

Ord. 47 of 1929 :
 Repealed by Ord. 43 of 1932

CHAPTER 115.

MOTOR CAR.

[No. XXIII of 1925.]

[17th October, 1925.]

Short title.

1. This Ordinance may be cited as the Motor Car Ordinance.

Interpretation.

2. In this Ordinance and the by-laws made under it, unless the context otherwise requires,—

“ motor car ” means any vehicle propelled by mechanical power, and includes a motor cycle, but does not include steam traction engines, steam rollers, air-craft, water-craft or vehicles designed for use exclusively on specially constructed rails;

“ hired car ” means any motor car used for hire;

“ motor omnibus ” includes every omnibus, charabanc, waggonette and brake, propelled by mechanical power which plies for hire and is used to carry passengers for separate fares;

“ motor lorry ” means any motor car exceeding fifteen hundredweight unladen, and registered and used for trade purposes or for transport;

“ trailer ” includes any vehicle without motive power, designed or used for carrying goods or freight or persons, wholly or in part, on its own structure and used in conjunction with a motor car;

“ road or public road ” includes any road to which the Roads Ordinance, or any statutory modification or re-enactment thereof for the time being in force, applies, and to any road, bridge, culvert, parapet, and embankment over or along or upon which the public has a right or is permitted to pass;

“ owner ” includes the person whose name appears in the register kept by the Inspector General as the owner of a motor car or trailer;

“ professional chauffeur ” means anyone who drives a hired car, and also anyone employed by the owner of a motor car to drive it;

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- “ the Inspector General ” means the Inspector General of Police;
- “ by-laws ” or “ the by-laws ” means the by-laws made under the provisions of this Ordinance;
- “ offence ” means an offence against the provisions of this Ordinance.

REGISTERING AND MARKING MOTOR CARS.

3.—(1) Every motor car shall be registered by the Inspector General, who shall assign to each car a number and, if required, a letter, and fix the maximum number of persons who may be carried in the car and the maximum number on the front seat thereof, and a copy of the entry in the register, signed by the Inspector General or his deputy, shall be issued to the owner or driver.

Registering
and marking
motor cars :

(2) A mark indicating the registered number of the motor car shall be fixed on it, or on any vehicle drawn by it, or on both, in the manner prescribed by the by-laws.

(3) If a motor car is used on a public road without being registered, or if the mark to be fixed in accordance with the by-laws is not so fixed, or, being so fixed, is in any way obscured, or rendered or allowed to become not easily distinguishable, the driver of the motor car shall be guilty of an offence, unless in the case of a prosecution for obscuring a mark, or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable :

Provided that—

Proviso.

- (a) a person shall not be liable to a penalty under this sub-section if he proves that he has had no reasonable opportunity of registering the motor car in accordance with this section and that the motor car is being driven on a public road for the purpose of being so registered; and
- (b) the Inspector General may, on payment of the annual fee prescribed by by-law, assign to any manufacturer of or dealer in motor cars in the colony a general identification mark, which may be used for any motor car on trial after completion, or on trial by an intending purchaser, and a person shall not be liable to a penalty under this section while so using the motor car if the mark so assigned is fixed upon the car in the manner prescribed by the by-laws.

(4) Every hired car shall have painted outside, on the right side thereof in legible characters, the maximum number of persons registered by the Inspector General as its carrying capacity.

(5) No one in charge of a motor car shall carry, or permit to be carried, therein or on the front seat thereof more persons than the number for which the motor car or front seat is registered.

(6) Every hired car shall be examined by a person or persons appointed by the Inspector General for the purpose, and no motor car shall be used for hire—

(a) unless it is certified by an examiner to be fit for that use; or,

(b) in the case of a motor car already so certified, after the expiration of the period for which the certificate has been granted;

and the period and the conditions for and under which the certificate may be granted shall be prescribed in the by-laws.

(7) The Inspector General may at any time by notice in writing require the registered owner of a motor car to produce the car for his inspection and the owner shall produce it accordingly.

(8) Anyone acting in contravention of this section shall be guilty of an offence.

Re-registra-
tion.

4.—(1) The Inspector General may, if for any reason he considers it necessary, by notice in the Gazette, order that any particular class of motor car or all motor cars shall have affixed thereto a different identification mark to that registered at the time of the notice, and shall thereupon assign a different identification mark to each motor car to which the notice refers.

(2) The owner of each motor car to which a different identification mark has been so assigned shall, within one month of the date of assignment, cause the mark to be affixed to the motor car in the place of and in the same position as that of the identification mark in lieu of which it is assigned, and that identification mark thus assigned shall for all purposes be deemed to be the identification mark elsewhere referred to in this Ordinance and the by-laws.

(3) The Inspector General shall see that the necessary alterations are made in any registers kept by him under the provisions of this Ordinance.

(4) No fee shall be required by the Inspector General in connection with the alterations in registers kept by him in consequence of any order referred to in sub-section (1) of this section.

5. Anyone who forges or fraudulently alters, uses, or lends, or allows to be used by any other person, any mark for identifying a motor car or any certificate under this Ordinance shall be guilty of an offence. Forgery of identification marks or certificate.

EXAMINATION AND CERTIFICATION OF DRIVERS.

6.—(1) No one shall drive a motor car on a public road or public place unless he holds a certificate of competency under this section, and no one shall employ any person who does not hold that certificate to drive a motor car : Certificates of competency :

Provided that this provision shall not apply where a person of or above the age of eighteen years is learning to drive a motor car under the supervision of someone who holds a certificate of competency and who is in a position from which he can control the motor car in case of necessity. Proviso :

(2) Anyone acting in contravention of the preceding sub-section shall be guilty of an offence.

(3) The Inspector General may grant a certificate of competency to drive a motor car to anyone applying for it who after examination satisfies the Inspector General that he is competent and fit to drive a motor car, and shall cause examinations to be held for that purpose at the time and in the manner prescribed by the by-laws :

Provided that the Inspector General may grant to anyone who satisfies him of that competency a certificate of competency without requiring the person to be examined. Proviso :

(4) A certificate of competency must be produced by anyone driving a motor car when requested to do so by a member of the police force, and if he fails to produce his certificate when so called upon or at the chief police station of the police district in which he resides within twenty-four hours afterwards, he shall be liable on summary conviction to a fine not exceeding twenty-five dollars. Penalty :

(5) Anyone under the age of eighteen years shall be disqualified from obtaining a certificate of competency, but a certificate of competency for driving motor cycles may be granted to a person over the age of sixteen years.

(6) A certificate granted to a professional chauffeur shall have currency for one year only, and may be renewed from year to year by the inspector of the police district where the chauffeur resides, but the renewal may be refused by the inspector if for good cause he considers the chauffeur unsuitable to have charge of a motor car.

(7) Every case of renewal or of refusal to renew a certificate shall be notified by the inspector to the Inspector General, and an appeal shall lie to the Governor from the refusal.

(8) The Inspector General on any ground which seems to him sufficient may suspend or cancel any certificate granted by him under sub-section (1) of this section notwithstanding that the certificate has been renewed by the inspector, or may grant a fresh certificate on that ground:

Proviso.

Provided that an appeal shall lie to the Governor from the suspension or cancellation.

(9) The onus of proving that the driver of a motor car is in possession of a certificate of competency shall in all cases rest upon the driver, and a certificate signed by the Inspector General shall be admissible as evidence that a certificate of competency has or has not been issued to the driver.

Suspension
and cancel-
lation of
certificates.

7.—(1) Any court before whom the holder of a certificate of competency is convicted of an offence, or a contravention of the by-laws in connection with the driving of a motor car may suspend that certificate for any time the court thinks fit, or cancel it, and shall cause particulars of the conviction and of any order of court made under this section to be indorsed upon the certificate held by the offender.

(2) Anyone so convicted shall produce the certificate forthwith for the purpose of indorsement and, if he fails to do so, shall, unless the court otherwise directs, be guilty of an offence.

(3) A certificate so suspended by the court shall be of no effect during the term of suspension.

(4) Anyone whose certificate of competency has been suspended or cancelled by virtue of an order of court under this section may appeal against the order in the same manner as a person convicted of a summary conviction offence; and the court may, if it thinks fit, defer the operation of the order pending the appeal.

(5) Where the holder of a certificate which has been indorsed has not, during a continuous period of not less than three years, had any further conviction indorsed thereon, he shall be entitled, either on applying for a renewal thereof, or subject to payment of the prescribed fee, to have issued to him at any time a new certificate free from indorsement.

(6) The magistrate shall notify the Inspector General of any order of suspension or cancellation.

8. Anyone who—

- (a) having been under the provisions hereof disqualified from obtaining a certificate of competency, or, whose certificate having been cancelled or suspended, applies for or obtains a certificate of competency while he is so disqualified or during the period for which his certificate is cancelled; or,
- (b) his certificate having been indorsed, applies for or obtains a certificate without giving particulars of the indorsement; or
- (c) wilfully gives wrong information when applying for a certificate of competency,

shall be guilty of an offence, and any certificate so obtained shall be of no effect.

Obtaining
certificate by
unlawful
means.

REGULATION OF DRIVING.

9.—(1) No one shall drive a motor car on any road—

- (a) in the city of Georgetown, or in any part of that area bounded on the north by the Atlantic ocean, on the west by the river Demerara, on the south by the northern boundary of plantation Houston, and on the east by the eastern boundary of plantation Kitty and the prolongation of the line of that eastern boundary in a southerly direction until it meets the northern boundary of plantation Houston, at a speed exceeding fifteen miles per hour;
- (b) in the town of New Amsterdam at a speed exceeding fifteen miles an hour; or,
- (c) within the limits of any place indicated in by-laws made with a view to the safety of the public, at a speed exceeding that specified in those by-laws;

Rate of
speed.

(d) in the case of motor omnibuses at a rate of speed exceeding fifteen miles an hour, and in the case of motor lorries at a rate of speed exceeding ten miles an hour throughout the colony, and if the motor lorry draws a trailer the speed shall not exceed eight miles an hour.

Penalty.

(2) Anyone who acts in contravention of the provisions of this section shall be liable on summary conviction in respect of the first offence to a fine not exceeding forty-eight dollars, and in respect of a second offence to a fine not exceeding ninety-six dollars, and in respect of any subsequent offence to a fine not exceeding two hundred and forty dollars.

(3) No one prosecuted for an offence under this section shall be convicted unless he is warned of the intended prosecution at the time of committing the offence, or by written notice addressed to him, or to the owner of the motor car as entered on the register, within three days after the offence is committed, or within any further time not exceeding twenty-one days thereafter the court thinks reasonable.

Reckless driving.

10.—(1) Anyone who drives a motor car on a public road or public place or elsewhere recklessly or negligently, or at a speed or in any manner dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use, of the road or place and to the amount of traffic which actually is at the time or which might reasonably be expected to be on the road or place, shall be guilty of an offence.

(2) Any member of the police force may apprehend without warrant the driver of any motor car who commits an offence against this section within the officer's view, if he refuses to give his name and address on demand, or fails to produce his certificate of competency, or if the motor car does not bear the mark or marks of identification.

(3) The driver of a motor car shall stop at once on being signalled to do so when any police constable in uniform or any other member of the police force not below the rank of sub-inspector, holds up his hand or blows a whistle; and any driver failing to do so shall be guilty of an offence.

Duty to stop in case of accident.

11. Anyone driving a motor car shall stop whenever an accident occurs to any person, whether on foot or riding

or in a vehicle, or to any animal or vehicle in charge of anyone owing to the presence of the motor car on the road, and if required give his name and address, and the name and address of the owner, and the registration mark or number of the motor car; and anyone who knowingly acts in contravention of this section shall be liable on summary conviction in respect of the first offence to a fine not exceeding fifty dollars, and in respect of the second or any subsequent offence to a fine not exceeding one hundred dollars, or to a term of imprisonment not exceeding one month.

Penalty.

12. No one shall drive or be in charge of a motor car on a public road or in a public place unless it is fitted with a horn, or other device specially approved by the Inspector General, capable of giving audible and sufficient warning of the approach or position of the motor car, and the driver of a motor car shall always sound the horn or other device when approaching or driving round a corner, and at any other times when the safety or convenience of the public requires it: Anyone who contravenes any of the provisions of this section shall be guilty of an offence.

Use of horn.

13.—(1) Anyone who is drunk while in charge of a motor car, or while driving a motor car on a public road or public place, shall be guilty of an offence, and on summary conviction shall be liable to a fine not exceeding one hundred dollars, or in the case of a subsequent conviction to imprisonment for a period not exceeding three months, and, in addition to any other penalty, shall be disqualified from holding or obtaining a certificate of competency for not less than twelve months.

Drunkenness.

Penalty.

(2) Any member of the police force may apprehend without warrant the driver or person in charge of a motor car who commits an offence under this section.

14. If the driver of any motor car who commits an offence against the provisions of this Ordinance or the by-laws refuses to give his name and address, or gives a false name or false address to any member of the police force when making inquiries in connection with that offence, he shall be guilty of an offence.

Offender giving false name and address.

MISCELLANEOUS.

15. Where an offence is committed or the by-laws are contravened it shall be the duty of the owner of the motor car or of his agent, if required by any member of the police

Driver or agent to give information to police.

force, to give any information within his power to give and which may lead to the identification of the offender, and if the owner or his agent fails to do so he shall be guilty of an offence.

Saving of liability.

16. Nothing in this Ordinance shall affect any liability of the owner or driver of a motor car by virtue of any statute or at common law.

Use of motor car without owner's consent.
Compensation.

17.—(1) Anyone who uses a motor car without the consent of the owner shall be guilty of an offence.

(2) If anyone is convicted under this section the magistrate may, in addition to any punishment inflicted, order the person convicted to pay to the owner of the motor car that sum which in the opinion of the Magistrate represents fair compensation for the use of or for any damage done to the motor car, and any order made for the payment of compensation under this section may be enforced in the same manner as payment of a penalty.

Ordinance not to apply to certain tractors:

18. This Ordinance shall not apply to any tractors that are not used on any road to which the provisions of the following Ordinances, or any statutory modification or re-enactment thereof for the time being in force, respectively apply:

Chapter 84.
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Chapter 87.
Chapter 86.
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(a) the Local Government Ordinance;

(b) the Roads Ordinance;

(c) the New Amsterdam Town Council Ordinance;

(d) the Georgetown Town Council Ordinance:

Provided that the Inspector General, or the inspector or sub-inspector of police in charge of any county or district, may grant permission to the owner of a tractor to use any road referred to in this section for the purpose of enabling the tractor to be repaired or removed.

Penalties and legal proceedings.

19.—(1) A person guilty of an offence for which no special penalty is provided, or of failing to comply with, or committing a breach of, the by-laws, shall be liable on summary conviction to a fine not exceeding fifty dollars, or in the case of a subsequent conviction to a fine not exceeding one hundred dollars or imprisonment not exceeding three months.

(2) Anyone who commits any offence or contravenes the by-laws may be prosecuted by any member of the police force, a commissary of taxation, or a rural constable, or by any aggrieved person.

20. The register of motor cars kept by the Chief Commissary in accordance with the motor car by-laws, 1918, shall, immediately on the commencement of this Ordinance be transferred by him to the custody of the Inspector General, and all entries in that register, and all entries in any register kept by the Inspector General under the provisions of that Ordinance shall be deemed to have been made under the provisions of this Ordinance.

Saving of
previous
registration
of motor
cars.

(No. XV of
1918.)

BY-LAWS.

- 21.—(1) The Inspector General may make by-laws—
- (a) providing generally for the examination and identification of motor cars, and in particular, for determining and regulating generally the size, shape, and character of the identification marks to be used under this Ordinance and the mode in which they are to be fixed and rendered easily distinguishable whether by day or by night, and with respect to the registration of motor cars and trailers, and the entry of particulars, including particulars of the ownership of motor cars, in the register, and the giving of those particulars, and for making the registration of a motor car void for non-compliance by the owner with the by-laws as to registration, and for regulating the kind of horns, whistles and other devices for giving warning of the approach of a motor car and the manner in which they shall be used, and for regulating the speed of motor cars, and for prescribing the number of persons who, and the quantity of goods, merchandise, and baggage which, may be carried in a motor car or in any part of a motor car or trailer, and for fixing fees for any licence, certificate, registration, or examination, issued or held under this Ordinance;
- (b) with respect to the issue of certificates of competency under this Ordinance, and in particular, with respect to the register to be kept of those certificates and the renewal of certificates, and for the prevention of a person holding more than one certificate;
- (c) for controlling the number, position, and kind of lights to be carried on motor cars, and the times during which they are to be kept lighted;

By-laws.

(d) for regulating the construction and use of motor cars on public roads and the conditions under which they may be used.

(2) By-laws shall, unless the contrary is stated, apply to the entire colony.

(3) All by-laws shall be subject to the approval of the Governor and Legislative Council.

REPEAL.

Saving of
existing
certificates of
competency
and by-laws.

22. Any certificate of competency issued under the provisions of section five, or made valid by section fourteen, of the (repealed) Motor Car Ordinance, 1918, and still in force at the commencement of this Ordinance shall be deemed to have been issued under this Ordinance; and the motor car by-laws, 1918, shall remain in force until a day to be specified in by-laws made under the provisions of this Ordinance.
