

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

29th January, 2014.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



BILL NO. 4 OF 2014

: MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2014

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 10 of the Principal Act.
4. Insertion of new sections 33A, 33B, 33C, 33D, 33E, 33F, 33G and 33H in the Principal Act.

5. Amendment of section 104 of the Principal Act.
6. Insertion of new section 108A in the Principal Act.
7. Insertion of new section 109A in the Principal Act.
8. Insertion of a Third Schedule in the Principal Act.

**A BILL
Intituled**

AN ACT to amend the Motor Vehicles and Road Traffic Act.

A.D. 2014 Enacted by the Parliament of Guyana:-

Short title.
Chapter 51:02

I. This Act, which amends the Motor Vehicles and Road Traffic Act, may be cited as the Motor Vehicles and Road Traffic (Amendment) Act 2014.

Amendment of
section 2 of the
Principal Act.

2. Section 2 of the Principal Act is amended as follows -

(a) by inserting, immediately after the definition of "child restraint system", the following definition -

"demerit point" means a point specified in column 3 in respect of an offence specified in column 1 under the provisions of the Act or Regulations specified in column 2 of the Third Schedule;'

Third Schedule.

(b) by substituting, for the definition of "owner", the following definition -

' "owner" means -

(a) the person in whose name a motor vehicle or trailer is registered;

(b) in the absence from Guyana of the registered owner, the person in actual charge or possession of the vehicle;

(c) in relation to a vehicle which is the subject of a hiring agreement, a hire purchase agreement or a sales agreement, the person in possession of the vehicle under that agreement;

(d) in relation to a vehicle which is the subject of a bill of sale, the person in possession of the vehicle under the bill of sale; and

(e) in relation to a motor vehicle that is the subject of a power of attorney, the donee of the power of attorney having possession of the vehicle;'

Amendment of
section 10 of the
Principal Act.

3. Section 10 of the Principal Act is amended in the following manner -

(a) by substituting for subsection (1) the following subsection -

"(1) On any change of possession of a motor vehicle otherwise than by death -

- (a) the registered owner and the person into whose possession the vehicle has passed shall within seven days after such change of possession apply in writing signed by both of them to the licensing officer giving the name and address of the person into whose possession the vehicle has passed and the date of change of possession and such application shall be accompanied by the certificate of registration, the prescribed fee and a certificate of the Commissioner of Inland Revenue stating that the registered owner has in accordance with the Income Tax Act delivered to the Commissioner of Inland Revenue all his returns, including the return for the preceding year (of income and has paid all taxes due and payable to the Commissioner by him or has made arrangements to the satisfaction of the Commissioner for the payment of all such taxes that are due and payable;
- (b) if the licensing officer is satisfied that the registration is not prohibited by the Act and the vehicle is brought before the licensing officer, the licensing officer shall thereupon, in the presence of the registered owner and the person into whose possession the motor vehicle has passed, enter in the register and the certificate of registration the name and address of the person into whose possession the vehicle has passed and the date on which the entry is made and from such date the person into whose possession the vehicle has passed shall for the purposes of this Act be deemed to be the registered owner of the motor vehicle;
- (c) where a person referred to in paragraph (a) is a company, a letter of authorisation signed by a director of the company authorising a representative to act on behalf of the company shall be produced to the licensing officer;
- (d) where a person referred to in paragraph (a) is unable to be present due to illness or disability, the licensing

officer, upon the payment of the prescribed fee by or on behalf of the ill or disabled person, shall visit the person and inspect the motor vehicle for the purpose of effecting the transfer of registration;

(e) where a person referred to in paragraph: (a) is out of the country, the licensing officer may effect the transfer of registration if the other person produces a sworn affidavit to the effect that the ~~other~~ person is out of the country.";

(b) by inserting, immediately after subsection (3), the following subsections -

" (4) Notwithstanding the registration is not effected, on any change of possession of a motor vehicle by virtue of a hiring agreement, a hire purchase agreement or a sales agreement, the person in possession of the motor vehicle by virtue of such agreement, subject to the terms and conditions of any such agreement, shall be vested with the rights, powers and liabilities as if registered as the owner of the motor vehicle for the purposes of this Act.

(5) Where the application for transfer of registration of a motor vehicle has not been made within seven days after the change of possession of the vehicle under subsection (1) (a), the registered owner and the person into whose possession the motor vehicle has passed each commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for three months."

4. The Principal Act is amended by inserting, immediately after section 33, the following sections -

33A. (1) Where any person is convicted of an offence specified in the Third Schedule, the court shall, in addition to any punishment for that offence, order -

Insertion of new sections 33A, 33B, 33C, 33D, 33E, 33F, 33G and 33H in the Principal Act

uAssignment of demerit points.

Third Schedule.

Third Schedule.

- (a) that the demerit- points specified in the' Third Schedule in relation to that offence be recorded against the driver's licence of that person; and
- (b) that, if sufficient demerit points are recorded, the person be disqualified for a period specified in section 33B.

(2) Subsection (1) shall not apply if the punishment imposed by the court includes an order disqualifying that person from holding or obtaining a driver's licence.

(3) Where a person appeals against a conviction for an offence relating to subsection (1), no demerit points shall be recorded in respect of that conviction unless the conviction is confirmed on appeal.

Third Schedule.

(4) Where a person is convicted of an offence specified in the Third Schedule, the clerk of the court shall inform the Licensing Authority of the conviction

- (a) as soon after the conviction is confirmed on appeal, if an appeal is brought against the conviction; or
- (?) as soon as may be after the expiration of the ordinary time for bringing an appeal, if an appeal is not brought against the conviction.

Cap. 10:0i.

(5) Where a person is served with a notice under section 8 of the Summary Jurisdiction (Procedure) Act in respect of an offence under this Act and pays the penalty in accordance with that section -

Third Schedule.

- (a) the number of demerit points specified in the Third Schedule in respect of that offence shall be recorded against any licence held by that person; and
- (b) the officer in charge of the Police Station shall record in respect of that person

Third Schedule,

- (i) details of the offence committed;
 - (ii) the date on which the penalty was paid;
 - (iii) the number of demerit points specified in the Third Schedule in relation to that offence; and
 - (iv) as of that date, the total number of demerit points recorded against the licence of that person,
- and thereafter shall forward the information recorded to the Licensing Authority.

- (6) Where a person-
- (a) is convicted of two or more offences specified in the Third Schedule occurring on a single occasion; or
 - (b) has paid a penalty under section 8 (2) of the Summary Jurisdiction (Procedure) Act, in respect of two or more offences occurring on a single occasion,

Cap, 10:02

the greatest number of demerit points in respect of one offence only shall be recorded against the driver's licence of that person and where offences carry equal demerit points, demerit points for one offence only shall be recorded.

Accumulation of demerit points.

33B. Where the demerit points accumulated by a person amounts to

- (a) ten or more but less than sixteen, the period of disqualification from holding or obtaining a driver's licence shall be six months;

- (b) twelve or more over a twelve month period, the period of disqualification from holding or obtaining a driver's licence shall be one year;
- (c) sixteen or more, the period of disqualification from holding or obtaining a driver's licence shall be one year.

Notification.

33C. (1) Where a total number of six or more but less than ten demerit points has accumulated in the record of any person, the Licensing Authority shall cause a notice in writing to be sent to that person

- (a) informing the person of the number of demerit points accumulated; and
- (b) specifying that he may or shall be disqualified if any more demerit points of ten or more are recorded against his licence.

(2) The Licensing Authority shall, before disqualifying a person for a period specified in section 33B, give that person notice in writing of its intention to do so, specifying a date not less than fourteen days after the date of the notice, upon which such disqualification shall be made and calling upon the person to show cause to the Licensing Authority why he should not be disqualified from holding or obtaining a driver's licence.

(3) If the Licensing Authority decides to disqualify a person for a period specified in section 33B, the Licensing Authority shall forthwith in writing notify the person of the disqualification.

Expunction of demerit points after three years.

33D. where demerit points have been recorded against the driver's licence of a person under this Act, and for a period of three years after the date of the latest recording of such demerit points no further demerit points are recorded against the licence, then upon the expiration of that period, the demerit points shall be expunged from the records:

Provided that in calculating the period of three years, no account shall be taken of any period of disqualification pursuant to section 33A (2) in respect of the driver's licence of that person.

Appeal to the
High Court.

33E. A person who has been disqualified from holding or obtaining a driver's licence under the demerit points system may within fourteen days of the receipt of the notice referred to in section J3C, appeal to the High Court against that decision.

Surrender of
driver's licence.

33F. (1) A person who has been disqualified from holding or obtaining a driver's licence under the demerit points system shall surrender to the Licensing Authority his driver's licence

- (a) within fourteen days of the notice referred to in section 33C (3), if no appeal is made to the High Court; or
- (b) within seven days of a decision of the Licensing Authority being confirmed, if an appeal is made to the High Court.

(2) The Licensing Authority shall return the driver's licence to the holder thereof and the points recorded against ~~him~~ shall be cancelled after the expiration of the period referred to in section 33B.

Offences.

33G. A person who applies for or obtains a driver's licence or drives a motor vehicle while he is disqualified from holding or obtaining a driver's licence under the demerit points system is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for a period of twelve months together with the disqualification from holding or obtaining a driver's licence for a further period of six months.

Amendment
to the Third
Schedule.

33H. The Minister may by order, subject to negative resolution of the National Assembly, amend the Third Schedule."

Amendment of
section 104 of the
Principal Act.

5. The Principal Act is amended by deleting section 104 (1) (vA).

Insertion of new
section 108A in
the Principal Act.

6. The Principal Act is amended by inserting, immediately after section 108, the following section -

"Motor vehicle used
in the commission of
an offence, etc.

108A. Any person who drives or operates a motor vehicle used in the commission of an offence, for which the penalty is not less than six months imprisonment, or uses the motor vehicle to facilitate the commission of such an offence shall be liable on summary conviction to a fine of a hundred and fifty thousand dollars and to imprisonment for twelve months, and shall be disqualified for a period of two years from the date of conviction from holding or obtaining a driver's licence."

Insertion of new
section 109A!!
the Principal Act.

7. The Principal Act is amended by inserting, immediately after section 109, the following section -

"Failure to report
lost or stolen
motor vehicle.

109A. (1) The registered owner of a motor vehicle that has been lost or stolen shall make a report thereof at a police station within seven days from the loss or theft.

(2) Any person who fails to comply with subsection (6) commits an offence and is liable on summary conviction to a fine of forty thousand dollars."

Insertion of a
Third Schedule
in the Principal
Act.

8. The Principal Act is amended by inserting, immediately after the Second Schedule, the following Schedule

"THIRD SCHEDULE

ss. 2, 33A, 33H

Column 1 Offence	Column 2 Act, Regulations	Column 3 Demerit Points
1. Driving unregistered motor vehicle	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 12	2
2. Driving motor vehicle without identification mark	Motor Vehicles and Road Traffic Act, Cap. 51:02, section 14	4
3. Driving an unfit motor vehicle	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 16	4
4. Driving an unlicensed vehicle	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 23	4
5. Driving a vehicle without being licensed to so drive	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 24 (1)	4
6. Failing to produce a driver's licence	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 24 (2)	2
7. Refusing to declare present address	Motor Vehicles and Road Traffic Act, Cap. 51:02, section 24 (3)	2
8. Speeding (exceeding speed limit)	Motor Vehicles and Road Traffic Act, Cap. 51 :02; section 35 (1)	4
9. Reckless or dangerous driving	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 37 (1)	6
10. Careless driving	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 38	4
11. Use of hand-held mobile telephones while driving	Motor Vehicles and Road Traffic Act, Cap. 51:02, section 37A (4)	6
12. Motor racing and speed trials on highways	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 39	6
13. Driving motor vehicle under the influence of drink or drugs	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 40	6
14. Driving or being in charge of motor vehicle while breath or blood alcohol levels exceed prescribed limit	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 39A (2)	6
15. Failure to provide specimen of breath	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 398 (5)	6
16. Failure to submit to breath analysis or willful alteration of alcohol concentration in breath or blood	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 39C (5)	6
17. Riding on outside of motor vehicle	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 41	2
18. Causing or permitting more than one trailer to be drawn	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 42	4
19. Failing to stop when required by police	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 44 (3)	2
20. Driving a motor vehicle not fitted with seat belt assemblies	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 45D (2)	4
21. Driving a motor vehicle without wearing a seat belt	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 45E (3)	2
22. Driving a motor vehicle conveying a child not wearing child restraint system	Motor Vehicles and Road Traffic Act, Cap. 51:02, section 45F	4
23. Failing to overtake on the right or offside	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 47	2

Column 1 Offence	Column 2 Act, Regulations	Column 3 Demerit Points
24. Breach of Motor Vehicles and Traffic Orders	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 114 (2) (Orders made under section 49)	4
25. Breach of parking orders	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 114 (2) (Orders made under section 52)	4
26. Failure to follow traffic directions and traffic signs	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 53	4
27. Leaving motor vehicle in dangerous position	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 60	4
28. Failure to remove vehicle	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 61 (5)	4
29. Failure to stop in case of accident	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 63	4
30. Driving a motor bus without road service licence	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 65	4
31. Driving unlicensed hire car	Motor Vehicles and Road Traffic Act, Cap. 51 :02, section 80 (4)	4
32. Failing to exhibit certificate of fitness	Motor Vehicles and Road Traffic Regulations, regulation 13	2
33. Failure to exhibit licence	Motor Vehicles and Road Traffic Regulations, regulation 16	2
34. Unlighted motor vehicle during the hours of darkness	Motor Vehicles and Road Traffic Regulations, regulation 34	4
35. No device for deflecting beam of headlight	Motor Vehicles and Road Traffic Regulations, regulation 46	2
36. Defective parking brakes	Motor Vehicles and Road Traffic Regulations, regulation 52	2
37. No reflecting mirror	Motor Vehicles and Road Traffic Regulations, regulation 57	2
38. No warning appliance	Motor Vehicles and Road Traffic Regulations, regulation 59	2
39. No silencer	Motor Vehicles and Road Traffic Regulations, regulation 60	2
40. No efficient automatic windscreen wiper	Motor Vehicles and Road Traffic Regulations, regulation 64	2
41. No efficient speedometer	Motor Vehicles and Road Traffic Regulations, regulation 65	2
42. Use of prohibited tint	Motor Vehicles and Road Traffic Regulations, regulation 103A	2
43. Excessive noise	Motor Vehicles and Road Traffic Regulations, regulation 106	4
44. Unnecessary use of horn	Motor Vehicles and Road Traffic Regulations, regulation 108	4
45. Travelling backwards further than necessary	Motor Vehicles and Road Traffic Regulations, regulation 109 (1)	4
46. Failure to have control over motor vehicle or retain full view of the road and traffic ahead	Motor Vehicles and Road Traffic Regulations, regulation 109 (2)	6
47. Failure to obey conditions under which vehicle may be towed	Motor Vehicles and Road Traffic Regulations, regulation 112	6
48. Trailer drawn by motor bus or hire car	Motor Vehicles and Road Traffic Regulations, regulation 119	6

Column 1 Offence	Column 2 Act, Regulations	Column 3 Demerit Points
49. Carrying more persons than the permitted number	Motor Vehicles and Road Traffic Regulations, regulation 164	6
50. Improper conduct of driver	Motor Vehicles and Road Traffic Regulations, regulation 166	2
51. Failure to obey lines on road surfaces	Motor Vehicles and Road Traffic Regulations, regulation 178	4
52. Stopping within thirty feet from any corner	Motor Vehicles and Road Traffic Regulations, regulation 190 (e)	4
53. Playing loud music in a motor bus or hire car	Summary Jurisdiction (Offences) Act, Cap. 8:02, section 1748	4".

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Motor Vehicles and Road Traffic Act.

Clause 2 redefines 'owner' to include a person who is in possession of a motor vehicle that is the subject of a sales agreement, a power of attorney or a bill of sale.

Clause 3 provides that when a motor vehicle is being transferred, both the registered owner and the person into whose possession the vehicle is being transferred must apply within seven days and be present before the licensing officer with the motor vehicle to change the name of the owner in the register and the certificate of registration.


Clause 4 inserts eight new sections which provide a regime for the administration of the demerit points system. It provides for the assignment of demerit points, the period of suspension allotted for accumulated demerit points, notification, expunction of demerit points after three years, the right to appeal to the High Court, and for a person to surrender his driver's licence upon being disqualified. It also makes provision for a person who applies for or obtains a driver's licence while being disqualified under the demerit points system to be fined and imprisoned, and to be disqualified for a further period of six months.

Clause 5 deletes section 104 (1) (vA) which inadequately makes provision for the demerit points system to be provided for by regulations. The demerit points system is now provided for in the Act by clause 5 of this Bill.

Clause 6 inserts a new section 108A which provides that any person who drives or operates a motor vehicle used in the commission of an offence or who uses the motor vehicle to facilitate the commission of an offence is liable on summary conviction to a fine, imprisonment and disqualification from holding or obtaining a driver's licence for a period of two years from the date of conviction.

Clause 7 creates an offence where the registered owner of a motor vehicle that has been lost or stolen fails to make a report thereof to a police station within seven days from the loss or theft.

Clause 8 inserts a Third Schedule in the Principal Act with three columns. Column 1 identifies the offence, column 2 - the Act or Regulations under which the offence is committed and column 3 - the demerit points allotted to each offence. All the offences, except one, are under the Motor Vehicles and Road Traffic Act and Regulations. The one exception is the offence of playing loud music in a hire car or a motor bus under the Summary Jurisdiction (Offences) Act.


Mohabir Anil Nandani MP
Attorney General and Minister of