

[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

27th December, 1995.

ANTIGUA AND BARBUDA

No. 15 of 1995.

An Act to amend the Vehicles and Road Traffic Act (Cap. 460).

[11th January, 1996]

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. This Act may be cited as the Vehicles **and** Road Traffic (Amendment) Act, 1995. Short title.

2. Section 15 of the Vehicles **and** Road Traffic Act (Cap 460), in this Act referred to as the principal Act is amended as follows — Amendment of Section 15.

- (a) in subsection (1), by deleting the words "one thousand" and substituting therefor the words "five thousand";
- (b) by repealing subsection (5) **and** substituting the following—

"(5) Upon any conviction for an offence under paragraph (a) of subsection (1) the Magistrate in addition to any other penalty which may be imposed unless such licence

duty has been paid subsequent to the commission of the offence, shall order the owner of the vehicle or trailer to pay into court to the credit of the Accountant General, two times the value of the amount of the relevant licence duty which would have been payable if such licence has been taken out at the proper time.

(6) Any owner who fails to pay the amount ordered under subsection (5) is liable to a term of imprisonment for three months."

Amendment of
Section 23.

3. Section 23 of the principal Act is repealed and replaced by the following—

"(1) Subject to subsection (3) every licence under section 15 shall remain valid for a period of twelve months or such shorter period as the Commissioner of Inland Revenue may determine.

(2) The owner of any vehicle or trailer shall, at least fourteen days before the expiration of the licence, apply to the Commissioner of Inland Revenue for the renewal of the licence.

(3) The Commissioner of Inland Revenue shall not renew a motor vehicle or trailer licence **unless**—

- (a) he is satisfied that the vehicle or trailer does not differ in any respect from particulars in the Register of Motor Vehicles;
- (b) the motor vehicle or trailer has been examined by the Examining Officer for road worthiness and a certificate of fitness in respect thereof is produced;
- (c) there is in force in respect of such vehicle or trailer a policy of **insur-**

ance or such security as complies with the requirement of the Motor Vehicle Insurance (Third Party Risks) Act (Cap 288);

- (d) he is satisfied that the provisions of this Act and any regulations made thereunder have been complied with.

4. Section 30 of the principal Act is amended in subsection (1) as follows— Amendment of
Section 30.

- (a) by deleting the words "one year" appearing in the proviso and substituting the words "two years"; and
- (b) by deleting the words "one thousand" appearing in the proviso and substituting the words "five thousand".

5. Section 31 of the principal Act is amended as follows— Amendment of
Section 31.

- (a) by deleting the words "class or classes" appearing in paragraphs (b) and (c) and substituting the words "type or types"; and
- (b) by renumbering section 31 as subsection (1);
- (c) by inserting the following new subsections

"(2) For the purpose of this section, the following are the classes of drivers' licences and the types of motor vehicles referred to in subsection (1)—

Class of Licence	Types of Motor Vehicle
Motor cycle driver's licence.	Motor cycle
Private driver's licence	Private motor car, Rental vehicles, Pickups, trucks and vans not exceeding 11,201 lbs.

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Chauffeur's
licence.

Omnibus,
Tractor,
Earth moving
vehicle,
Taxi.

(3) The Traffic Commissioner may by Order add to the list of types of motor vehicles specified in subsection (2)."

Amendment of
Section 32.

6. Section 32 of the principal Act is repealed and replaced by the following—

"32. Driver's licences shall be in such form as may be prescribed and ~~shall—~~

- (a) have affixed or imprinted thereto the photograph and signature or the facsimile of the photograph and the signature of the holder thereof;
- (b) indicate the class of licence and the type of motor vehicle the holder is licensed to drive
- (c) indicate any restrictions imposed on a holder who is partially disabled or suffers from some form of physical defect.

Amendment of
Section 38.

7. Section 38 of the principal Act is repealed and replaced by the following—

"38. A driver's licence is, unless previously suspended, cancelled or revoked, valid for one year from the date of birth of the holder and may be renewed for a further period of one year or a period of three years at the request of holder."

Amendment of
Section 39.

8. Section 39 of the principal Act is repealed and replaced by the following—

"39. (1) The holder of a driver's licence issued under this Act may, at least fourteen days before the expiration of the licence, apply to the licensing officer for the renewal of the licence.

(2) The Commissioner of Inland Revenue shall, subject to section 36 and on payment of the prescribed fees, renew the licence.

(3) Every licence that expires and is not renewed within three months of the date of its expiration shall be cancelled.

9. Section 41 of the principal Act is repealed and replaced by the following—

Amendment of
Section 41.

"(1) Any person who drives a motor vehicle on any road shall have either on his person or in such motor vehicle his driver's licence.

(2) Any person who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars.

(3) The driver of a motor vehicle shall, on being so required by any police officer, produce his driver's licence for examination so as to enable the police officer to ascertain the name and the address of the holder of the licence and the date of issue of the licence.

(4) Any person who fails to comply with subsection (3) is guilty of an offence and is liable on summary conviction to a fine of two thousand dollars.

(5) No person shall be charged under subsection (2) or (3) if the person produces the licence in person within forty-eight hours at a police station to which he is directed at the time production was required."

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Amendment of
Section 66.

10. Section 66 of the principal Act is amended as follows—

(a) by renumbering section 66 as subsection (1); and

(b) by inserting after subsection (1) the following—

(2) Any police officer or constable shall remove and impound any vehicle found on the road in respect of which there is not in force a policy of insurance or such security as complies with the requirements of the Motor Vehicles Insurance (Third Party Risks) Act (Cap 288).

(3) Any vehicle impounded under this section shall be kept in the custody of the Traffic Commissioner until such time as the owner of the vehicle—

(a) produces to the satisfaction of the Traffic Commissioner, a policy of insurance or such security as complies with the requirement of the Motor Vehicles Insurance (Third Party Risks) Act (Cap 288); and

(b) pays to the Traffic Commissioner the cost of the removal and the prescribed charges for impounding the vehicle.

(4) The Traffic Commissioner may, three months after—

(a) impounding any vehicle under this Act; or

(b) the final determination of any criminal matter in relation to any motor vehicle so impounded,

dispose of the vehicle by public auction or in any other manner as the Traffic Commissioner thinks fit if the vehicle is not removed by the

owner from the custody of the Traffic Commissioner within the period prescribed in this subsection.

(5) Before disposing of any vehicle under this section the Traffic Commissioner shall publish two times in the Official Gazette and one of the newspapers circulating in Antigua and Barbuda a notice specifying the owner and number of the vehicle and indicating the date on which the auction will take place.

(6) The proceeds of the sale of any vehicle under this Act, shall first be utilized to pay —

- (a) ~~the~~ cost of the publication and sale;
- (b) the cost of removal and storage in the pound; and
- (c) the remainder to be paid to the owner of the vehicle.

(7) Neither the Traffic Commissioner, a police officer, nor any person authorized by him in writing to remove and impound or immobilize any vehicle which has been used to contravene the provisions of this Act or any other Act or Regulations made under any other enactment shall be liable for any damage to, or loss of any part of or article in the vehicle so immobilized or removed and impounded.

11. Section 78 of the principal Act is amended in subsection 2 by deleting the words "five hundred dollars" and substituting the words "five thousand dollars or to a term of imprisonment for twelve months".

Amendment of
Section 78.

12. Section 85 of the principal Act is amended as follows—

Amendment of
Section 85.

- (a) in subsection (1) (b), by deleting the words "at any time after the licence expires" appearing therein and substituting the following—

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"twenty-eight days after the removal by the Traffic Commissioner;"

(*hi* in subsection (3), by deleting the words "three months" and substituting the words "twenty-eight days" and by deleting the words "from the date of removal" and inserting the words "from the date of payment of the charges in respect of the removal and storage".

Amendment of
Section 87.

13. Section 87 of the principal Act is amended in subsection (3) by deleting the words "five hundred dollars" and substituting the words "five thousand dollars" and by deleting "six months" and substituting the words "twelve months".

Amendment of
Section 90.

14. Section 90 of the principal Act is amended by deleting the words "not exceeding fifteen hundred dollars" and substituting the words "five thousand dollars" and by deleting the words "six months" and substituting the words "twelve months".

Passed the House of Representatives this
14th day of November, 1995.

Passed the Senate this 27th day
of November, 1995.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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