

Act No. 20 of 1946**CARTS AND DRAYS****An Act to provide for the licensing and registering of carts and drays, and for other matters connected therewith.***[Commencement 6th August, 1946]*

20 *cf* 1946
 43 *cf* 1964
 15 *cf* 1968
 5 *cf* 1987
 E L A O , 1974

Short title.

1. This Act may be cited as the Carts and Drays Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

15 *cf* 1968, s 2

“board” means three persons to be appointed by the Governor-General from time to time by notice in the Gazette as a licensing committee;

“cart” means any vehicle of two or more wheels drawn by animal power, used or intended to be used for the conveyance of goods in New Providence;

43 *cf* 1964, Third
 Schd

“Controller” has the same meaning as is given to that word under section 2(1) of the Road Traffic Act;

Ch. 220.

“draught animal” includes any horse, mare, gelding, colt, filly, pony, ass, mule or ox used for draught purposes;

“dray” means any vehicle of two or more wheels drawn by animal power, used or intended to be used for the conveyance of goods for hire in New Providence;

“licensed driver” means a driver licensed and registered under this Act.

Carts and drays
 to be licensed
 and registered.

3. Every cart or dray shall be licensed and registered under this Act.

Who deemed
 owner.

4. For the purpose of this Act the person in whose name a cart or dray is registered shall be deemed the owner thereof:

Provided that where there shall be more than one owner it shall be sufficient in any proceedings under this Act to name one of such owners without reference to any other of them, and to describe and proceed against him as if he were sole owner.

5. Every cart or dray before being licensed shall be submitted for an inspection of the board, and the board shall decide whether such cart or dray is fit and proper to be licensed. Inspection of carts and drays.
6. Every cart or dray approved of by the board shall be allotted a number by the board, and the number so allotted together with the name of the owner shall be painted in plain and legible numbers and letters not less than two inches in height at the expense of the person submitting such cart or dray for inspection on both shafts thereof to the satisfaction of the board, and in the case of a dray, shall have painted thereon in addition the words “for hire”. Carts and drays to be numbered.
7. The board may require the production before it of the draught animal and harness to be used with any cart or dray submitted for inspection and if satisfied that any such draught animal or harness is unfit for use, may refuse to license such cart or dray. Production of draught animal and harness to be used with cart or dray.
8. The owner of a cart or dray approved of by the board and duly numbered and marked as aforesaid shall be granted a licence by the board, and such licence shall bear the allotted number, and on presentation of such licence to the Controller, and upon payment to him of the sum of twenty cents, the cart or dray referred to in such licence shall be registered by the Controller in the cart register or dray register as the case may be, and such registration shall remain in force until the end of the calendar quarter in which such cart or dray is registered, unless such licence is previously cancelled under this Act. Licensing and registering carts and drays.
*43 cf 1964, Third Sch ;
5 cf 1987, s 2*
9. All carts or drays, together with the draught animals and harness used therewith shall be submitted for the inspection of the board, or of any person nominated by the board, whenever and wherever on reasonable notice, required by the board. The board may cancel any cart or dray licence if the board on such inspection is satisfied that it is in the interest of the public that such licence should be cancelled, or whenever the owner of a cart or dray or the driver thereof commits an offence against this Act or a breach of any rule; and upon such cancellation the registration shall be cancelled by the Controller on receipt of a notice from the board, and the Inspection and cancellation of cart or dray licence.

cart or dray in respect of which such licence is cancelled shall cease to be a licensed and registered cart or dray as the case may be from the date of the cancellation of the licence.

Fares for drays.
Schedule.

10. The fares only set out in the Schedule may be demanded by the owner or driver of a dray:

Provided that nothing in this Act contained shall be deemed to release an owner or driver of a dray from any agreement made by him to receive payment at a lower rate.

Who may drive a
cart or dray.

11. No person shall drive a cart or dray unless he is licensed and registered under this Act.

Drivers' licences.

12. All drivers' licences shall be issued by the board, and shall be issued on application to such persons as the board may be examination find competent.

Registration of
drivers.

5 cf 1987 s 2

13. A driver producing his licence to the Controller and paying him the sum of twenty cents shall be registered as a licensed driver until the end of the calendar quarter in which such driver is registered, unless such licence be previously cancelled under this Act. Every driver's licence shall bear a number, and every such number shall appear also on a badge to be supplied by the Controller to a driver on registration as a licensed driver.

Driver's badge.

14. Every licensed driver shall wear his badge in such manner as may be directed by any rule in force at all times while acting as a licensed driver, or while attending before the board or a magistrate.

Board may
cancel driver's
licence, and
order destruction
of animal.

15. (1) he board may cancel any driver's licence whenever in the opinion of the board a licensed driver has ceased to be a fit and proper person to hold a licence, or has become incompetent or illtreats his draught animal, or is a drunkard, or whenever he commits an offence against this Act.

(2) The board may order to be mercifully killed any draught animal which in the opinion of the board is suffering from pain due to old age or serious injury or illness or is in a generally deplorable and unfit condition.

(3) The board shall give seven days' notice in writing to the owner of any draught animal of the order directing such draught animal to be mercifully killed.

(4) The owner of any draught animal in respect of which an order has been made under subsection (2) of this section, who shall be dissatisfied with such order, shall have a right of appeal to a stipendiary and circuit magistrate. The stipendiary and circuit magistrate may in his discretion vary or reverse such order. The decision of the stipendiary and circuit magistrate shall be final.

16. Upon the expiration or cancellation of any cart, dray, or driver's licence, the owner of the cart or dray, or the driver, as the case may be, shall forthwith deliver to the Controller such licence, and the driver shall also deliver up to the Controller his badge.

Cancelled licence to be delivered to the Controller.

17. A public stand for drays shall be provided and set apart by the Minister of Works and it shall be the duty of the drivers of all drays to keep clean their particular stand once a week, or oftener if required by the board so to do.

Minister to provide stands for drays.

18. Every licensed driver of a dray shall, unless he has a reasonable excuse, to be allowed by the magistrate before whom the matter shall be brought in question, drive his dray to any place, within a radius of five miles from Rawson Square, to which he shall be required by the hirer thereof to drive.

Licensed drivers of drays to drive to any place within five miles of Rawson Square when required to do so.

19. Every licensed driver of a dray shall carry in and by his dray the amount of goods which the dray is licensed to carry, or any less amount as may be required by the hirer thereof.

Amount of goods to be carried by dray.

20. (1) (a) Every person being the owner of a cart or dray required by this Act to be licensed and registered, who shall omit to have such cart or dray so licensed and registered, and any person being the owner of a cart or dray, the licence for which and the registration whereof has been cancelled or has expired, who shall use the same, or in the case of a dray let the same to hire shall be liable to a penalty of twenty dollars; and any member of the board or a peace officer may seize and remove to a police station or pound any such cart or dray as aforesaid, together with the draught animal drawing the same:

Use of unregistered carts or drays.

5 cf 1987, s 2

Provided that in the case of a dray, such dray be not employed at the time of seizing in the conveyance of any goods.

(b) If such cart or dray so seized be not claimed, and if any penalty imposed be not paid within ten days, such cart or dray together with the draught animal and harness seized with it, may be sold by auction, and the proceeds applied to the payment of the penalty and of all costs and charges incurred on account of the detention and sale, and the surplus (if any) if not claimed by the owner within a further period of sixty days, shall be forfeited.

Penalty for using a cart, or dray without a number.

5 cf 1987, s 2

(2) Every person being the owner of a cart or dray who shall allow such cart or dray to be used or let to hire not having the number allotted to it marked in the manner prescribed by this Act or any rule shall be liable to a penalty of eight dollars.

Penalty for failure to remove number.

5 cf 1987, s 2

(3) Every person being the owner of a cart or dray who on the expiration or cancellation of any licence issued under this Act shall omit, for three days, to remove the allotted number from such cart or dray, or shall omit to deliver his licence or who being a driver shall omit to deliver his licence and badge to the Controller as required by section 16 of this Act shall be liable to a penalty of twenty dollars.

Penalty for fraudulent use of a badge.

5 cf 1987, s 2

(4) Every person who shall, for the purposes of deception, use or have any badge resembling or intended to resemble any badge issued under this Act and any person to whom a badge has been issued under this Act who shall transfer or attempt to transfer the same to any other person shall be liable to a penalty of forty dollars.

Penalty for driving a cart or dray without having a licence.

5 cf 1987, s 2

(5) Every person who drives a cart or dray without being duly licensed, or who shall knowingly suffer any person not so licensed to act as such driver shall for every such offence be liable to a penalty of twenty dollars.

Penalty for furious driving, etc.

(6) Every licensed driver who shall be guilty of wanton or furious driving, or who, by carelessness or wilful misbehaviour, shall cause any hurt or damage to any person or property or who, during his employment shall be drunk, or shall make use of any insulting or abusive language, or shall be guilty of any insulting gesture or any misbehaviour, or shall illtreat any draught animal drawing any cart or dray shall for every such offence be liable to a penalty of eight dollars; or the magistrate may, instead of inflicting such penalty, forthwith sentence the offender to two month's imprisonment; and in every case where any such hurt or damage shall have been caused, the

magistrate, upon the hearing of the complaint, may adjudge, as and for compensation to the party aggrieved as aforesaid, a sum not exceeding twenty dollars, and may order the owner of the cart or dray the driver of which shall have caused such hurt or damage, forthwith to pay such sum and also such costs as shall have been incurred; and payment thereof shall be recoverable from such owner as a fine; and any sum which shall be paid by the owner shall in like manner be recovered before a magistrate from the driver through whose default such sum shall have been paid, upon proof of the payment thereof, or the magistrate may in the first instance adjudge the amount of such compensation to be paid by such driver to the party aggrieved, and the amount shall be recoverable as a fine.

- (7) Every licensed driver who —
- (a) while acting as driver or attending before any magistrate, appears not decently dressed, or omits to wear exposed to view his badge; or
 - (b) suffers his cart or dray to stand across any street, or alongside any other vehicle; or
 - (c) refuses to give way (when he reasonably and conveniently may do so) to any other vehicle; or
 - (d) wilfully obstructs or hinders the driver of any other vehicle in taking up or setting down any person or goods into or from such other vehicle; or
 - (e) being the driver of a dray, wrongfully prevents or endeavours to prevent the driver of any other dray from being hired; or
 - (f) leaves his cart or dray without some proper person to take care of it in any street or at any place of public resort or entertainment; or
 - (g) being the driver of a dray, demands more than the legal fare; or
 - (h) being the driver of a dray, refuses to admit and carry in his dray the amount of goods for which such dray is licensed; or
 - (i) being the driver of a dray, carries more than the proper amount of goods; or
 - (j) does not drive his cart or dray at a reasonable and proper speed; or
 - (k) being the driver of a dray, plies for hire with any dray or draught animal or harness which shall be at the time unfit for use; or

Miscellaneous
offences

- (l) being the driver of a dray, refuses or omits to drive his dray to any place within the limits laid down in section 18 of this Act to which he may be required to drive by the hirer; or
- (m) wilfully obscures the number of his cart or dray; or
- (n) being the driver of a dray, keeps his dray waiting for hire in any place other than a public stand, or fails to keep his particular stand clean,

5 *cf* 1987, s 2

shall be guilty of an offence and shall be liable to a penalty of eight dollars.

Penalty for refusing to pay fare

5 *cf* 1987, s 2

21. Subject to the provisions of section 22 of this Act if any person hires a dray and refuses to pay on demand, on the completion of the course, to the owner or driver thereof the legal fare, he shall be liable, in addition to the payment of the fare, to a penalty of four dollars which fine or any part thereof the magistrate may adjudge to be paid to the owner of such dray as compensation for any loss of time he may have suffered.

Disputed fares

22. In case of any dispute between the hirer and driver or owner of a dray, the hirer may require the driver to drive to the nearest police station where the case shall be entered, together with the substance of the dispute, and if the dispute shall be as the proper fare the hirer shall lodge the amount demanded of him with the officer in charge of the station, who shall pay the same over to the Commissioner of Police, to be by him retained until the matter in dispute shall be decided by a magistrate:

Provided that, if any magistrate be sitting, the hirer may require the driver to drive to the court of such magistrate, who shall hear and determine the dispute forthwith, or as soon as conveniently possible.

Extracts from cart register, dray register or drivers' register to be received as evidence

23. Any extract from the cart register, dray register, or drivers' register, certified by the Controller to be a true extract, shall be received in evidence in all courts, and upon all occasions whatsoever, and shall be deemed *prima facie* proof of the things therein registered, without requiring the production of the said registers or of any licence or other document upon which any such entry may be found, and every person applying to the Controller shall be furnished with a certified extract of such particulars free of charge.

24. (1) All proceedings under this Act shall be taken summarily. Procedure.

(2) When a complaint is made before a magistrate against the driver of a cart or dray for any offence committed by him against the provisions of this Act or any rule, such magistrate may forthwith summon the owner of the cart or dray personally to appear and to produce the driver of such cart or dray to answer the complaint. If such owner, being duly summoned, shall without a reasonable excuse, to be allowed by the magistrate before whom the matter shall be brought in question, neglect or refuse personally to appear or to produce the driver according to such summons he shall be liable to a penalty of eight dollars, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him: *5 cf 1987, s 2*

Provided that if such owner shall, without reasonable excuse, to be allowed by the magistrate, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him to do so, the magistrate may proceed to hear and determine the complaint in the absence of the owner and driver or either of them.

25. In every case in which any complaint of any offence under this Act shall be laid or made before any magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the magistrate by whom the case shall be heard that there was not sufficient ground for making the complaint, the magistrate shall have power to award such amends not exceeding eight dollars, to be paid by the complainant to the person complained against, or to the owner of a cart or dray, or to both, for their loss of time and expenses in the matter, as to the magistrate shall seem meet, and such amends may be recovered as a fine. Amends. *5 cf 1987, s 2*

26. All carts and drays and the persons engaged in driving them shall be subject to the rules with respect to vehicles (other than bicycles) made under the Penal Code, as if they had been specifically mentioned so far as the same are not inconsistent with the provisions of this Act. Carts and drays and their drivers subject to the rules made under the Penal Code. Ch. 84.

27. The Minister responsible for Road Traffic may make rules for carrying out the objects of this Act. Rules. Ch. 224. *43 cf 1964, Thrd Sch; E L A O, 1974*

Expenses

28. The expenses of and incidental to the carrying out and administration of this Act shall be paid out of the Consolidated Fund by warrant in the usual manner, and all fees payable under this Act shall be paid into the Consolidated Fund in aid of the general revenue.

SCHEDULE (Section 10)

FARES FOR DRAYS

5 cf 1987, s 2

For the carriage of every load of one thousand pounds avoirdupois the several distances following, that is to say: Not exceeding a half mile, twenty-five cents; exceeding a half mile but not exceeding one mile, thirty-five cents; exceeding one mile but not exceeding two miles, sixty-five cents; and for every mile exceeding two miles twenty-five cents additional; and for the carriage of any articles not making a full load, a deduction of one-third of the above charge shall be made.