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THE SIX HUNDRED AND EIGHTY-THIRD

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA
ENTITLED

THE ROAD TRAFFIC ACT, 2004

AN ACT to consolidate and revise the Road Traffic Ordinance 1952 (No. 55), to provide for a more comprehensive regulation of road traffic and road use, to ensure safety on the roads and to provide for related matters.

DATE OF ASSENT: 24th December, 2004.

BE IT ENACTED by Parliament as follows:

PART I —PRINCIPAL ROAD SAFETY PROVISIONS

Major Driving Offences

Dangerous driving

1. (1) A person who drives a motor vehicle dangerously on a road commits an offence and is liable on summary conviction

(a) where

- (i) no bodily injury; or
- (ii) a minor bodily injury

occurs to any person other than the driver, to a fine not less than 100 penalty units and not exceeding 200 penalty units or to a term of imprisonment not exceeding 9 months or to both;

(b) where bodily injury of an aggravated nature occurs to any person other than the driver, to a minimum fine of 250 penalty units and not exceeding 500 penalty units or to a term of imprisonment of not less than 12 months and not exceeding 2 years or to both; or

- (c) where death occurs, to imprisonment for a term of not less than 3 years;
 - (d) where there is damage to state property, to a fine of not less than 100 penalty units and payment for the damage caused in an amount determined by the court.
- (2) The court may upon the conviction of any person under subsection (1),
- (a) order the payment of compensation as the court may consider appropriate to an injured person or to the estate of the person; or
 - (b) order the withdrawal of the licence for a period of not less than 3 years and not more than 5 years.

Meaning of dangerous driving

2. (1) For the purposes of section 1, a person drives dangerously if
- (a) the way that person drives falls below what is expected of a competent and careful driver, or
 - (b) it is obvious to a competent and careful driver that it would be dangerous driving the vehicle
 - (i) in that manner, or
 - (ii) in its current state.
- (2) In determining what is expected of, or obvious to, a competent and careful driver in any particular case, regard shall be had to
- (a) the circumstances of which the accused could be expected to be aware,
 - (b) any circumstances shown to have been within the knowledge of the accused, and
 - (c) the conditions of the road at the relevant time.
- (3) In determining for the purpose of subsection (1) the state of a motor vehicle, regard may be had to anything attached to or carried on or in it and the manner in which it is attached or carried.

Careless, and inconsiderate driving

3. A person who drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road commits an offence and is liable on summary conviction to a fine not exceeding 2000 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Driving under influence of alcohol or drugs

4. (1) A person who, while driving or attempting to drive a motor vehicle on a road, is under the influence of alcohol or drugs to such a degree as to be incapable

of having proper control of the vehicle commits an offence and is liable on summary conviction

(a) where

(i) no bodily injury; or

(ii) a minor bodily injury

occurs to any person other than the driver, to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both;

(b) where bodily injury of an aggravated nature occurs to any person other than the driver, to a minimum fine of 250 penalty units and not exceeding 500 penalty units or to a term of imprisonment of not less than 1 year and not exceeding 2 years or to both; or

(c) where death occurs, to a fine of not less than 1000 penalty units and not exceeding 2000 penalty units or to imprisonment for a term of not less than 3 years and not exceeding 5 years or to both.

(2) A person shall be taken to be under the influence of alcohol where the alcohol concentration in that person's blood or breath as shown by any competent medical evidence or any other competent evidence, is 0.08 percent or more when measured within two hours of the time of operating or attempting to operate the motor vehicle.

(3) The Court may upon conviction of any person under this section order the payment of such compensation as the Court may consider appropriate to any injured person or to the estate of the person.

Driving when alcohol concentration is above prescribed limit

5. A person who drives or attempts to drive a motor vehicle on a road after consuming a quantity of alcohol that the proportion of it in that person's breath, blood or urine exceeds the prescribed limit commits an offence and is liable on summary conviction to a fine of not less than 500 penalty units and not exceeding 2000 penalty units or to imprisonment for a term not exceeding 5 years or to both.

Breath Tests

When breath test is required

6. (1) Where a police officer has reasonable cause to suspect that a person

(a) driving or attempting to drive on a road has alcohol in that person's body or has committed a traffic offence while the motor vehicle was in motion, or

(b) has been driving or attempting to drive a motor vehicle on a road with alcohol in the person's body and that person still has alcohol in the person's body,

the police officer may, subject to section 8, require that person to provide a specimen of breath for a breath test.

(2) Where an accident occurs owing to the presence of a motor vehicle on a road, a police officer may subject to section 9, require any person who the police officer has reasonable cause to suspect was driving or attempting to drive the motor vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required under subsection (1) or (2) to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) and the police officer making the requirement thinks fit, at a police station specified by the police officer.

Failure to provide breath for test

7. (1) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of section 6 commits an offence and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

(2) A police officer may arrest a person without warrant if

- (a) as a result of a breath test the police officer has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit; or
- (b) that person has failed to provide a specimen of breath for a breath test when required to do so and the police officer has reasonable cause to suspect that that person has excess alcohol in the person's body;

but a person shall not be arrested by virtue of this subsection when that person is at a hospital as a patient.

(3) A police officer may, require a person to provide a specimen of breath where the police officer has reasonable cause to suspect that an accident that has occurred involved injury to another person or property.

(4) A provision of a specimen other than a specimen of breath may be required in pursuance of section 6 and the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be the specimen of urine.

(5) A blood or urine test for the purposes of section 6 shall be carried out by a qualified person.

(6) The result of any test or analysis under section 6 shall be conclusive evidence of the level of alcohol in the breath, blood or urine of the person providing the breath, blood or urine.

Protection for hospital patients

8. (1) A person who is at a hospital as a patient shall not be required to provide a specimen for a breath test or to provide a specimen of urine or blood for a laboratory test unless the medical practitioner in immediate charge of that person's case authorizes it and the specimen is to be provided at the hospital.

(2) The medical practitioner referred to under subsection (1) shall not authorize a specimen to be taken where it is prejudicial to the proper care and treatment of the patient.

Detention of persons

9. (1) A person required to provide a specimen of breath, blood or urine may be detained at a police station until it appears to the police officer that, were that person then driving or attempting to drive a motor vehicle on a road, that person would not be committing an offence under this Act.

(2) A person shall not be detained under subsection (1) if it appears to the police officer that there is no likelihood of the person driving or attempting to drive the motor vehicle while the person's ability to drive safely is impaired or while the proportion of alcohol in that person's, blood or urine exceeds the prescribed limit.

(3) A police officer shall consult a medical practitioner on any question arising under this section whether a person's ability to drive safely is or might be impaired by reason of drugs and the police officer shall act on the advice of the medical practitioner.

Interpretation of specified terms in sections 4 to 9

10. In sections 4 to 9 unless the context otherwise requires

"breath test" means

- (a) in a case of a test on a specimen required to be provided under subsection (1) or (2) of section 6, a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Minister, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit; and
- (b) in the case of a requirement to provide further specimen for test, a test for the purpose of obtaining, by means of the same or another such device, confirmation that the proportion of alcohol in a person's breath or blood exceeds the prescribed limit;

“drug” includes any intoxicant;

“fail” includes refuse;

“prescribed limit” means, as the case may require

- (a) 35 microgrammes of alcohol in 100 millilitres of breath;
- (b) 80 milligrammes of alcohol in 100 millilitres of blood;
- (c) 107 milligrammes of alcohol in 100 millilitres of urine; or
- (d) such proportion as may be prescribed by Regulations.

Motor racing and motoring events

Motor racing

11. A person who promotes or takes part in a race or trial of speed between motor vehicles on a road other than a road authorised for motor racing commits an offence and is liable on summary conviction to a fine not exceeding 1000 penalty units or to a term of imprisonment not exceeding 3 years or to both.

Regulations of motoring events

12. The Minister may by legislative instrument prescribe Regulations for competition or trials involving motor vehicles.

Seat belts and other safety equipments

13. A person of 18 years or above who

- (a) drives a motor vehicle on a road, or
- (b) sits on the front or rear seat of a motor vehicle being driven on a road

without wearing a seat belt commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Carrying of children in motor vehicles

14. (1) A person who drives a motor vehicle on a road when a child of five years or under five years is in the front seat of the motor vehicle commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding 6 months or to both.

(2) A person who drives a motor vehicle on a road when a child between the ages of five and eighteen years who is sitting on the front seat of the vehicle is not wearing a seat belt commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(3) A person commits an offence if that person drives a motor vehicle on a road when

- (a) a child under the age of 18 years is in the rear of the motor vehicle; and
- (b) the child is not wearing the seat belt.

Safety equipment for children in motor vehicles

15. (1) The Minister may prescribe types of safety equipment that are recommended as conducive to the safety of children in the event of an accident to be fitted in such classes of motor vehicles as may be prescribed.

(2) If a person sells or offers for sale equipment prescribed under subsection (1) and the equipment

(a) is not of the prescribed type, or

(b) is sold or offered for sale in contravention of Regulations made under this section

that person commits an offence and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

(3) For the purposes of this section, safety equipment in respect of a motor vehicle includes

(a) a restraining and safety device for a child or for a carry-cot, or

(b) an equipment designed for the use by a child in conjunction with any other restraining device.

(4) References in this section to selling or offering for sale include references to letting, hiring and offering to let or hire.

Wearing of protective crash helmets

16. (1) A person who rides or is ridden on a motor cycle on a road shall wear a protective crash helmet of a type prescribed by Regulations.

(2) A person who fails to wear a prescribed crash helmet in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not less than 100 penalty units and not exceeding 200 penalty units or to a term of imprisonment not exceeding 9 months or to both.

(3) A protective crash helmet shall by shape, construction or other quality be of a type recommended as providing protection to a person driving or riding on a motor cycle from injury in the event of an accident.

(4) Where a person sells or offers for sale a crash helmet that is not of a type prescribed by Regulations that person commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Regulation of equipment

17. (1) Where a person riding or being ridden on a motor cycle on a road uses an equipment and that equipment

(a) is not a type so prescribed, or

(b) is otherwise used in contravention of Regulations made under this Act

that person commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who sells, or offers for sale, an equipment that is not of a type prescribed by Regulations commits an offence and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

(3) This section applies to equipment of any description such as eye protectors or earphones designed or adapted for use on medical grounds

(a) with any headgear, or

(b) by being attached to or placed upon the head.

Regulations in respect of Part I

18. The Minister may by legislative instrument make Regulations

- (a) for the taking of further specimen of breath for breath test, the taking of blood and urine test, places where the tests shall be conducted, the method and conditions for the tests, the choice of specimen of breath for test, and the detention of persons required to take breath, blood or urine test at police stations;
- (b) authorizing the holding of competitions or trials, other than races or trial of speed, involving the use of motor vehicles on roads generally or in respect of any area or any class or description of competition or trial, the procedure to be followed, and the particulars to be given, in connection with applications for authorization;
- (c) prescribing the persons by whom, the circumstances in which, the places in respect of which authorizations may be given, conditions which shall be included in authorizations, the procedure to be followed, the particulars to be given and the fees to be paid, in connection with applications for authorisations;
- (d) prescribing different seat belts to be fitted in prescribed classes of vehicles and classes of persons who shall wear prescribed seat belts and the circumstances for wearing them;
- (e) prescribing by reference to shape, construction or any other quality, types of equipment of any description to which Part I applies as authorized for use by persons driving a motor vehicle of a class and imposing restrictions or requirements with respect to the circumstances in which appliances of any type prescribed may be used, and
- (f) for any matter or thing that needs to be prescribed.

PART II—RESTRICTIONS ON ROAD USE IN THE INTEREST
OF ROAD SAFETY

Driving, stopping on verges or in dangerous locations and positions

**Prohibition of parking of motor vehicles on verges, central reservations
footways, place reserved for invalids**

19. (1) A person who parks a motor vehicle wholly or partly

- (a) on the verge or shoulder of a road,
- (b) on any land situated between two carriageways and which is not a footway,
- (c) on a footway,
- (d) on a pedestrian crossing, or
- (e) on a place reserved for the physically challenged,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) In this section

“carriageway” means a way constituting or comprised in a road, being a way, other than a cycle track over which the public have a right of way for the passage of motor vehicles;

“footway” means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“road authority” means any department of the Ministry authorized to deal with matters relating to road infrastructure and usage.

Prohibition of driving or parking on cycle tracks

20. A person who, without lawful authority drives, rides or parks a motor vehicle wholly or partly on a cycle track commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Leaving vehicles or trailers in dangerous positions

21. A person in charge of a motor vehicle who causes or permits the motor vehicle or a trailer drawn by it to remain at rest on a road in such circumstances as constitute a danger or causes injury to any other person using the road, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Additional Restrictions in the interest of Road Safety

Causing danger to road-users

22. (1) A person commits an offence if without lawful authority or reasonable excuse that person

- (a) causes anything to be on or over a road,
- (b) interferes with a motor vehicle, trailer or cycle, or
- (c) interferes, directly or indirectly, with any traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(3) For the purposes of subsection (1)

“dangerous” includes danger of injury to a person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which an accused person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused person;

“traffic equipment” includes

- (a) anything placed on or near a road by a road agency under the Ministry;
- (b) a traffic sign lawfully placed on or near a road by a person other than a road authority; and
- (c) any fence, barrier or light lawfully placed on or near a road—
 - (i) in pursuance of the provisions of an enactment providing for guarding and lighting in streets where works are undertaken; or
 - (ii) by a police officer.

(4) For the purposes of subsection (3) anything placed on or near a road shall unless the contrary is proved, be taken to have been lawfully placed there.

(5) In this section “road” does not include a footpath.

Restriction of carriage of persons on motor cycles

23. (1) A person shall not carry more than one other person on a motor cycle unless it is constructed or adapted for the carriage of more than one person.

(2) If a person is carried on a motor cycle in contravention of subsection (1) the rider of the motor cycle and the persons so carried on the motor cycle each commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Restriction of the carriage of persons on bicycles

24. (1) A person riding a bicycle on a road shall not carry any other person on the bicycle unless it is constructed or adapted for the carriage of more than one person.

(2) Where a person is carried on a bicycle in contravention of subsection (1), the rider and each of the persons carried commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Tampering with motor vehicles

25. A person tampers with a motor vehicle with the intent of causing the malfunctioning of the brake or other part of its mechanism commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Holding or getting on to a motor vehicle while the motor vehicle is in motion

26. (1) A person who for the purpose of being carried without lawful authority or reasonable excuse takes or retains hold of, or gets on to, or alight from a motor vehicle or trailer while the motor vehicle is in motion on a road, commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who for the purpose of being drawn, takes or retains hold of a motor vehicle or trailer while the motor vehicle is in motion on a road, commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Drivers to comply with traffic directions

27. (1) Where a police officer or an authorised person is engaged in the regulation of traffic on a road, a person driving a motor vehicle or riding a motor cycle or bicycle who neglects or refuses

(a) to stop the motor vehicle, motor cycle or bicycle, or

(b) to make it proceed in or keep to, a particular line of traffic

when directed to do so by the police officer or authorized person commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(2) Where a traffic survey of any description is being carried out on or in the vicinity of a road and a police officer or an authorized person gives to a person driving a motor vehicle or riding a motor cycle or bicycle a direction

- (a) to stop the motor vehicle, motor cycle or bicycle,
- (b) to make it proceed in or keep to, a particular line of traffic, or
- (c) to proceed to a particular point on or near the road on which
 - (i) the motor vehicle is being driven or propelled,
 - (ii) the motor cycle or bicycle is being ridden or propelled

being a direction given for the purpose of the survey, the person commits an offence if that person neglects or refuses to comply with the direction and is liable on summary conviction to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding 6 months or to both.

(3) The power to give a direction referred to in subsection (2) shall be exercised in a manner as not to cause any unreasonable delay to a person who indicates an unwillingness to provide any information for the purposes of the survey.

Drivers to comply with traffic signs

28. (1) Where a traffic sign

- (a) of a prescribed size, colour and type, or
- (b) of another character authorized by the Minister or a road authority

has been lawfully placed on or near a road, a person driving a motor vehicle or riding a motor cycle or a bicycle who fails to comply with the indication given by the sign commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless

- (a) the indication given by the sign is an indication of a statutory information, warning, prohibition, restriction or requirement, or
- (b) it is expressly provided by or under a provision of this Act or any other Regulations that this section shall apply to the sign or to the signs of a type of which the sign is one,

and, where the indication in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless the person has failed to comply with the warning, prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this section a traffic sign placed on or near a road shall be deemed,

- (a) to be of the prescribed size, colour and type, or of another character authorized by the Minister by Regulations unless the contrary is proved; or

(b) subject to subsection (2), to have been lawfully so placed.

(4) Where a traffic survey is being carried out on or in the vicinity of a road, this section applies to a traffic sign by which a direction is given for the purposes of the survey

(a) to stop a motor vehicle or motor cycle;

(b) to make the motor vehicle or motor cycle proceed in, or keep to, a particular line of traffic; or

(c) to make the motor vehicle or motor cycle proceed to a particular point on or near the road on which the motor

(i) vehicle is being driven or propelled; or

(ii) the motor cycle is being ridden or propelled.

Directions to pedestrians

29. (1) Where a police officer or an authorised person is directing vehicular traffic on a road, a person on foot, on horseback or operating a tractor who proceeds across or along the carriageway in contravention of a direction to stop given by the police officer or the authorised person, commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who jaywalks or ignores traffic light signal, commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or to a term of imprisonment not exceeding one day.

Cycling offences and cycle racing

Dangerous cycling

30. (1) A person who rides a cycle dangerously on a road commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) For the purposes of subsection (1), a person is to be regarded as riding dangerously if

(a) the way the person rides falls below what would be expected of a competent and careful cyclist; and

(b) it would be obvious to a competent and careful cyclist that riding in that manner would be dangerous.

(3) In subsection (2) "dangerous" includes danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which the cyclist could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) Where a cycle track is provided alongside a road, a person riding a bicycle who fails to use the cycle track commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or to imprisonment for one day.

Careless and inconsiderate cycling

31. A person who rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road or place, commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Cycling under the influence of alcohol or drugs

32. (1) A person who, when riding a cycle on a road is unfit to ride by reason of alcohol or drugs to such an extent as to be incapable of having control of the cycle commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) A police officer may arrest without warrant a person committing an offence under subsection (1).

(3) Subject to subsections (4) and (5), a person arrested under subsection (2) may be detained at a police station until it appears to the police officer that the person is in a position to ride safely home.

(4) A person shall not be detained in pursuance of subsection (3) if it appears to the police officer that there is no likelihood of the person riding the cycle, whilst that person's ability to ride safely is impaired.

(5) A police officer shall consult a medical practitioner on any question arising under this section whether a person's ability to ride properly is or might be impaired by reason of drugs and shall act on the medical practitioner's advice.

(6) In this section "drug" includes any intoxicant

Regulation of cycle racing on roads

33. (1) A person who promotes or takes part in a race or trial of speed between cycles on a road commits an offence, unless the race or trial is authorized and is conducted in accordance with Regulations made under this Act.

(2) Without prejudice to any other powers exercisable in that behalf, a police officer may give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions necessary or expedient to be given in relation to that period to prevent or mitigate

(a) congestion or obstruction of traffic, or

(b) danger to or from traffic,

in consequence of the holding of a race or trial of speed authorized by or under Regulations made under this section.

(3) Directions under subsection (2) may include a direction that any road or part of a road specified in the direction shall be closed during that period to vehicles or to vehicles of a class so directed.

Electrically assisted pedal cycles

34. (1) An electrically assisted pedal cycle of a class specified in Regulations made under this Act shall not be driven on a road by a person under the age of eighteen.

(2) A person who

(a) drives such a pedal cycle, or

(b) knowingly or suspecting that another person is under the age of eighteen, causes or permits that person to drive such a pedal cycle,

in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Prohibition of driving motor vehicles anywhere other than on roads

35. A person who drives a motor vehicle

(a) on to or upon land which is not a road, or

(b) on any road which is a footpath or a pedestrian walkway,

commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Highway Code

36. (1) The Highway Code issued by the Minister and in existence immediately before the coming into force of this Act is continued in force subject to the revision and changes as the Minister may make from time to time.

(2) The Highway Code shall be printed and copies of it shall be made available to the public at a price as the Minister may determine.

(3) Failure on the part of a person to observe a provision of the Highway Code constitutes an offence under this Act which may be relied upon by any party to any proceedings as tending to establish or negate any liability which is in question in those proceedings.

Regulations in respect of Part II

37. The Minister may by legislative instrument make Regulations

(a) for the provision for the holding on a road of races or trials or speed of any class or description, or of a particular race or trial of speed;

(b) prescribing the procedure to be followed and the particulars to be given, in connection with applications for authorizations under the Regulations.

PART III—REGISTRATION AND LICENSING OF
MOTOR VEHICLES AND TRAILERS

Registration

Registration of motor vehicles and trailers

38. (1) A person shall not own or drive a motor vehicle or a motor trailer unless the motor vehicle or the trailer is registered under this Act.

(2) A person seeking registration of a motor vehicle or a trailer shall apply in the prescribed form to the Licensing Authority.

(3) Where the Licensing Authority is satisfied that the applicant has complied with all the requirements prescribed by Regulations made under this Act, the Licensing Authority may issue to the applicant a Vehicle Registration Certificate in respect of the motor vehicle or trailer.

Register of motor vehicles and motor vehicles with trailers

39. The Licensing Authority shall keep and maintain a register of all motor vehicles and trailers registered under this Act.

Registration numbers

40. (1) Upon the registration of a motor vehicle or trailer under section 38, the Licensing Authority shall assign to the motor vehicle or trailer a registration number comprising

- (a) the prescribed prefix indicating the registration area in which the motor vehicle or trailer is registered;
- (b) a separate number; and
- (c) the prescribed suffix indicating the year of the registration of the motor vehicle or trailer.

(2) The Licensing Authority may, in circumstances as it may determine whether to withdraw a registration number for the time being assigned to a motor vehicle or trailer.

(3) The Licensing Authority shall upon any assignment or withdrawal made under subsection (2) make all necessary and consequential amendments to the register and the motor vehicle or trailer registration certificate.

(4) Regulations may require the registration number assigned to a motor vehicle or trailer to be fixed in a prescribed manner to the motor vehicle or trailer, to any other motor vehicle drawn by the motor vehicle or to both, prescribe the size, the shape, colour, the character of the registration number to be fixed on any motor vehicle or trailer, and other matter for the effective implementation of the provisions of this section.

Using an unregistered motor vehicle or trailer

41. (1) A person who uses or keeps a motor vehicle or trailer not being an exempt motor vehicle on a road when particulars of the motor vehicle or trailer have not been entered in the register maintained by the Licensing Authority in accordance with section 39, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) Notwithstanding subsection (1), the Licensing Authority may in writing authorise a specified motor vehicle or trailer to be used or kept on a specified road for a specified period without being so registered.

(3) The specified motor vehicle or trailer shall have a trade plate licence affixed to the front and rear of that motor vehicle or trailer.

Failure to return registration document

42. The registration document issued pursuant to Regulations made under this Act remains the property of the Licensing Authority and, when required by the Licensing Authority to return the document, the registered owner, or any other person in possession of the document, who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Not fixing registration number

43. The owner of a motor vehicle or trailer being used or kept on a road commits an offence where the registration number is not fixed as required by Regulations made under this Act and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

Obscured registration number

44. When a registration number fixed on a motor vehicle or trailer being used or kept on a road is in any way

(a) obscured, or

(b) rendered, or allowed to become, not easily distinguishable,

the owner commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Trade licences**Trade licences**

45. (1) The Licensing Authority may on an application made to it and subject to prescribed conditions, issue a trade licence to

(a) a manufacturer of motor vehicles,

- (b) a tester of motor vehicles,
- (c) a motor vehicle trader,
- (d) a person who satisfies the Licensing Authority that that person intends to commence business as a motor vehicle trader or a tester of motor vehicles, or
- (e) a person authorized by the Licensing Authority to trade in Trade licence plates,

upon the payment of a prescribed fee.

(2) In the case of a motor trader who is a manufacturer of motor vehicles, a trade licence is a licence for motor vehicles

- (a) which are from time to time temporarily in the trader's possession in the course of the trader's business as a motor trader;
- (b) kept and used by the trader solely for the purpose of conducting research and development in the course of the trader's business as a manufacturer; or
- (c) which are from time to time submitted to the trader by other manufacturers for testing on roads in the course of that business.

(3) In the case of any other motor trader, a trade licence is a licence for motor vehicles which are from time to time temporarily in the trader's possession in the course of the trader's business as a motor trader.

(4) In the case of a vehicle tester, a trade licence for motor vehicles which are from time to time submitted to the tester for testing in the course of the tester's business as a vehicle tester.

(5) In the case of a trade in Trade Licence Plates, the Trade Licence Plate shall be issued by the Licensing Authority to the trade to be hired out for the temporary use of individual vehicle importers, fleet dealers and fleet owners.

Surrender of licence

46. (1) A person may hold two or more trade licences.

(2) The holder of a trade licence may at any time surrender the licence to the Licensing Authority.

Appeal to Minister

47. Where the Licensing Authority refuses an application for a trade licence the applicant may, within the period prescribed by Regulations, appeal to the Minister whose decision shall be binding on the Licensing Authority.

Regulation of trade licence

48. The Minister may by Regulations provide for

- (a) the re-issue of a new trade licence in place of a licence which is or may be lost, stolen, destroyed or damaged, and
- (b) the fee to be paid on re-issue of the licence.

Use of vehicles by holders of trade licences

49. (1) The holder of a trade licence is not entitled by virtue of the licence

- (a) to use more than one motor vehicle at any one time except in the case of a motor vehicle drawing a trailer and used for a prescribed purpose, or
- (b) to use a motor vehicle for any purpose other than a purpose prescribed by the Regulations.

(2) A motor vehicle in respect of which a trade licence has been granted shall not be used to carry any goods other than

- (a) a load which is carried solely for the purpose of testing or demonstrating the motor vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the motor vehicle except for that purpose or in the case of an accident;
- (b) a load consisting of another motor vehicle used or to be used for travel from or to the place of delivery or collection in the case of a motor vehicle which is being delivered or collected;
- (c) a load built in as part of the motor vehicle or permanently attached to it;
- (d) a load which consists of parts, accessories or equipment designed to be fitted to the motor vehicle and of tools for fitting them to the motor vehicle; or
- (e) a load which consists of a trailer but not a trailer which is for the time being defective or scrap.

Misuse of a trade licence

50. A person who holds a trade licence or trade licences and uses

- (a) at any one time on a road, a greater number of motor vehicles than the person is authorized to use by virtue of the trade licence or licences,
- (b) a motor vehicle on a road for any purposes other than a purpose which has been prescribed by Regulations, or

- (c) the trade licence, or any of the trade licences, for the purposes of keeping on a road in any circumstances other than circumstances which have been prescribed, a motor vehicle, which is not being used on that road

commits an offence and is liable on summary conviction to a fine of not less than 500 penalty units and not exceeding 1000 penalty units or to imprisonment for a term not exceeding 3 years or to both.

Regulations in respect of registration and trade licences

51. The Minister may by legislative instrument make Regulations

- (a) prescribing the details of the procedure for registration, the particulars to be included in the application and the registration fees to be charged;
- (b) requiring the registration number assigned to a motor vehicle to be fixed in a prescribed manner to the motor vehicle, and prescribe the size, the shape, colour and the character of the registration number to be fixed on any motor vehicle;
- (c) as to the mode of application for the allocation of registration marks;
- (d) for the transfer of registration marks allocated to a motor dealer in cases where the motor dealer dies or becomes incapacitated or bankrupt and cancellation of allocations of registration marks;
- (e) providing for the issue of a new trade licence and trade licence plate in the place of a licence or plate which is or may be lost, stolen, destroyed, damaged or expired and the fee to be paid on the issue of the licence; and
- (f) prescribing the conditions subject to which trade licences or trade licence plates are to be issued, and any other matter or thing that needs to be prescribed for the purposes of registration of trade licences.

Interpretation

52. (1) In this Part, unless the context otherwise requires:

- “Licensing Authority” means the Driver and Vehicle Licensing Authority;
- “motor dealer” means a person carrying on the business of selling or supplying motor vehicles;
- “motor trader” means
- (a) a manufacturer or repairer of, or dealer in, motor vehicles; or
- (b) any other person who carries on a business consisting wholly or mainly of collecting and delivering motor vehicles, and

not including any other activities except activities as a manufacturer or repairer of, or dealer in, motor vehicles;

“owner” means the person in whose name the motor vehicle or cycle is registered;

“vehicle tester” means a person, other than a motor trader, who regularly in the course of the person’s business engages in the testing on roads of motor vehicles belonging to other persons

(2) For the purposes of this Part a person keeps a motor vehicle on a public road if the person causes it to be on the road for any period, however short, when it is not in use there.

PART IV—LICENSING OF DRIVERS OF MOTOR VEHICLES

Driving Licences

53. (1) Except as otherwise provided in this Act, a person shall not drive a motor vehicle of any description or class on a road unless that person is a holder of a driving licence authorizing the person to drive a motor vehicle of that description or class.

(2) A person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Application for driving licence

54. (1) An application for a driving licence shall be made in the prescribed form to the Licensing Authority.

(2) A driving licence may authorize the holder to drive a class or classes, or such type of a motor vehicle as the Licensing Authority may specify in the licence.

Recognition of driving licences of other countries

55. A driving licence issued under the corresponding provisions of any law in force in any other country may be recognized for conversion into driving licence issued under this Act, and under such conditions that the Licensing Authority may from time to time prescribe.

Test of competence to drive

56. (1) A driving licence shall not be granted to an applicant unless the applicant has satisfied the Licensing Authority that the applicant has

- (a) passed the prescribed test of competence;
- (b) held a licence issued by the Licensing Authority, authorizing the applicant to drive a motor vehicle of the class or description;

(c) held a licence issued by a competent authority in any other country authorizing the applicant to drive a motor vehicle of the class or description which the applicant would be authorized, by the driving licence for which the applicant is applying.

(2) A test of competence is sufficient for the granting of a licence authorizing the driving of motor vehicles

(a) of any class, if at the time the test was passed it authorized the granting of a licence to drive motor vehicles of that class;

(b) of classes that are designated by Regulations as a group, if at the time the test was passed it authorized the granting of a licence to drive motor vehicles of any class included in the group; and

(c) of classes included in a group other than a group referred to in paragraph (b).

Requirements as to physical fitness

57. (1) An application for the grant of a licence shall include a declaration by the applicant, stating

(a) whether the applicant is suffering from any disease or disability, or

(b) any other disability likely to cause the driving of a motor vehicle by the applicant to be a source of danger to the public.

(2) Where it appears from the applicant's declaration, or on inquiry the Licensing Authority is satisfied that the applicant is suffering from any disease, the Licensing Authority shall, subject to the following provisions of this section, refuse to grant the licence.

(3) Where as a result of a test of competence to drive or of information obtained, the Licensing Authority is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disease which is likely to be a danger to the public if that person drives any motor vehicle, the Licensing Authority shall after giving to the licence holder notice, revoke the driving licence.

(4) A person whose licence is revoked by virtue of subsection (3) shall deliver the licence to the Licensing Authority and a person who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(5) A person who is licenced and authorized to drive a motor vehicle of any class, and who drives a motor vehicle of that class on a road commits an offence if the declaration made under subsection (1) in the application on which the licence was granted was one which the person knew to be false.

Revocation, suspension or cancellation of licence

58. (1) The Licensing Authority may suspend, revoke or cancel a licence granted to any person under this Act .

(2) The Licensing Authority shall serve notice in writing on the licence holder suspending, revoking or cancelling the licence with effect from the date specified in the notice and stating the reason for so doing.

(3) A person is not in breach of the requirement of subsection (2) if the person whose licence is revoked under subsection (1) is not in possession of the licence because the licence is surrendered to a police officer or an authorised person and the licence delivered to the Licensing Authority immediately on its return.

Provision of information

59. (1) If at any time during the period for which a licence remains in force, the licence holder becomes aware

- (a) that the holder is suffering from a disease that can affect the holder's ability to drive which the holder has not disclosed to the Licensing Authority; or
- (b) that a disease from which the holder has at any time suffered and which has been disclosed has become more acute since the licence was granted,

the licence holder shall notify the Licensing Authority in writing of the nature and extent of the holder's disability.

(2) A person who fails to notify the Licensing Authority as required by subsection (1), commits an offence and is liable on summary conviction to a fine of not less than 100 penalty units and not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(3) Where the prescribed circumstances that obtain in relation to a person who is an applicant for, or the holder of, a licence or if the Licensing Authority has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a disease, subsection (4) of this section applies for the purpose of enabling the Licensing Authority to satisfy itself whether or not that person may be suffering from that or any other disease.

(4) The Licensing Authority may by notice in writing served on the applicant or holder

- (a) require the applicant or holder to provide the Licensing Authority, within a reasonable time specified in the notice, with an authorization as is mentioned in subsection (6); or

- (b) require the applicant or holder, as soon as is practicable, to arrange to submit that applicant or holder's self for examination
- (i) by a registered medical practitioner appointed by the Licensing Authority; or
 - (ii) with respect to a disease of a prescribed description, by the officer of the Licensing Authority as may be so appointed,

for the purpose of determining whether or not the applicant or holder suffers or has at any time suffered from any disease.

(5) Where the application is for, or the licence held is, a learner's licence, the Licensing Authority may by notice to the applicant require the applicant to submit the applicant's self for a test of competence to drive as directed in the notice.

(6) The authorization referred to in subsection (4)(a)

(a) shall be in the prescribed form and contain the prescribed particulars specified in the notice by which it is required to be provided; and

(b) shall authorize a registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned, to release to the Licensing Authority any information which the medical practitioner may have, or which may be available to the medical practitioner with respect to the question whether the applicant or the licence holder concerned may be suffering, or may at any time have suffered from the disease and if so, to what extent.

(7) Where a person on whom a notice is served under subsection (5)

(a) fails to comply with a requirement contained in the notice; or

(b) fails a test of competence which that person is required to take under this section,

and the Licensing Authority is satisfied that the applicant or licence holder concerned is suffering from any disease, the Licensing Authority may revoke the driving licence of the holder or refuse to grant a licence to the applicant.

(8) Except where the requirement is made in the circumstances prescribed for the purposes of subsection (4), the Licensing Authority may defray any fees or other reasonable expenses of a registered medical practitioner in connection with

(a) the provision of information in pursuance of an authorization required to be provided under subsection (4)(a), or

(b) any examination which a person is required to undergo under subsection (4)(b).

Driving after refusal or revocation of licence

60. A person commits an offence where that person drives a motor vehicle in respect of which the Licensing Authority has refused to grant a licence or has revoked the licence and the person is liable on summary conviction to a fine not exceeding 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

Driving with uncorrected defective eyesight

61. (1) A person who drives a motor vehicle on a road while that person cannot comply with any requirement as to eyesight prescribed under this Part for the purposes of a test of competence to drive, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) Where a police officer suspects that a person driving a motor vehicle is likely to commit an offence under subsection (1), the officer may require that person to submit to a test for the purpose of ascertaining whether, using no other means of correction than the person used at the time of driving, the person can comply with the requirement concerned.

(3) A person who refuses to submit to the test commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding 6 months or to both.

Learner's licence

62. (1) For the purposes of enabling a person to learn to drive a motor vehicle with a view to passing a test of competence to drive, the Licensing Authority may grant that person a learner's driving licence, subject to the person satisfying the conditions or any requirements that the Licensing Authority may prescribe.

(2) A learner's driving licence may, in the case of a person who appears to the Licensing Authority to be suffering from any disease or disability, be restricted to the driving of motor vehicles of a particular construction or design specified in the learner's driving licence.

(3) A learner's driving licence shall not authorize a person, prior to that person passing a test of competence to drive, to drive on a road a motor vehicle of any class except where that person has successfully completed an approved training course for motor vehicles of that class or is undergoing training on such a course and is driving the motor vehicle on the road as part of the training.

(4) For the purpose of being taught to drive, a person not holding a licence to drive a motor vehicle and who is

- (a) not suffering from any disease or disability which is likely to cause the driving by that person of the class of motor vehicle which the person is being taught to drive, to be a source of danger to the public; and

- (b) eighteen years of age or over and in the case of a person being taught to drive a commercial vehicle is twenty five years of age or over, may drive a motor vehicle, other than a motor cycle or heavy motor vehicle, if
- (aa) the person is accompanied for instruction by and sitting next to a licensed driver; and
 - (bb) the motor vehicle displays conspicuously at the front and rear such plate or disc as may be prescribed.

A licence granted in error

63. (1) Where it appears to the Licensing Authority that a licence granted by it to any person was granted with a mistake or an omission in the particulars specified in the licence or particulars required to be endorsed on it, the Licensing Authority may serve notice in writing on that person requiring the surrender of the licence to the Licensing Authority and that person shall comply with the requirement.

(2) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall immediately surrender the licence to the Licensing Authority and provide it with particulars of the alterations to be made in the name or address.

(3) A person who fails to comply with a request or a duty under this section commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(4) On the surrender of a licence under subsection (1), the Licensing Authority

- (a) shall, except where the licence is surrendered in pursuance of this section in consequence of an error or omission which appears to the Licensing Authority to be attributable to that person's fault or in consequence of a current disqualification, or
- (b) may in such an excepted case which does not involve a current disqualification,

grant to that person free of charge a new licence expiring on the date on which the surrendered licence would have expired had it not been surrendered.

Appeals relating to licences

64. (1) A person who is aggrieved by the refusal of the Licensing Authority to grant a licence, the revocation, suspension or cancellation of a licence or a notice served in respect of a licence may, within 28 days of the notice of refusal appeal to the court.

(2) On an appeal the court may make such order as it thinks fit having due regard for public safety.

Disqualification of persons under age

- 65.** (1) A person is disqualified from holding or obtaining a licence to drive
- (a) an invalid carriage if that person is under eighteen years;
 - (b) a motor cycle if that person is under eighteen years;
 - (c) a commercial vehicle if that person is under twenty-five years;
 - (d) an agricultural tractor if that person is under twenty-one years; or
 - (e) other motor vehicles if that person is under eighteen years.
- (2) Regulations may impose conditions or exemptions to subsection (1).

Disqualification to prevent duplication of licences

66. A person is disqualified from obtaining a licence authorizing that person to drive a motor vehicle of any class so long as that person is the holder of another licence authorizing that person to drive a motor vehicle of a particular class, whether the licence is suspended or not.

Obtaining licence or driving while disqualified

- 67.** (1) A person commits an offence if, while disqualified from holding or obtaining a licence, that person
- (a) obtains a licence; or
 - (b) drives a motor vehicle on a road.
- (2) A licence obtained by any person who is disqualified is of no effect or, where the disqualification relates only to motor vehicles of a particular class, is of no effect in relation to those motor vehicles of that class.
- (3) A police officer may arrest without warrant a person driving a motor vehicle on a road whom the police officer has reasonable cause to suspect of being disqualified.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

Driving schools

- 68.** (1) A person shall not operate a driving school unless the driving school has been registered by the Licensing Authority.
- (2) A person seeking to operate a driving school shall submit to the Licensing Authority an application for registration which shall be in the prescribed form, accompanied with the prescribed fee and information.
- (3) On the receipt of an application referred to in subsection (2), the Licensing Authority shall, if satisfied that the prescribed requirements for the registration of that driving school have been met, grade and register the driving school in the prescribed manner.

(4) The Licensing Authority may if a registered driving school no longer complies with the requirements referred to in subsection (3), suspend the registration of that driving school for such period as it may determine, or disregard or cancel the registration in the prescribed manner.

(5) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 2,500 penalty units or to a term of imprisonment not exceeding 5 years or to both.

Driving instructors

69. (1) A person shall not act as driving instructor unless that person

- (a) has passed the prescribed examination;
- (b) holds a current driving licence granted under this Act;
- (c) is mentally and physically fit to act as an instructor; and
- (d) is registered as an instructor.

(2) A person referred to under subsection (1) shall only be registered as an instructor in respect of a class of motor vehicles which that person is licensed to drive.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 1000 penalty units or to a term of imprisonment not exceeding 3 years or to both.

Application for registration of driving instructors

70. (1) A person seeking to act as an instructor in the driving of motor vehicles shall apply in the prescribed form to the Licensing Authority.

(2) The Licensing Authority shall issue the applicant with a certificate on the payment by the applicant of the prescribed fee.

(3) The Licensing Authority shall record in a register to be known as the Register of Driving Instructors the names of driving instructors registered under this Act.

(4) Before the requisite entry is made in the register, the applicant shall satisfy the Licensing Authority that the applicant

- (a) has passed the prescribed examination of ability to give instruction in the driving of motor vehicles;
- (b) is the holder of a valid licence which authorizes the applicant to drive a motor vehicle under this Act;
- (c) has not, during any part of the period of four years ending with the day on which the application is made, been disqualified from holding or obtaining a licence to drive a motor vehicle; and
- (d) is a fit and proper person to have the applicant's name entered in the register.

(5) At any time when a person who held a valid learner's licence to drive a motor vehicle granted under this Act, passes the test of competence to drive a motor vehicle prescribed by this Act, the person shall be regarded as holding the valid licence mentioned in paragraph (b) of subsection (4).

(6) The entry of a person's name in the register is subject to the condition that, so long as the person's name is in the register, the person will, if at any time required to do so by the Licensing Authority, undergo the test prescribed for continued ability and fitness to give instruction in the driving of motor vehicles.

(7) Regulations may provide that persons of such class as may be specified in the Regulations shall be exempted from the condition mentioned in subsection (4)(a) as regards the whole or such part of the examination mentioned in that paragraph as may be so specified.

(8) The Licensing Authority shall, on making a decision on an application under subsection (2), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the applicant, shall state the grounds of the refusal.

Display of registration certificate

71. (1) A person shall not give instructions in the driving of a motor vehicle unless that person wears in the course of instruction, an instructor's Identity Card issued by the Licensing Authority.

(2) An instructor's Identity Card shall not be valid unless the certificate number of the instructor is embossed on it.

(3) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

Duration of registration

72. (1) A recognition by the Licensing Authority of a registered instructor remains valid for a period of one year from the date of registration.

(2) The Licensing Authority shall remove from the register the name of an instructor upon the expiration of each registration year unless the instructor has applied for a renewal of the registration.

(3) A person may, before that person's name is removed under subsection (2), apply to the Licensing Authority, in the prescribed manner, for the retention of that person's name in the register for a further period of one year.

(4) A person whose name is removed from the register under subsection (2), may apply to the Licensing Authority for that person's name to be entered again in the register.

(5) On an application under this section, the applicant shall, on payment of the prescribed fee, have that person's name retained in the register for a further period of two years if that person satisfied the Licensing Authority that

- (a) the person has not refused to undergo any test required of the person,
- (b) the person's ability and fitness to give instruction in the driving of motor vehicles continue, having regard to any such tests which that person has undergone during that period, to be of a satisfactory standard,
- (c) the person is the holder of a valid licence,
- (d) the person has not during any part of that period been disqualified from holding or obtaining a licence to drive a motor vehicle, and
- (e) the person is a fit and proper person to have that person's name entered in the register.

Refusal to register a driving instructor or a driving school

73. (1) Where the Licensing Authority refuses to register an instructor or a driving school, the Licensing Authority shall give notice to the applicant in writing of the decision to refuse and the grounds for refusal within twenty-eight days of the decision.

- (2) Where the Licensing Authority gives notice under subsection (1),
 - (a) the applicant may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations to the Licensing Authority,
 - (b) the Licensing Authority shall not refuse the application until after the expiration of that period, and
 - (c) the Licensing Authority shall take into consideration any representations made by the applicant within that period before deciding whether or not to refuse the application.
- (3) A decision to refuse an application shall take effect,
 - (a) where no appeal is brought against the decision, within the time limited for the appeal, on the expiration of that time;
 - (b) where an appeal is brought and is withdrawn or struck out, on the day of the withdrawal or striking out of the appeal; or
 - (c) where an appeal is dismissed, on the day of the dismissal of the appeal.

Removal of names from the register

74. (1) The Licensing Authority may remove the name of a person from the register if the Licensing Authority is satisfied that that person

- (a) does not hold a valid licence,

- (b) is disqualified from holding or obtaining a licence to drive a motor vehicle,
- (c) has refused to undergo a test of competence to drive a motor vehicle when required to do so,
- (d) has failed the test of competence,
- (e) is not a fit and proper person to have that person's name included in the register; or
- (f) has died.

(2) A person whose name is removed from the register may apply to the Licensing Authority for that person's name to be entered again in the register after the condition leading to the removal has ceased to exist.

Appeals

Appeals

75. A person who is aggrieved by a decision of the Licensing Authority

- (a) to refuse an application for the entry of that person's name in the register,
- (b) to refuse an application for the retention of that person's name in the register, or
- (c) to remove that person's name from the register,

may by notice in writing appeal to the Minister within twenty-eight days beginning with the day on which notice of the decision was received in accordance with this Act.

Offences in respect of the register

76. (1) Where a person whose name is not in the register

- (a) takes or uses a title prescribed under this section,
- (b) wears or displays a badge or certificate so prescribed, or
- (c) takes or uses any name, title, addition or description implying that that person's name is in the register,

that person commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) Where a person carrying on business in the provision of instruction in the driving of motor vehicles

- (a) uses a title or description so prescribed in relation to a person whose name is not in the register but is employed by that person, or

- (b) issues an advertisement or invitation calculated to mislead the public with respect to the extent to which persons whose names are in the register are employed by that person,

that person commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Surrender of certificates or licences

77. (1) Where the name of a person to whom a certificate is issued is removed from the register in pursuance of this Part, that person shall on receipt of written notification from the Licensing Authority surrender the certificate to the Licensing Authority within fourteen days of the receipt of the notice.

(2) A person who contravenes a provision of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

Production of certificates and licences to police officers and authorised persons

78. (1) A person to whom a certificate is issued under this Part, shall on being so required by a police officer or a person authorised by the Licensing Authority in that behalf, produce the certificate for examination.

(2) A person who is required under subsection (1) to produce a certificate and fails to do so, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to imprisonment for a term not exceeding 12 months or to both.

Service of notices

79. (1) A notice required to be given under this Part to a person may be given by

- (a) delivering it to that person; or
- (b) leaving it at that person's last known postal address or place of business;
- (c) by sending it to the person by post or by registered mail.

(2) For the purposes of this section the last known postal address of a person is, in the case of a person whose name is included in the register, the person's address in the register, and in any other case the usual address or latest address known to the person giving the notice.

Construction and use of motor vehicles and equipment

Use of vehicle in a dangerous condition

80. (1) A person commits an offence if that person causes or permits another person to use a motor vehicle or trailer on a road when

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment,

- (b) the purpose for which it is used,
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person or damage to property.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

Regulation of construction, weight, equipment and use of vehicles

81. The use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used shall be prescribed by Regulations.

Contravention of requirement for brakes, steering-gear or tyres

82. A person who

- (a) contravenes or fails to comply with a construction and use requirement for brakes, steering-gear,
- (b) uses on a road, a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle to be so used, or
- (c) uses or permits to be used on a road, a motor vehicle or a trailer, the tyres of which are not of the required specification for the vehicle or trailer or that are worn out,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Failure to comply with requirements for weights of commercial vehicles

83. A person who

- (a) contravenes or fails to comply with a construction and use requirement of any weight applicable to
 - (i) a cargo vehicle, or
 - (ii) a motor vehicle or trailer adapted to carry more than eight passengers, or
- (b) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a motor vehicle to be so used,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Carriage of hazardous goods by road

Regulations in respect of carrying hazardous goods

84. (1) A person shall not send or carry any hazardous goods by road except in accordance with the provisions of this Part.

(2) The Minister may by legislative instrument make Regulations to specify which goods, articles or materials carried on road are hazardous goods.

(3) Without limiting the generality of subsection (2), the Minister may by legislative instrument make Regulations for

- (a) the method of packing;
- (b) the quantity of goods which may be carried on a road;
- (c) the labelling on any package or container which contain goods;
- (d) precautions to be taken with respect to the carriage of the goods; and
- (e) the training and certification of drivers who transport hazardous goods.

(4) The provisions of this section shall not apply to the carriage of military goods.

Carriage and labelling of hazardous goods

85. (1) A person shall not send or carry any hazardous goods by road without distinctly labelling in the prescribed manner on the outside of the outer most package that contains the goods

- (a) the composition of the goods;
- (b) the name and address of the sender, owner or consignee.

(2) A person who contravenes the provisions of subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

Rejection and disposal of hazardous goods by road

86. A driver of a motor vehicle may refuse to take on board any package or parcel that, that driver suspects contains hazardous goods and may request the owner of the package or parcel to open and disclose the contents of the package or parcel.

Forfeiture of hazardous goods

87. (1) Where any hazardous goods sent by or carried on any road are the subject matter of an offence under sections 84 and 85, a court may order that those goods and any package or container for the goods be seized and forfeited to the State.

(2) The court may exercise the powers conferred on it under subsection (1) notwithstanding that

- (a) the owner of the goods has not committed any offence in respect of the goods; or
- (b) the owner of the goods is unknown.

(3) The court shall prior to the forfeiture of the dangerous goods under this section, duly notify the owner, consignee or person in temporary possession of the goods of the pending forfeiture.

Contravention of other construction and use requirements

88. A person who

- (a) contravenes or fails to comply with any construction or use requirement other than one within section 82 (1)(a) or 83(1)(a), or
- (b) uses on a road, a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Liability of owner and other persons for breach of construction and use requirements

89. When a person contravenes or fails to comply with a construction and use requirement relating to the construction or equipment of a motor vehicle or trailer or the conditions under which it may be used on a road, the owner as well as any other person who has custody or control of the motor vehicle or trailer also commits the offence of which that person is guilty.

Regulations in respect of licensing of driver of motor vehicles, construction and weight requirements of motor vehicles

90. The Minister may by legislative instrument make Regulations

- (a) to prescribe the fees to be paid for a licence, the duration of a licence and other matters which are incidental to the issue of a driving licence,
- (b) with respect to
 - (i) the nature of test of competence to drive,
 - (ii) the qualifications, selection and appointment of persons by whom they may be conducted,
 - (iii) evidence of the result of the test,
 - (iv) the nature of the courses of training,
 - (v) the approval by the Licensing Authority of the persons providing the courses,

- (vi) the maximum amount of any charges payable by persons undergoing the training in consultation with proprietors of driving schools
 - (vii) certificates evidencing the successful completion by persons of a course of training and the supply by the Licensing Authority of the forms which are to be used for the certificates,
 - (viii) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Licensing Authority under the Regulations, and
 - (ix) training in respect of different classes of motor vehicles;
- (c) for requiring a person to submit to any part of an examination which consists of a written and practical test or to a test of continued fitness;
- (d) alter or add to the conditions which the Licensing Authority is required by this Part to be satisfied for the entry of a name in the register, for the retention of a name in the register, for the removal of a name from the register or omit any of those conditions;
- (e) for the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of the wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (f) for the conditions under which weights may be tested; and
- (g) for any matter or thing that needs to be prescribed under this Part.

Interpretation in respect of Part IV

91. In this Part "construction and use requirements" means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this Act.

PART V--TESTS OF VEHICLES AND ISSUE OF ROAD USE CERTIFICATES

Tests of condition of motor vehicles

92. (1) A vehicle used on a road shall be submitted for examination in accordance with this Act or Regulations made under this Act.

(2) Unless otherwise provided for under this Act in respect of cargo vehicles or any class of motor vehicles, this Part applies to all motor vehicles used on a road.

(3) The examination shall be conducted every six months in respect of commercial vehicles and once every year in respect of private vehicles or within the

prescribed period and shall be conducted to determine that

- (a) the motor vehicle conforms to the prescribed requirements relating to the construction and condition of the motor vehicle, its accessories and other equipment, and
 - (b) the condition of the motor vehicle is such that its use on the road will not involve a danger of injury to any person or damage to property.
- (4) Upon the examination the owner of the vehicle shall pay the prescribed

fee.

Persons to conduct examinations of vehicles

93. (1) The examination shall be conducted by the Licensing Authority or any other examiner as the Licensing Authority may grant authorization to conduct the examination.

(2) The Licensing Authority may authorize an examiner to conduct the examinations subject to such conditions as the Licensing Authority shall determine.

(3) The Licensing Authority may for the purposes of motor vehicle examinations,

- (a) maintain motor vehicle stations where examinations may be conducted,
- (b) maintain the apparatus for conducting the examinations, and
- (c) designate private motor vehicle testing stations where vehicle examinations may be conducted.

Road use certificate

94. (1) A person shall not

- (a) drive or use; or
- (b) permit any other person to drive or use

any motor vehicle on a road unless there is in force in respect of the motor vehicle a road use certificate provided for under this Act.

(2) A person who drives on a road or uses a motor vehicle in respect of which there is no valid road use certificate commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or for a term of imprisonment not exceeding 2 months or to both.

(3) An application for a road use certificate shall be made to the Licensing Authority in a form as it may determine.

(4) An application for a road use certificate shall be accompanied with the prescribed fee and particulars.

(5) The fee shall be paid once in every six months in respect of commercial vehicles and once every year in respect of private motor vehicles.

Issue of road use certificate/sticker

95. (1) The Licensing Authority shall upon payment of the prescribed fee, issue to the applicant a certificate in the form of a sticker for the motor vehicle.

(2) The sticker shall be carried on the front windscreen of the motor vehicle so as to be readily identified by a police officer or the Licensing Authority.

(3) The road use certificate shall remain valid for six months in the case of commercial vehicles and twelve months in the case of private motor vehicles from the date of issue and shall then expire.

(4) Where the Licensing Authority is satisfied that a road use certificate has become defaced or is lost, the Licensing Authority may issue a duplicate road use certificate upon payment of the prescribed fee.

Exemption from requirement for road use certificate

96. The requirement for road use certificate does not apply to

- (a) motor vehicles owned by the Armed Forces, the Police Service or the Prisons Service,
- (b) Fire Service motor vehicles,
- (c) a motor vehicle exempted by an instrument issued by the Minister under this Act.

Using vehicle with unauthorized weights as well as authorized weights marked on it

97. (1) Where there is fixed to a vehicle a plate containing plated weights of any description determined for that vehicle under this Act, the driver of the vehicle shall not, while it is used on a road,

- (a) alter the prescribed weight of the vehicle; or
- (b) carry any load or persons in excess of the prescribed weight or number.

(2) In the event of a contravention of this section, the driver and any other person having custody or control, of the cargo vehicle commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

General provisions relating to motor vehicle examination

Motor vehicle examiners

98. (1) The Licensing Authority may appoint motor vehicle examiners for the purpose of carrying out the functions conferred on it under this Act and any other Act.

(2) A vehicle examiner appointed under subsection (1) shall act under the general directions of the Licensing Authority.

Testing of condition of motor vehicles on roads

99. (1) A vehicle examiner may test a motor vehicle on a road for the purpose of ascertaining whether the motor vehicle's

(a) construction and use requirements, and

(b) requirement that the motor vehicle when used on a road would not pose a danger or injury to any person or damage to property

are complied with in respect of the motor vehicle.

(2) A police officer shall not stop a motor vehicle for a test unless that police officer is in uniform.

(3) Where it appears to a police officer that, by reason of an accident having occurred owing to the presence of a motor vehicle on a road, it is necessary that a test should be carried out immediately, the police officer may require it to be carried out and, if the police officer is not to carry it out personally, may require that the motor vehicle shall not be taken away until the test has been carried out by the Licensing Authority.

(4) Where the presence of the vehicle may pose a danger, or damage property, the police officer may authorize the removal of the vehicle to a designated place for testing.

(5) A person who obstructs a police officer or a vehicle examiner acting under this section, or fails to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(6) A vehicle examiner shall produce the examiner's authority to act for the purposes of this section if required to do so.

(7) In this section, references to a motor vehicle include reference to a trailer drawn by it.

Examination of commercial vehicles

100. (1) A vehicle examiner or a police officer

(a) may at any time, examine a motor vehicle to which this section applies and for that purpose detain the motor vehicle during such time as is required for the examination, and

(b) may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which the examiner or officer has reason to believe that such a motor vehicle is kept and an authorized inspector may exercise the powers given by paragraph (a) above in relation to any motor vehicle brought to a place of examination.

(2) The power conferred by subsection (1) to examine a motor vehicle includes power to test it and drive it for the purpose of testing it.

(3) A vehicle examiner or a police officer may at any time require a person in charge of a motor vehicle to which this section applies and which is stationary on a road to proceed with the motor vehicle for the purpose of having it examined under this section to any place where an examination can be suitably carried out.

(4) A person in charge of a motor vehicle who refuses or neglects to comply with a requirement made under subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or to imprisonment for a term not exceeding 2 months or to both.

Power to prohibit driving of unfit motor vehicles

101. (1) Where upon the examination of a motor vehicle it appears to a vehicle examiner or an authorized inspector or police officer that owing to any defects in the motor vehicle it is, or is likely to become, unfit for service, that examiner or inspector may prohibit the driving of the motor vehicle on a road

- (a) absolutely, or
- (b) for one or more specified purposes.

(2) Where upon the examination it appears to a police officer that owing to any defects in the motor vehicle driving it would involve a danger or injury to any person, the police officer may prohibit the driving of the motor vehicle on any road

- (a) absolutely, or
- (b) for one or more specified purposes.

(3) A prohibition under this section shall come into force at a time not later than ten days from the date of the examination as seems appropriate to the vehicle examiner or authorized inspector or police officer imposing the prohibition, having regard to all circumstances, and a prohibition shall continue in force until it is removed under this Act.

(4) A person imposing a prohibition under this section shall give notice in writing of the prohibition to the person in charge of the motor vehicle at the time of the examination

- (a) specifying the defects which occasioned the prohibition,
- (b) stating the relevant prohibition, and
- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(5) Where a notice is given under subsection (4), any vehicle examiner or police officer may grant an exemption in writing for the use of the motor vehicle in a manner, subject to conditions and for purposes as may be specified in the exemption.

Prohibition conditional on examination

102. (1) Where it appears to the person imposing a prohibition under this Act that the motor vehicle is adapted to carry goods or passengers, or is a public service vehicle not so adapted to carry passengers or goods, the prohibition may be imposed with a direction not to remove the vehicle unless and until the motor vehicle has been examined at an official testing station.

(2) In any other case, a prohibition may be imposed with a direction not to remove the motor vehicle unless and until the motor vehicle has been examined in accordance with Regulations made under this Act.

(3) For purposes of this section, 'public service vehicle' includes fire tenders and bullion vehicles.

Power to prohibit driving of overloaded cargo vehicles

103. (1) Subsections (2) and (3) apply where a cargo vehicle or a motor vehicle adapted to carry passengers or goods has been weighed in pursuance of a requirement imposed under this Act and it appears to

- (a) a vehicle examiner,
- (b) a person authorized with the consent of the Licensing Authority to act for the purposes of this subsection, or
- (c) a police officer authorized to act for those purposes by a senior police officer,

that, the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that motor vehicle has been exceeded or would be exceeded if it were used on a road, because of excessive overall weight or excessive axle weight on any axle and that, driving the motor vehicle would involve a danger or injury to any person or cause damage to property.

(2) The person to whom it so appears may, whether or not a notice is given under of this Act, give notice in writing to the person in charge of the motor vehicle prohibiting the driving of the motor vehicle on a road until

- (a) the weight is reduced to that limit or it is no longer excessive, and
- (b) official notification in writing has been given to the person in charge of the motor vehicle that, it is permitted to proceed.

(3) The person to whom it so appears may also by direction in writing require the person in charge of the motor vehicle to remove it to the place and subject to the conditions specified in the direction.

(4) Official notification for the purposes of subsection (2) may be withheld until the motor vehicle is weighed or reweighed in order to satisfy the person giving the notification that the weight has been reduced to the prescribed limit.

Offence in respect of roadworthy and overloaded motor vehicles

104. (1) A person who
- (a) drives a motor vehicle in contravention of a prohibition under this Part,
 - (b) causes a motor vehicle to be driven in contravention of such a prohibition, or
 - (c) fails to comply within a reasonable time, with a direction under this Part

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) The Minister may by legislative instrument make Regulations in respect of exemption under this section.

Removal of prohibitions

105. (1) A prohibition may be removed by an authorised officer of the Licensing Authority if the officer is satisfied that the motor vehicle is roadworthy.

(2) A person aggrieved by the refusal of a vehicle examiner or police officer to remove a prohibition may appeal to the Minister.

(3) The Minister may make such order on the appeal as the Minister thinks fit.

(4) Where the authorized officer removes a prohibition, the officer shall immediately give notice of the removal to the owner of the motor vehicle or other person who has custody or control of the motor vehicle.

(5) The Licensing Authority may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a motor vehicle with a view to the removal of a prohibition; and payment of fees may be required to be made in advance.

(6) Regulations may prescribe anything which may be prescribed under this section and for regulating the procedure, and fees payable, on appeals to the Licensing Authority under subsection (2).

Vehicle Examination Centres

106. The Licensing Authority may provide and maintain official vehicle examination centres as well as designate private testing stations where examination of motor vehicles may be carried out and the stations may provide and maintain the apparatus for carrying out the examinations.

Fitting and supply of defective or unsuitable vehicle parts

107. (1) A person who
- (a) supplies or fits a motor vehicle part to a motor vehicle, or
 - (b) causes or permits a motor vehicle part to be fitted to a motor vehicle,

in such circumstances that the use of the motor vehicle on a road would, by reason of that part being fitted to the motor vehicle, involve a danger or injury to any person or damage to property or constitute a contravention of, or failure to comply with, any of the construction and use requirements, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) An authorized motor vehicle examiner may at any reasonable time enter premises where, in the course of a business, motor vehicle parts are fitted to motor vehicles or are supplied, test and inspect any motor vehicle or motor vehicle part found on those premises, for the purposes of ascertaining whether

- (a) a motor vehicle part has been fitted to a motor vehicle in such circumstances that the use of the motor vehicle on a road would, by reason of that part being fitted to the motor vehicle, constitute a contravention of, or failure to comply with any of the construction and use requirements or involve a danger or injury to any person or damage to property, or
- (b) the motor vehicle part could not be supplied for fitting to a motor vehicle used on the roads without the commission of an offence under this Act.

(3) For the purpose of testing a motor vehicle and any trailer drawn by the motor vehicle, the vehicle examiner may drive it and for the purpose of testing a trailer may draw the trailer with the motor vehicle.

(4) A person who obstructs a vehicle examiner acting under subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or to a term of imprisonment not exceeding 2 months or to both.

Weighing of motor vehicles

108. (1) Subject to any Regulations, an authorized person may, on production of the person's authority, require a person in charge of a motor vehicle

- (a) to allow the motor vehicle or trailer drawn by it to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the motor vehicle or trailer in contact with the road to be tested, and
- (b) for the purpose, to proceed to a weighbridge or a machine for weighing motor vehicles.

(2) For the purpose of enabling a motor vehicle or a trailer drawn by it to be weighed or a weight to be tested, the authorized person may require the person in charge of the motor vehicle to drive the motor vehicle or to do any other thing in relation to the motor vehicle or its load or the trailer or its load which is required to be done for that purpose.

- (3) A person in charge of a motor vehicle who
- (a) refuses or neglects to comply with a requirement under this section, or
 - (b) obstructs an authorized person in the exercise of the person's functions under this section,

commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or to a term of imprisonment not exceeding 2 months or to both.

(4) For the purposes of this section, "road" includes any land which forms part of a harbour and is occupied wholly or partly for the purposes of harbour operations, "harbour" includes any harbour, whether natural or artificial and any port, haven, estuary, tidal or other river and inland waterway navigated by sea-going ships, a dock and a wharf and accordingly "harbour operations" mean

- (a) the making or lighting of a harbour or any part of it;
- (b) the berthing or dry docking of a ship;
- (c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;
- (d) the movement of goods or passengers within the limits within which the persons engaged in improving, maintaining or managing a harbour have jurisdiction or on harbour land;
- (e) in relation to a harbour, other than a wharf;
 - (i) the towing, or moving of a ship which is in or is about to enter or has recently left the harbour;
 - (ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches to the harbour;
 - (iii) the lighterage or handling of goods in the harbour; and
- (f) in relation to a wharf,
 - (i) the towing or moving of a ship to or from a wharf;
 - (ii) the loading or unloading of goods, or embarking or disembarking of passengers, at the wharf in or from a ship.

Liability for driving overloaded vehicle or trailer

109. (1) Where a motor vehicle or motor vehicle with a trailer is weighed and found to be in compliance with the applicable weight, a certificate of weight shall be given to the person in charge of the motor vehicle and the certificate of weight shall exempt the motor vehicle and the trailer if any, from being weighed so long as it is during the continuation of the same journey and carrying the same load.

(2) Where a person in charge of a weighing station suspects that a driver of a motor vehicle has tampered with any load already weighed, the person shall require that the motor vehicle and the trailer if any, to be reweighed.

(3) Where the motor vehicle or the vehicle and trailer if any, is weighed and it is found to be overloaded,

(a) the excess load shall be offloaded immediately at the cost of the person in charge of the vehicle; and

(b) there shall be imposed on the person a penalty charge of such amount as shall be prescribed under this Act.

(4) Where a person fails to pay the penalty charge under subsection (3) within such period as is prescribed, the person shall be charged with the offence of being in charge of over-loaded vehicle and shall on summary conviction be liable to a term of imprisonment not exceeding 12 months.

Offences to do with reflectors, tail lamps and cycles

110. (1) A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or tail lamp to be carried on a motor vehicle in accordance with this Act or of any Regulations made under it, not being an appliance which complies with the construction and use requirements applicable to the class of motor vehicles trailer or cycle for which the appliance is adapted, commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who sells or supplies, offers to sell or supply or exposes for sale or supply, a cycle in contravention of any prohibition imposed by Regulations made under this Act commits an offence, unless the person proves

(a) that it was sold, supplied or offered for export, or

(b) that the person had reasonable cause to believe that it would not be used on a road in Ghana, or would not be so used until it had been put into a condition in which it might lawfully be so used.

Regulations in respect of vehicle test, road use certificates and weighing of motor vehicles

111. The Minister may by legislative instrument make Regulations for

(a) the conditions to be complied with by motor vehicle examiners,

(b) the issue of copies of road use certificates and fees payable,

(c) the registers and particulars to be kept by vehicle examiners and the inspection of the registers,

(d) the keeping of records by authorized examiners and returns to be submitted to the Licensing Authority,

- (e) selecting or determining plated weights or other plated particulars for commercial vehicles of that class,
- (f) ascertaining whether any prescribed construction and use requirements are complied with in the case of commercial vehicles of that class,
- (g) requiring the plating certificate for commercial vehicles to specify any alteration to the motor vehicle or its equipment which is prescribed to be notified to the Licensing Authority,
- (h) authorizing the amendment of a plating certificate or the issue of a plating certificate on the re-examination of a commercial vehicle,
- (i) exempting the use of commercial vehicles for other purposes,
- (j) providing for the issue in respect of a motor vehicle in a prescribed circumstance, of a certificate temporarily exempting that motor vehicle for the period specified in the certificate,
- (k) the manner in which a motor vehicle or trailer is to be weighed or a weight is to be tested,
- (l) the carrying out by a suitably qualified person, of an inspection of a motor vehicle for the purpose of ascertaining whether the following requirements are complied with, namely
 - (i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to a motor vehicle, and
 - (ii) the requirement that the condition of the motor vehicle when used on a road would not involve a danger or injury to any person or property;
- (m) the making and authentication of records of the prescribed matters relating to any inspection, including records of the action taken to remedy any defects discovered on the inspection;
- (n) prescribing any matter or thing that requires to be prescribed under this Part; and
- (o) regulating the number, nature and use of brakes, including skid pans and locking-chains, in the case of motor vehicles drawn by horses or other animals, or any class of such motor vehicles, when used on roads.

PART VI—LICENSING OF DRIVERS OF COMMERCIAL VEHICLES

Licensing of drivers of commercial vehicles

112. (1) A person shall not drive a commercial vehicle unless that person obtains in respect of that vehicle the relevant licence issued by the Licensing Authority.

(2) A licence issued under this section shall be valid for the period specified in the licence and may be renewed upon application.

(3) A person who drives a commercial vehicle without a relevant licence under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Grant of licences; fitness as regards conduct

113. (1) The Licensing Authority shall not grant to an applicant a licence unless it is satisfied, having regard to the applicant's conduct, that the applicant is a fit and proper person to hold the licence.

(2) Where a question arises under subsection (1) relating to the fitness of an applicant for a licence, having regard to the applicant's conduct, the Licensing Authority may require the applicant to furnish the Licensing Authority with such information as it may require and may, by notice to the applicant, require the applicant to attend before an officer of the Licensing Authority at the time and place specified by the Licensing Authority to furnish the information and to answer questions put to the applicant by the officer in relation to the applicant's application.

(3) Where the applicant fails without reasonable excuse to furnish information or attend before or answer questions properly put by the officer when required to do so under subsection (2), the Licensing Authority shall refuse to grant the licence.

(4) Regulations shall prescribe what constitutes fitness for the purposes of this section.

Revocation or suspension of licences

114. (1) A licence issued under section 114(1) shall be revoked or suspended if the holder's conduct is such as to make the holder unfit to hold that licence.

(2) Where the licence is suspended under subsection (1) it shall during the time of suspension be of no effect.

Disqualification on revocation of licence

115. (1) Where the Licensing Authority revokes a person's commercial vehicle driver's licence, the Licensing Authority may

- (a) disqualify the holder indefinitely or for such period as the Licensing Authority thinks fit, or
- (b) except where the licence is a learner's licence, if it appears to the Licensing Authority that, owing to the conduct of the holder of the licence, it is expedient to require the holder to comply with the prescribed conditions applicable to learners' licences under this Act until the holder passes the prescribed test of competence to drive commercial vehicles of any class.

(2) If, while the holder of a commercial vehicle driver's licence is disqualified under subsection (1), the circumstances prescribed cease to exist in the case of the driver, the Licensing Authority shall on an application made by the driver for the purpose, remove the disqualification.

(3) Where the holder of a licence is disqualified under subsection (1)(b), the Licensing Authority shall not afterwards grant a licence to drive a commercial vehicle of any class unless it is satisfied that, that person has since the disqualification passed the prescribed test of competence to drive motor vehicles of that class, and until the person passes that test any licence obtained by the person is of no effect.

(4) Where the disqualification of the holder of a large cargo vehicle or passenger-carrying vehicle driver's licence continues in force, a commercial vehicle driver's licence shall not be granted to that person and any such licence obtained by that person is of no effect.

Revoked or suspended licences: surrender, return and endorsement

116. (1) Where the Licensing Authority revokes or suspends a licence, the Licensing Authority shall serve notice on the holder of the licence requiring the holder to deliver the licence immediately to the Licensing Authority, and the holder of the licence shall comply with the requirement.

(2) A holder of a licence who fails without reasonable excuse to comply with the request under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or imprisonment for a term not exceeding 12 months.

(3) On the delivery of the licence by the holder to the Licensing Authority under subsection (1), the Licensing Authority

- (a) shall in the case of a revoked licence, issue to the driver, on payment of the prescribed fee, a licence authorising the driving of the classes of motor vehicles which are unaffected by the revocation; or
- (b) shall in the case of a suspended licence, endorse the licence with particulars of the suspension and return the licence to the holder.

Appeal to court

117. (1) A person who, being the holder of, or an applicant for, a commercial vehicle driver's licence, is aggrieved by the Licensing Authority's

- (a) refusal or failure to grant such a licence,
- (b) suspension or revocation of such a licence, or
- (c) ordering of disqualification,

may appeal to a court of competent jurisdiction after giving to the Licensing Authority notice of an intention to do so.

(2) On an appeal under subsection (1), the court may make such order as it thinks fit taking into consideration public safety and the order shall be binding on the Licensing Authority.

PART VII—MISCELLANEOUS, OFFENCES AND GENERAL PROVISIONS

Spot fines

118. (1) A police officer of the rank of an Inspector or above may impose a spot fine on a person who commits an offence provided for in Regulations made under this Act where

- (a) the offence is committed in the presence of the police officer; and
- (b) the relevant fine for the offence is prescribed by Regulations made under this Act.

(2) Where a person pays a spot fine for the commission of an offence no prosecution shall be brought against that person in respect of the same offence.

(3) Where a person denies the commission of an offence or fails to pay the spot fine, the case shall be processed for court.

(4) The Minister may in writing authorise any other person, body or institution to impose and collect the spot fine provided for under this section, and any person, body or institution so authorised shall account for the fines in accordance with directives given by the Minister.

(5) Regulations may provide further for matters relating to spot fines.

Powers of police officers and other authorized persons

119. (1) A person driving a motor vehicle or riding a cycle on a road shall stop motor vehicle or cycle on being required to do so by a police officer or a person authorised by the Minister in writing.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Power of police officers and vehicle examiners to require production of driving licences

120. (1) A person

- (a) driving a motor vehicle on a road,
- (b) whom a police officer or vehicle examiner has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road,

- (c) whom a police officer or vehicle examiner has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road,
- (d) who supervises the holder of a learner's licence while the holder is driving a motor vehicle, or
- (e) whom a police officer or vehicle examiner has reasonable cause to believe was supervising the holder of a learner's licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the learner's licence in relation to the use of the vehicle on a road.

shall, on being so required by a police officer or vehicle examiner, produce that person's licence for examination, so as to enable the police officer or vehicle examiner to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it is issued.

(2) A person required by a police officer or a vehicle examiner to produce that person's licence shall in the prescribed circumstances, on being so required by the police officer state that person's date of birth.

(3) Where the Licensing Authority has revoked a licence and the holder of the licence fails to deliver it to the Licensing Authority, a police officer or a vehicle examiner shall require that person to produce the licence, and upon it being produced may seize it and deliver it to the Licensing Authority.

(4) Where a police officer or a vehicle examiner has reasonable cause to believe that the holder of a licence, or any other person, has knowingly made a false statement for the purpose of obtaining the grant or renewal of a licence, the police officer may require the holder of the licence to produce it.

(5) Where a police officer or a vehicle examiner to whom a learner's licence has been produced by a person driving a motor vehicle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for drivers of motor vehicles, the police officer shall require the holder to produce the prescribed certificate of completion of such a training course.

(6) Where a person is required under this section to produce a licence or a certificate or any other document relevant to driving a motor vehicle or motor cycle, the person shall produce it immediately or within twenty-four hours of being so required.

(7) Where a person required under this section to produce a licence or a certificate of completion of a training course for drivers of motor vehicles fails to do so that person commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Power of police officers to obtain names and addresses of drivers and others, and to require production of evidence of insurance and road use certificates

121. (1) A person

- (a) who drives a motor vehicle other than an invalid carriage on a road,
- (b) whom a police officer has reasonable cause to believe to have been the driver of a motor vehicle other than an invalid carriage at a time when an accident occurred owing to its presence on a road, or
- (c) whom a police officer has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle other than an invalid carriage on a road,

shall on being so required by a police officer, give that person's name and address and the name and address of the owner of the motor vehicle and produce the road use certificate, the certificate of insurance and any certificate issued in respect of the motor vehicle.

(2) A person who fails to comply with a requirement under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(3) A person

- (a) who supervises the holder of a learner's licence granted under this Act while the holder is driving a motor vehicle other than an invalid carriage on a road, or
- (b) whom a police officer or vehicle examiner has reasonable cause to believe was supervising the holder of such a licence while driving, at a time when an accident occurred owing to the presence of the motor vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the learner's licence in relation to the use of the motor vehicle on a road.

shall, on being so required by a police officer or vehicle examiner, give that person's name and address and the name and address of the owner of the motor vehicle.

(4) A person who fails to comply with a requirement under subsection (3), commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(5) In this section "owner" in relation to a motor vehicle which is the subject of an agreement for hire, hire purchase or loan, includes each party to the agreement.

Power to arrest for dangerous or careless driving or cycling

122. (1) A police officer may arrest without warrant the driver of a motor vehicle or the rider of a cycle who within the police officer's view commits an offence under this Act.

(2) Notwithstanding any law to the contrary, a person other than a police officer may without warrant arrest any driver who in the presence of that person's drives a commercial vehicle

- (a) recklessly or dangerously;
- (b) carelessly; or
- (c) while under the influence of alcohol or drug

contrary to this Act.

(3) Any person who, when arrested under this section,

- (c) refuses to give that person's name or address or such other information;
- (d) gives false name or address or false information

when the information is demanded by the person effecting the arrest, commits an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or imprisonment for a term not exceeding 2 months or both.

(2) A person arrested under subsection (2) shall be taken to the nearest police station for interrogation and may be charged by the police with the appropriate offence.

Failure to give particulars

123. The driver of a motor vehicle or the rider of a cycle who is alleged to have committed an offence under this Act who refuses, on being required by an authorized person to give that person's name or address, or gives a false name or address, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Duty of a driver to stop, report accident and give information or documents

124. (1) This section applies in a case where, owing to the presence of a motor vehicle on a road, an accident occurs by which

- (a) personal injury is caused to a person other than the driver of that motor vehicle, or
- (b) damage is caused

- (i) to a motor vehicle other than that motor vehicle or a trailer drawn by that motor vehicle, or
- (ii) to domestic animal other than a bird and an animal in the game reserve in or on that motor vehicle or a trailer drawn by that vehicle, or
- (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent to such land.

(2) Where an accident occurs as under subsection (1), the driver of the motor vehicle shall

- (a) stop and, if required to do so by any person who has reasonable grounds for so requiring, give the driver's name and address and also the name and address of the owner of the motor vehicle and the identification marks of the motor vehicle.
- (b) where a person to whom injury has been caused so requests, or if the person is unconscious or if the injury caused to that person appears to endanger life, attend to the injured person, to procure for the person's medical attention and to procure, where necessary, the person's removal to a hospital.
- (c) in every case report the accident to a police station as soon as reasonably practicable, and in any case where the accident occurred in a municipal area so report within twenty-four hours of the occurrence of the accident, or in any other case so report within twenty-four to forty-eight hours of the accident.

(3) Where the driver fails to give the driver's name and address under subsection (2) the driver of the motor vehicle shall report the accident to the nearest police station.

(4) A person who fails to comply with subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(5) A person who fails to comply with a duty under this section commits an offence, but shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within seven days of the occurrence of the accident, the certificate or other evidence is produced at a police station that was specified by the person at the time when the accident was reported.

Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance

125. (1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of this Act on any occasion when the driver was required to produce a certificate of insurance, or other evidence, the owner of the vehicle shall give such information as the owner may be required, by or on behalf of a senior police officer, to give.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

False statements and withholding material information

- 126.** (1) A person who makes a false statement for the purpose of
- (a) obtaining the grant or renewal of a licence under this Act to the Licensing Authority or police officer, or to any other person so authorised,
 - (b) preventing the grant or renewal of any such licence,
 - (c) procuring the imposition of a condition or limitation in relation to any such licence, or
 - (d) securing the entry or retention of the name of a person in the register of approved instructors maintained under this Act,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

A person who in supplying information or producing documents for the purposes of this Act or of Regulations made under this Act:

- (a) makes a statement which the person knows to be false in a material particular, or
- (b) produces, provides, sends or otherwise makes use of a document which the person knows to be false in a material particular or provides, sends or otherwise makes use of a document which is false in a material particular,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Issue or tender of false documents

- 127.** A person who issues or tenders a
- (a) certificate of insurance,
 - (b) road use certificate,
 - (c) plating certificate,
 - (d) a certificate of temporary exemption under Regulations made under this Act, or
 - (e) a notice removing a prohibition under this Act,

which is false, commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Power to seize articles in respect of which offences may have been committed

128. (1) Where a police officer or vehicle examiner has reasonable cause to believe that a document produced to the police officer is a document in relation to which an offence has been committed under this Act, the police officer may seize the document.

(2) Where a document is seized under subsection (1) the person from

whom it was taken shall, unless

(a) the document has been previously returned to the person, or

(b) the person has been previously charged with an offence under this Act be summoned before a court to account for the person's possession of the document.

(3) A person who obtains unlawful possession of a document seized under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

Impersonation of persons employed by the Licensing Authority

129. A person who falsely represents himself to be an employee of the Licensing Authority commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

Taking motor vehicle or cycle without authority

130. (1) A person who,

(a) takes and drives away a motor vehicle without the consent of the owner of the vehicle or other lawful authority, or

(b) knowing that a motor vehicle has been taken without the owner's consent, drives it or allows himself or herself to be carried in it without such consent or authority, or

(c) without the consent of the owner or other lawful authority enters any motor vehicle or tampers with the motor vehicle or any part of it,

commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both.

(2) A person who, without the consent of the owner or other lawful authority, takes a pedal cycle for that person's own or another person's use commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or to a term of imprisonment not exceeding 6 months or to both.

(3) A police officer may arrest without warrant a person committing, attempting to commit or reasonably suspected of having committed, an offence under this section.

Forgery of licence

131. A person who,

(a) without authority prints, manufactures or procures any licence or identification mark or any document in relation to a licence or identification mark or facilitates the production of any such licence, identification mark or document;

(b) forges or defaces, alters, mutilates or adds anything to any licence or identification mark;

- (c) exhibits or uses a licence which has been forged, defaced, altered, mutilated or added to;
- (d) lends or allows to be used by a person other than the owner, a licence or identification mark;
- (e) uses on one vehicle a licence or identification mark pertaining to another vehicle; or
- (f) uses a driving licence which belongs to another person or exhibits or uses a licence or uses any colourable imitation of a licence,

commits an offence and is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years or to both.

General penalties

132. A person who commits an offence under this Act for which a penalty has not been prescribed is liable on summary conviction to a fine not less than 50 penalty units and not exceeding 250 penalty units or to a term of imprisonment not exceeding 12 months or to both and for a second or subsequent offence to a further fine not less than 100 penalty units and not exceeding 500 penalty units or to a term of imprisonment not less than 6 months and not exceeding 12 months or to both.

General Regulations

133. The Minister may by legislative instrument make Regulations for the effective implementation of this Act and in particular for

- (a) providing for the procedure, the particulars to be given and the fees to be charged for applications for the authorizations of motoring events;
- (b) regulating the registration and licensing of motor vehicles, driving schools and driving instructors;
- (c) prescribing a maximum speed for motor vehicles of any class or description and to provide for exemptions in special cases;
- (d) prescribing installation of speed limiters on some motor vehicles;
- (e) imposing charges for the removal of a motor vehicle from a road and for the detention of the motor vehicle;
- (f) prescribing the procedures relating to the weighing of motor vehicles and the type of weighing machines to be used;
- (g) prescribing the nature of, and the procedure for, inspection of motor vehicles;
- (h) prescribing the specifications and installation for seat belts;
- (i) prescribing the size, colour and type of traffic signs to be placed on or near roads;
- (j) providing for verification of net weight and the axle weights of a motor vehicle in respect of which an application for registration is made;

- (k) prescribing the width, height and the length of motor vehicles, trailers and load carried by them, the diameter of the wheels and the width, nature and conditions of the tyres of motor vehicles, trailers and cycles;
- (l) prescribing the lights and reflectors to be carried on motor vehicles and cycles of any particular class or description when the vehicles are being used on roads and prescribing the nature of the lights and reflectors, the position in which, and the colour of the background on which they shall be fixed and the period during which any lights so carried shall be lit;
- (m) requiring persons who should use or wear protective helmets, the specifications of motor cycles, prescribing the helmets with reference to shape, construction, labelling, marking of any quality, and prohibiting the sale or offer for sale or supply of such helmets;
- (n) prohibiting the use on roads or on any particular class of roads of any wheels, tracks or tyres of any kind likely to cause damage to the roads;
- (o) restricting and regulating the persons engaged in the erection, placing, removal, alteration or repair of lights, overhead cables and road or street works;
- (p) prescribing the manner in which appeals may be made by any person and the procedures for the appeal;
- (q) prescribing the form to be used in an appeal, under the provisions of this Act against the refusal to grant or renewal, or the revocation, suspension, cancellation or withdrawal of a licence to drive;
- (r) prescribing precautions to be taken in the interest of the safety, security and convenience of the public traveling in motor vehicles or otherwise using roads, and providing for the periodic inspection of motor vehicles;
- (s) providing for payment of spot fines and offences for which spot fines are payable;
- (t) regulating the issue and use of special trade licences;
- (u) prescribing of the issue and particulars of driving licences;
- (v) regulating the use of mobile phones while driving a motor vehicle or riding a motor cycle or bicycle on a road;
- (w) regulating the use of wheel carts on the road;
- (x) prescribing fees payable for road use certificates;
- (y) prescribing for medical examination for holding of driving licence;
- (z) removal of broken-down, disabled or abandoned vehicles; and
- (aa) prescribing anything or matter that needs to be prescribed for the purposes of this Act.

(2) For purposes of this section 'wheel carts' means non-motorised method of carrying goods or persons.

General interpretation

136. In this Act unless the context otherwise requires,

“animal”

“carriage of goods” includes the haulage of goods;

“commercial vehicle” includes a taxi, omnibus, passenger lorry or cargo lorry;

“cycle” means a bicycle, motor cycle, tricycle, or a cycle having four or more wheels not being in any case a motor vehicle;

“cycle track” means track over which the public has a right of way in respect of cycles only;

“dealer” includes a person who stocks motor vehicles for sale, a person who carries on business as a tester of motor vehicles, and a person who exposes for sale a motor vehicle;

“disease” includes any disability;

“footpath” means a way over which the public has a right of way on foot or pedestrian walkway;

“invalid carriage” means a motor vehicle the weight of which unladen does not exceed 254 kilograms which is specially designed and constructed, and adapted for the use solely of a person with a physical disability;

“Licensing Authority” means the Driver and Vehicle Licensing Authority;

“Minister” means the Minister responsible for Roads and Transport;

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“Ordinance” means the Road Traffic Ordinance, 1952 (No. 55);

“owner” means in relation to a motor vehicle the person by whom the motor vehicle is kept and used and in the case of a motor vehicle which is the subject of an agreement for hire, hire purchase or loan, the person in possession of the motor vehicle under that agreement;

“plated particulars” means the particulars that are required to be marked on a cargo vehicle in pursuance of Regulations under this Act;

“public service vehicles” include fire tenders and bullion vehicles;

“road” includes a street, highway and any other road or public place to which the public has access by vehicle or cycle and the bridges over which a road passes;

“spot fine” means a fine payable at the place where the offence was committed;

“trailer” means a vehicle drawn by a motor vehicle; and

“vehicle” includes a motor vehicle, a motor cycle and a bicycle.

“weights” means the weights that are required to be marked on motor vehicles.

Repeals and savings

135. (1) The following enactments are by this section repealed

Road Traffic Ordinance, 1952 (No. 55);

Road Traffic (Amendment) Ordinance, 1957 (No. 18);

Road Traffic Act, 1959 (No. 21);

Road Traffic (Amendment) Act, 1971 (Act 381);

Road Traffic Offences (Powers of Arrest) Law, 1992 (P.N.D.C.L. 304);

Road Traffic (Amendment) Act, 1998 (Act 553);

Road (Vehicle Use) Fee Act, 1998 (Act 556); and

Road Traffic (Amendment) Law 1983 (P.N.D.C.L. 43).

(2) Notwithstanding the repeal of the Road (Vehicle Use) Fee Act, 1998 (Act 556), the Schedule to the Act remains in force until otherwise provided for by Regulations made under this Act.

(3) The repeal of the enactments specified under subsection (1) shall not affect the validity of any notice, direction, licence, permit or certificate issued or granted under those enactments and any such notice, direction, licence, permit or certificate shall have effect as if granted under the corresponding provision of this Act.

(4) Any Regulations or other instruments made under the repealed enactments and in force immediately before the coming into force of this Act shall continue to have effect as if made under the corresponding provisions of this Act.

(5) Nothing in those Acts shall affect the enactments so repealed in their operation to offences committed or proceedings commenced before the repeal.

DR. RICHARD W. ANANE, M.P.
Minister for Roads and Transport

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