section 112 of the Principal Ordinance is hereby amended by the insertion after the words "the provisions of" of the words "section 35A or".

Amendment  
of section  
112 of  
Chapter 280.

11.(1) Sections 46A, 47, 49, 50, 73 and 102 of the Principal Ordinance are hereby amended by the substitution for the words "Licensing Authority" of the words "Commissioner of Police" wherever they appear.

Amendment  
of Principal  
Ordinance,  
regulations,  
etc.

(2) The Principal Ordinance and the regulations and any order or directions made thereunder are hereby amended by the substitution for the word "district" of the word "division" wherever it appears therein.

(3) Where in any regulations made under the Principal Ordinance and in force immediately before the commencement of this Ordinance, there are references to the Licensing Authority or the Prescribed Authority, they shall be construed and have effect as references to the Minister as the Licensing Authority or the Prescribed Authority under this Ordinance, or to the Commissioner of Police, as the case may be, in so far as they relate to or are in pursuance of the powers and duties transferred by this Ordinance, without prejudice to the legality of anything done or any liability incurred under those regulations before the commencement of this Ordinance.

12.(1) Any order or directions in force immediately before the commencement of this Ordinance, shall continue in force and have effect as if made by the Minister as the Licensing Authority or the Prescribed Authority, or by the Commissioner of Police, as the case may be, in pursuance of the powers and duties transferred by this Ordinance, without prejudice to the legality of anything done or any liability incurred prior to the commencement of this Ordinance, under any order or directions aforesaid or under the Principal Ordinance or any regulations made thereunder.

Transitional  
provisions.

(2) Any appeal instituted under section 82 of the Principal Ordinance and pending at the commencement of this Ordinance, shall be continued as if this Ordinance had not been enacted.

#### OBJECTS AND REASONS

It is considered desirable that with few exceptions in matters relating to the regulation of traffic, the functions now exercised by the Commissioner of Police as the Licensing Authority and Prescribed Authority under the Motor Vehicles and Road Traffic Ordinance, Chapter 280, should be vested in the Minister for the time being responsible for the subjects of road transport and traffic. This Bill seeks to provide accordingly.

2. The Advisory Board established under section 94 of the Ordinance to advise the Prescribed Authority in respect of all matters connected with road service, hire car and goods transportation licences and other matters under the Ordinance is to be replaced by a Road Transport Advisory Board and clause 8 of the Bill makes provision for the establishment of this body.

3. Clause 7 provides for a new offence of causing death by reckless or dangerous driving of motor vehicles carrying a sentence of up to five years imprisonment. The new section 35A in clause 7 is based on section 8 of the Road Traffic Act, 1956, of the United Kingdom.

RAM KARRAN,

Minister of Communications & Works.

(M.P. CW 2/1/5).

(Leg. Bill No. 15/1961).