

Bill No. 35 of 1958.
MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL
1958.

Arrangement of Sections.

Section

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11. Amendment of section 78 of Chapter 280.
12. Amendment of section 108 of Chapter 280.

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, 1958, 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.

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2. In section 2 of the Principal Ordinance—

Amendment of section 2 of Chapter 280.

(a) for the definition of the words “motor cycle” there shall be substituted the following—

“‘motor cycle’ means a motor vehicle (not being an invalid carriage) with less than four wheels and the weight of which unladen does not exceed eight hundredweight;”
and

(b) in the definition of the word “road”, after the word “passes” there shall be inserted a comma and the following words—
“and any wharf, stelling or part of the foreshore to which the public has access”.

3. In subsection (1) of section 8 of the Principal Ordinance, after the words “The owner of a motor vehicle shall” there shall be inserted the words “within seven days thereof”.

Amendment of section 8 of Chapter 280.

4. (1) In subsection (3) of section 23 of the Principal Ordinance, after the word “taken out a licence” there shall be inserted the words “in respect of that quarter of the year in which the offence was committed” and the words “in respect of which there is no licence in force relating to such vehicle” shall be deleted.

Amendment of section 23 of Chapter 280.

(2) To subsection (5) of section 23 of the Principal Ordinance there shall be added the following proviso—

“Provided that no such licence shall be issued by the licensing officer if he would not otherwise have been obliged to issue that licence by virtue only of the payment of the said amount.”

5. In section 24 of the Principal Ordinance, for the word “to” in the proviso to subsection (2) there shall be substituted the word “by” and the following subsection shall be inserted after the said subsection (2)—

Amendment of section 24 of Chapter 280.

“(3) Any person producing his licence under the preceding subsection shall at the time of production declare his correct address if such address is not the same as that recorded in the licence, and if he fails to do so he shall be guilty of an offence.”

6. In subsection (2) of section 37 of the Principal Ordinance, the words “or second” shall be deleted.

Amendment of section 37 of Chapter 280.

Insertion of
new section
46A in
Chapter 280.

7. After section 46 of the Principal Ordinance there shall be inserted the following—

“Issue by
Licensing
Authority
of directions
for guidance of
users of road.

46A. (1) The Licensing Authority shall prepare a code (in this section referred to as the “highway code”) comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof, shall, as soon as prepared by the Licensing Authority, be laid before the Legislative Council, and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by resolution of the Council.

(3) Subject to the foregoing provisions of this section, the Licensing Authority shall cause the code and every revised edition of the code to be printed and issued to the public at such price, if any, as the Governor may determine.

(4) 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 of any kind, by any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Ordinance) 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.”

Insertion of
new section 58A
in Chapter 280.

8. After section 58 of the Principal Ordinance there shall be inserted the following—

“Removal of
vehicles.

58A. (1) It shall be the duty of the owner, driver or other person in control or in charge of any vehicle—

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

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

(2) It shall be the duty of any member of the police force to take all reasonable steps to remove or to employ some other person to remove, and where necessary to provide for the safe custody of, any vehicle if he has reason to believe—

- (a) that the owner or the driver or other person in control or in charge thereof has failed to take all reasonable steps to remove it or cause it to be removed in accordance with the provisions of subsection (1) of this section, or
- (b) that the vehicle has been abandoned, or
- (c) that the owner or the driver or other person in control or in charge thereof cannot be found and the vehicle has been permitted to remain at rest on a road in contravention of any statutory provision or restriction or in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road.

(3) When any member of the police force removes or provides for the safe custody of any vehicle or employs any other person to remove it or provide for its safe custody in accordance with subsection (2) of this section, except upon proof of failure to exercise reasonable care neither the member of the police force nor any such other person shall be liable to any action or demand whatsoever for the recovery of any alleged damage to such vehicle or otherwise in respect of the removal thereof.

(4) For the purpose of this section the word “vehicle” shall include any load carried thereby.

(5) If any person fails to comply with any of the provisions of subsection (1) of this section he shall be guilty of an offence under this Ordinance.

(6) Expenses incurred in the execution of duties imposed by subsection (2) of this section may be recovered and enforced in a summary manner before a magistrate under the Summary Jurisdiction (Petty Debt) Ordinance by or on behalf of the Commissioner of Police as a civil debt from the owner of the vehicle whatever may be the amount of such expenses, and for the purpose of any such proceedings a certificate signed by the Commissioner of Police shall be *prima facie* evidence of the expenses incurred."

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9. (1) In subsection (1) of section 76 of the Principal Ordinance, for the words "certifying officer" there shall be inserted the words "licensing officer".

Amendment of section 76 of Chapter 280.

(2) After subsection (5) of section 76 of the Principal Ordinance there shall be inserted the following subsection—

"(6) The Licensing Authority shall keep a register of all conductors' licences issued in which shall be entered the name and address of the holder, the date of issue of the licence and a record of any convictions against the holder of the licence."

10. In section 77 of the Principal Ordinance after subsection (4) there shall be inserted the following—

Amendment of section 77 of Chapter 280.

"(5) Any person who drives or operates a hire car otherwise than in accordance with any conditions subject to which a licence has been issued under this section shall be guilty of an offence under this Ordinance."

11. In section 78 of the Principal Ordinance, after subsection (4), there shall be inserted the following—

Amendment of section 78 of Chapter 280.

"(5) Subject to the provisions of the next succeeding section if the owner of a hire car permits it to be used by any person who is not licensed to drive a hire car under this section he shall be guilty of an offence under this Ordinance."

12. In section 108 of the Principal Ordinance, after subsection (3) there shall be inserted the following—

Amendment of section 108 of Chapter 280.

"(4) The preceding provisions of this section shall apply to persons who take and ride away bicycles, not being motor vehicles, as they apply to persons taking and driving away motor vehicles, and references in those provisions to motor vehicles and driving shall be construed accordingly:

Provided that the maximum penalty which may be imposed on a summary conviction by virtue of this subsection for an offence under subsection (1) of this section shall be one hundred and fifty dollars or imprisonment for a term of six months.

(5) For the purpose of the preceding subsection, subsection (2) of this section shall have effect as if references in that subsection to the trial of an indictment and a jury included references to summary proceedings and a magistrate respectively."

OBJECTS AND REASONS

Clause 2 of the Bill seeks to restrict the classification of motor cycles to two or three wheeled vehicles having an unladen weight of eight hundredweight or less and to extend the definition of "road" to include wharves, stellinges and parts of the foreshore to which the public has access.

2. Clause 3 seeks to place a limit of 7 days on the time within which owners of vehicles must notify the licensing officer of changes relating to their vehicles which affect the accuracy of entries in the register of vehicles.

3. Clause 4 of the Bill seeks to limit the amount which may be imposed by way of a penalty on conviction for using an unlicensed motor vehicle to the licence duty for the quarter in which the offence was committed and to make it clear that on paying such penalty a convicted person does not thereby become entitled to a licence which he could not otherwise have obtained by merely paying such an amount to the licensing officer, e.g., a hire-car or a road-service licence.

4. Clause 5 seeks to require persons producing drivers' licences to the police to notify any changes of address.

5. Clause 6 seeks to enable a magistrate to disqualify a person from holding or obtaining a licence on a second conviction for careless driving.

6. Clause 7 seeks to authorise the preparation and distribution of a highway code for the guidance of persons using the road of British Guiana.

7. Clause 8 seeks to confer on the police, in certain circumstances, power to remove, and where necessary, provide for custody of vehicles left on the road in a manner likely to obstruct or cause danger to persons using the road, and to require the owner of the vehicle to pay the cost of removal or custody. The provision is modelled on corresponding road traffic legislation in England.

8. Subsection (2) of clause 9 seeks to provide for the keeping of a register of conductors.

9. Section 77 (4) of the Principal Ordinance makes it an offence for the owner of a hire car to use it or permit it to be used contrary to any conditions attached to a hire car licence. Clause 10 seeks to extend this provision to any person who drives or operates a hire car otherwise than in accordance with such conditions.

10. Section 78 of the Principal Ordinance makes it an offence for any person to drive a hire car without first having obtained a licence to drive a hire car. Clause 11 seeks to make it an offence for the owner of a hire car to permit it to be used by any person who is not licensed to drive a hire car unless such person is specially licensed to drive a hire car for private use under section 79 of the Principal Ordinance.

11. Section 108 of the Principal Ordinance makes it an offence to take and drive away a motor vehicle without the owner's consent. Clause 12 seeks to extend this provision to bicycles and to empower a magistrate to convict of this offence on a charge of larceny of a bicycle.

RAM KARAN

Minister of Communications and Works

(C. W. 2/2).
(Leg. Bill 35/1958).