
CHAPTER 220**ROAD TRAFFIC**

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CHAPTER 220

ROAD TRAFFIC

An Act to declare, amend and codify the law relating to motor vehicles, and to provide for the regulation of traffic on roads and of motor vehicles; to provide for the establishment of a Road Traffic Authority; to provide for the protection of third parties against risks arising out of the use of motor vehicles; to amend the law with respect to the licensing of motor vehicles plying for hire or reward, and to provide for the regulation of public transport services; and to make provision for matters connected with the matters aforesaid.

[Assent 18th September, 1958]
[Commencement¹]

57 *cf* 1958
31 *cf* 1959
54 *cf* 1959
55 *cf* 1962
54 *cf* 1963
10 *cf* 1933
11 *cf* 1939
43 *cf* 1964
46 *cf* 1965
35 *cf* 1967
35 *cf* 1968
18 *cf* 1969
28 *cf* 1971
27 *cf* 1972
24 *cf* 1973
9 *cf* 1974
E L A O, 1974
5 *cf* 1975
23 *cf* 1975
12 *cf* 1982
5 *cf* 1982
26 *cf* 1988
35 *cf* 1989
16 *cf* 1990
23 *cf* 1992
1 *cf* 1994
25 *cf* 1995
14 *cf* 2002
9 *cf* 2003
19 *cf* 2004

PART I

PRELIMINARY

1. This Act may be cited as the Road Traffic Act. Short title.
2. (1) In this Act, unless the context otherwise requires — Interpretation.
 - “Assistant Controller” means any Assistant Controller of Road Traffic appointed under this Act;
 - “Authority” means the Road Traffic Authority appointed under this Act;
 - “Controller” means the Controller of Road Traffic appointed under this Act, and any interim Controller so appointed, and includes any Assistant Controller so appointed who is authorised by the Controller or by the interim Controller to act on his behalf;

¹ Commencement for New Providence and Out Islands was on various dates between 25th October 1958 and 1st June 1961 – see G.N.s 187/1958, 192/1958, 71/1959, 203/1959, 263/1960 and 111/1961

“Department” means the Road Traffic Department established under this Act;

“enactment” includes any Act and any order, regulations or rules made under any Act;

“franchise” means a franchise granted under this Act;

“invalid carriage” means a motor vehicle the weight of which unladen does not exceed five hundredweight which is specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability, and which is used solely by such a person;

23 cf 1992, s 2

“livery car” means a motor vehicle having a seating capacity for not more than twelve passengers, which is hired out by the owner for reward, for the purposes of being driven for the exclusive use of the hirer and which is driven by a chauffeur who is, or is employed by, the owner;

ELAO, 1974

“Minister” means the Minister responsible for Road Traffic;

“motorcycle” means a motor vehicle with less than four wheels, the weight of which unladen does not exceed eight hundredweight;

“motor vehicle” means a vehicle which is wholly or partially propelled by mechanical means and which is designed or adapted for use on roads;

23 cf 1992, s 2

“omnibus” means every passenger vehicle having a seating capacity for more than twelve passengers, and any motor vehicle licensed as an omnibus which carries passengers for hire or reward:

Provided that a stretch-out which is lawfully being used as a tour car during the period of five years following the commencement of this Act, shall not be deemed to be an omnibus while it is being so used;

“owner” in relation to any motor vehicle means the person by whom or on whose behalf the vehicle

is normally kept and used, and in the case of a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of that vehicle under that agreement;

“passenger vehicle” means a motor vehicle designed or adapted for the primary purpose of carrying passengers;

“public service vehicle” means a motor vehicle designed or adapted for the carriage of passengers which is either — *23 of 1992, s 2*

(a) an omnibus or a stretch-out;

(b) a motor vehicle having a seating capacity for not more than nine passengers which is used as a self-drive vehicle; or

(c) a motor vehicle having a seating capacity for not more than twelve passengers which is used as a livery car, taxi-cab or tour car;

“police officer” includes any police officer, constable or other person having the powers of a police officer;

“prearranged journey” means a journey by a passenger which has been arranged by or on behalf of that passenger before the day on which the journey occurs;

“prearranged transfer” means a journey by a passenger between any airport or dock and any hotel, proprietary club, or guest house at which the passenger proposes to spend the next night, or between any hotel, proprietary club or guest house at which the passenger has spent the previous night and any airport or dock, either being a journey which has been arranged by or on behalf of that passenger before the day on which the journey occurs or being a journey by a passenger holding a coupon from an organised travel agency or transportation company situated outside The Bahamas;

“private motor vehicle” means any motor vehicle other than an omnibus, a taxi-cab, a tour car, a livery car or a self-drive vehicle;

“register” means the register or registers kept by the Controller under this Act, and “registered” means registered in that register or those registers;

“regulations” means regulations made under this Act and in the manner provided by this Act;

“road” means any highway and any other road to which the public has access, and includes any part of a road and any bridge over which a road passes;

“self-drive vehicle” means a motor vehicle having a seating capacity for not more than nine passengers which is hired out by the owner for reward for the purpose of being driven and used by the hirer exclusively for his own purposes;

“stretch-out” means a conventional motor vehicle which has been elongated to increase the seating capacity to a maximum of eleven passengers;

“supervisor” means a supervisor of road traffic appointed under this Act;

23 cf 1992, s 2

“taxi-cab” means a motor vehicle having a seating capacity for not more than twelve passengers which stands or plies for hire and which is driven by the owner or by a person employed by the owner;

23 cf 1992, s 2

“tour car” means a motor vehicle having a seating capacity for not more than twelve passengers which carries passengers for hire or reward on sightseeing tours or on prearranged transfers and which is driven by the owner or by a person employed by the owner:

Provided that a stretch-out which was in The Bahamas before the thirtieth day of January 1958 may be used as a tour car during the period of five years following the commencement of this Act, and this definition shall be construed accordingly;

“trailer” means a vehicle drawn by a motor vehicle.

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- (2) For the purposes of this Act —
- (a) a motor vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers irrespective of the person to whom the payment is made;
 - (b) the carriage of a passenger being a paying guest of any hotel or guest house or a paying member or paying guest of any proprietary club in a motor vehicle owned, operated or hired by or on behalf of the owner, manager or committee of management of that hotel, guest house or club, shall be deemed to be a carriage for hire or reward:

Provided that the Controller may give oral or written permission for the occasional carriage of a paying guest or member on the ground that he is a distinguished visitor or for some other special reason, in a private motor vehicle owned or operated as aforesaid, and any carriage so permitted shall not be deemed to be a carriage for hire or reward;

- (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person being given a right to be carried, whether for one or more journeys and whether or not the right is exercised;
- (d) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made:

Provided that the carriage of any workman who does not make any payment therefor on any journey to or from his place of work or for or in connection with his work, in a motor vehicle owned or hired by his employer, and driven by his employer, or by anyone employed by his employer, or on his behalf, shall not be deemed to be a carriage for hire or reward.

- (3) Any reference in this Act to the public includes a reference to tourists and to visitors to The Bahamas.

PART II
THE ROAD TRAFFIC AUTHORITY

Constitution of
Road Traffic
Authority
54 *cf* 1963, s 3

3. (1) For the purposes of this Act there shall be established a body to be called the Road Traffic Authority which shall consist of such number of members not being less than five, as the Governor-General may, from time to time, decide. The members of the Authority shall be appointed by the Governor-General by notice in the *Gazette*; they shall hold office at the Governor-General's pleasure and subject to this shall hold office for three years save that where a person is appointed to fill a casual vacancy, he shall hold office for the remainder of the period for which the previous member was appointed:

25 *cf* 1995, s 2
and Sch

Provided that no person shall be qualified to be appointed or to hold office as a member of the Authority if —

24 *cf* 1973, s 2

- (a) he is a member of the public service;
- (b) he has any direct or indirect financial interest in or connection with any road transport undertaking which carries passengers.

(2) The Governor-General shall appoint one of the members of the Authority to be Chairman and another member to be Vice Chairman.

(3) Any three members of the Authority including the Chairman or Vice Chairman shall constitute a quorum. Where on any question the members of the Authority are not unanimous, the opinion of the majority shall prevail and in the event of an equality of votes the member presiding shall have and exercise a casting vote. Subject to the provisions of this Act, the Authority may make standing orders regulating its own procedure.

(4) In the exercise of his powers under this section the Governor-General shall act on the advice of the Prime Minister.

(5) The application of the seal of the Authority shall be authenticated by the signature of the Chairman or Vice Chairman and two other members.

(6) Every document purporting to be an instrument issued by the Authority and to be sealed as aforesaid or to be signed on behalf of the Authority, shall be received in evidence and shall be deemed to be such an instrument without proof unless the contrary is shown.

4. The Governor-General —
- (a) shall establish a Road Traffic Department and shall, acting in accordance with the advice of the Public Service Commission, appoint a person to be the Controller of Road Traffic who shall be the principal officer of the Road Traffic Department and who shall exercise and perform the functions assigned to him by this Act accordingly;
- (b) may, acting in accordance with the advice of the Public Service Commission, appoint one or more persons to be called Assistant Controllers of Road Traffic, who shall be officers of the Road Traffic Department, and who shall be competent, subject to such general or special directions as may be given by the Controller from time to time, to exercise and perform any of the functions of the Controller.
5. (1) For the purposes of this Act the Controller shall keep a register.
- (2) The register shall contain a record of all of the following —
- (a) the name and address of the registered owner and the registered number of all licensed motor vehicles and licensed public service vehicles;
- (b) the name and address of the insured and the name and address of the insurer and the registered number of the motor vehicle in the case of every policy of third-party insurance or passenger and luggage insurance required to be shown to the Controller under this Act;
- (c) the name and address of the holder and full particulars of every licence to operate a livery car, self-drive vehicle or taxi-cab, and of every franchise to operate an omnibus, tour car, or self-drive vehicle;
- (d) the name and address of the holder and full particulars of every motor vehicle driver's licence and public service vehicle driver's licence.
- (3) The register may contain such other records and particulars as the Minister may from time to time determine.

Establishing
Road Traffic
Department.
E L A O , 1974

Appointment of
Controller and
staff of Road
Traffic
Department.
54 cf 1963, s 4;
E L A O , 1974

The register.

5 cf 1987, Sch

(4) Upon payment of a fee of one dollar for each page, any person shall be entitled to be given a typed copy of any of the information contained in the records referred to in subsection (2) of this section.

5 cf 1987, Sch

(5) A copy of any part of the register purporting to be certified by the Controller to be a true copy, shall be deemed to be such a true copy without proof unless the contrary is shown, and shall be received in evidence in any court without there being required to be produced the register or any licence or other document which would be evidence of the matter sought to be proved by such certified copy, and any person applying to the Controller shall be furnished with such a certified copy on payment of a fee of two dollars and fifty cents for each page.

Annual reports.
E L A O , 1974

6. The Minister shall, as soon as possible after the end of each year, lay upon the Table of each House of Parliament a report on the exercise and performance under this Act of the functions of —

- (a) the Minister; and
- (b) the Authority.

Regulations.
54 cf 1963, s 7
Ch. 84.

7. The Minister may by regulations made under this Act revoke, vary or amend any regulations made under the Penal Code with respect to motor vehicles.

PART III

PROTECTION OF THIRD PARTIES AGAINST RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES

Users of motor
vehicles to be
insured against
third-party risks.
5 cf 1987, s 2

8. (1) Subject to the provisions of this Part of this Act, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance as complies with the requirements of this Part of this Act.

(2) Any person who acts in contravention of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of four hundred dollars or to imprisonment for a term of three months, or to both such fine and imprisonment.

(3) The court by which a person is convicted of an offence under subsection (1) of this section shall (unless the court finding exceptional mitigating circumstances thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of suspension or disqualification) —

- (a) in every case order that person to be disqualified for holding or obtaining any motor vehicle driving licence under Part V of this Act for a period of twelve months from the date of the conviction; and
- (b) in every case relating to the use of a public service vehicle, order the public service vehicle driver's licence in respect of that vehicle to be suspended for a period of twelve months from the date of the conviction, and that no such licence in respect of that vehicle be issued during that period.

(4) Any person so convicted and in relation to whom such an order has been made shall produce any motor vehicle driver's licence or public service vehicle licence which is held by him and to which that order relates to the court by which he was convicted within such time as the court may direct.

(5) The court by which any order is made shall forthwith inform the Controller and shall send to him every suspended or cancelled licence; and at the expiration of the period of suspension the Controller shall return the licence to the owner at his request.

(6) Where on appeal to the Supreme Court against any such order the appeal is allowed, or where on appeal any such conviction as aforesaid is quashed, then the Supreme Court shall forthwith inform the Controller of the allowance of the appeal against the order or, as the case may be, of the quashing of the conviction.

(7) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (1) of this section may be brought —

- (a) within a period of six months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence, whichever period is the longer.

(8) This section shall not apply in relation to any vehicle belonging to the Crown.

Exemption of visitors' cars.

9. This Part of this Act shall not apply to any motor vehicle while licensed under section 97 or to any motor vehicle brought into The Bahamas under the provisions of any Order made under section 98:

Provided that for the purposes of securing that there is in force in relation to the user of every motor vehicle temporarily brought into The Bahamas a policy of insurance against third-party risks —

- (a) the Controller may require to be satisfied that there is in force an adequate policy of insurance in relation to the user of a motor vehicle for which a licence is applied for under section 97; and
- (b) the power of the Governor-General to make Orders under section 98 regarding motor vehicles temporarily brought into The Bahamas shall include power to require the production of an adequate policy of insurance before any motor vehicle licence is granted.

Requirements in respect of policies.

10. (1) In order to comply with the requirements of this Part of this Act, a policy of insurance must be a policy which —

- (a) is issued by a person who is an authorised insurer within the meaning of this Part of this Act; and
- (b) in the case of a public service vehicle (other than a self-drive vehicle), insures such person, persons or classes of persons as may be specified in the policy in respect of liability which may be incurred by him or them in respect of —
 - (i) the death of or bodily injury to any person (including any passenger being carried for hire or reward) caused by or arising out of the use of the vehicle on a road for an amount, inclusive of costs and expenses incurred in relation thereto, of not less than two million five hundred thousand dollars in respect of any one claim by any one person or thirty million dollars in respect of all claims arising out of one original cause or event; and
 - (ii) the loss or damage to the luggage or personal property of any passenger being carried for hire or reward.

19 cf 2004

Provided that such policy shall not be required to cover liability in respect of any sum in excess of eight hundred dollars arising out of any one claim by any one passenger in respect of loss of or damage to his luggage or personal property; and

- (c) in the case of any motor vehicle other than a public service vehicle, and in the case of a self-drive vehicle, insures such person, persons or classes of persons as may be specified in the policy in respect of liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle on a road for an amount, inclusive of costs and expenses incurred in relation thereto, of not less than two million five hundred thousand dollars in respect of any one claim by any one person or thirty million dollars in respect of all claims arising out of one original cause or event:

Provided that such a policy shall not be required to cover —

- (i) except in respect of passengers who are lawfully being carried in a motor vehicle by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the motor vehicle at the time of the occurrence of the event out of which the claim arises; or
- (ii) any contractual liability; or
- (iii) except in the case of a self-drive vehicle, liability in respect of the first forty dollars of any claim by any person.

(2) Where any payment is made by an authorised insurer under a policy issued under this Part of this Act, in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the authorised insurer received treatment in a hospital in respect of the fatal or other bodily injury so arising, there shall also be paid by the authorised insurer to such hospital the expenses reasonably incurred by the hospital in affording such treatment to an amount not exceeding four hundred dollars for each person so treated.

(3) Notwithstanding anything in any enactment a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(4) A policy shall be of no effect for the purposes of this Act unless and until there is issued by the authorised insurer in favour of the person by whom the policy is effected a certificate (in this Act referred to as a “certificate of insurance”) in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances, by regulations made by the Minister under this Act, and in the absence of any such regulations, then by the Controller.

(5) In this Act —

- (a) “authorised insurer” means any assurance company or underwriter carrying on motor vehicle insurance business and authorised by the Minister to undertake insurance business for the purposes of this Act;
- (b) “policy of insurance” means a policy issued for a period of not less than six months, and includes a covering note issued for a period not exceeding ninety days in respect of any motor vehicle, but does not include any extension of a covering note or any subsequent covering note issued in respect of the same motor vehicle during any period of six consecutive months.

11. Any condition in any policy issued or given for the purposes of this Part of this Act, providing that no liability shall arise under the policy, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connection with such claims as are mentioned in paragraph (b) or paragraph (c) of subsection (1) of section 10 of this Act:

Provided that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the insurer any sums which the insurer

E L A O, 1974

Certain conditions of policies to be of no effect.

may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

12. (1) If, after a certificate of insurance has been issued under subsection (4) of section 10 of this Act to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) or paragraph (c) of subsection (1) of section 10 of this Act (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

Insurers to satisfy judgments in respect of third-party risks

(2) No sum shall be payable by an insurer under the provisions of subsection (1) of this section —

- (a) in respect of any judgment, unless before or within twenty-one days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either —
 - (i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a written declaration before a magistrate stating that the certificate had been lost or destroyed; or
 - (ii) after the happening of the said event but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was

surrendered to the insurer, or to the person to whom the certificate was delivered made such a written declaration before a magistrate as aforesaid; or

- (iii) either before or after the happening of the said event, but within the said period of fourteen days the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an insurer under the foregoing provisions of this section if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid the policy on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration as aforesaid in an action, shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within twenty-one days after the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section —

- (a) the expression “material” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions; and

- (b) the expression “liability covered by the terms of the policy” means a liability which is covered by the policy or which would be covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

(6) In this Act reference to a certificate of insurance in any provision relating to the surrender, or the loss or destruction of a certificate of insurance, shall in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

13. Where a certificate of insurance has been delivered under subsection (4) of section 10 of this Act to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in subsection (1) or subsection (2) of section 18 of this Act shall, notwithstanding anything to the contrary in this Act, not affect any such liability of that person as is required to be covered by a policy under paragraph (b) or paragraph (c) of subsection (1) of section 10 of this Act, but nothing in this section shall affect any rights against the insurer conferred by this Act on the person to whom the liability was incurred.

Bankruptcy, etc of insured person not to affect certain claims by third parties

14. Where a certificate of insurance has been delivered under subsection (4) of section 10 of this Act to the person by whom the policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters, that is to say —

Avoidance of restrictions on scope of policies covering third party risks

- (a) the age or physical or mental condition of persons driving the motor vehicle; or
- (b) the condition of the motor vehicle; or
- (c) the number of persons that the motor vehicle carries; or
- (d) the weight or physical characteristics of the goods that the motor vehicle carries; or
- (e) the times at which or the areas within which the motor vehicle is used; or
- (f) the specifications, horse power or value of that motor vehicle; or
- (g) the carrying on the motor vehicle of any particular equipment or apparatus; or

- (h) the carrying on the motor vehicle of any particular means of identification required to be carried by or under this or any other enactment,

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) or paragraph (c) of subsection (1) of section 10 of this Act, be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

Persons against whom claims are made to give information as to insurance

15. (1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) or paragraph (c) of subsection (1) of section 10 of this Act shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Act, or would have been so insured if the insurer had not avoided or cancelled the policy, and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under subsection (4) of the said section 10.

- (2) Any person who, without reasonable excuse —
- (a) fails to comply with the foregoing provisions of this section; or
- (b) wilfully makes any false statement in reply to any such demand as aforesaid,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months or to both such fine and imprisonment.

5 cf 1987, s 2

Duty to surrender certificate on cancellation of policy

16. (1) Where a certificate of insurance has been delivered under subsection (4) of section 10 of this Act to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, then the following provisions shall have effect, that is to say —

- (a) both the insurer and the person to whom the certificate was delivered shall, prior to the taking effect of the cancellation, report the cancellation to the Controller;
 - (b) the person to whom the certificate was delivered shall, within fourteen days from the taking effect of the cancellation, surrender the certificate to the insurer, or, if it has been lost or destroyed, make and sign a written declaration to that effect before a magistrate and transmit the declaration to the insurer.
- (2) Any person —
- (a) who fails to comply with the provisions of the foregoing subsection; or
 - (b) who makes a declaration thereunder which he knows is false,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months or to both such fine and imprisonment.

5 cf 1987, s 2

17. (1) The rights of any person in respect of any liability incurred by an insured person shall, in the event of the death of the insured person, and notwithstanding any statutory provision, rule of law or the common law to the contrary, be preserved to and be enforceable by such person against the personal representatives of the insured person in the same manner and to the same extent as such rights would have been enforceable against the insured person if he had survived, and the provisions of subsection (3) of section 10 of this Act shall apply accordingly.

Saving as to preservation of rights in case of death of insured person

(2) In this section the expression “insured person” means a person who is insured under a contract of insurance against liabilities to third parties in accordance with the provisions of this Part of this Act.

18. (1) Where under any contract of insurance a person (hereinafter in this Act referred to as “the insured”) is insured against liabilities to third parties which he may incur, then —

Right of third parties against insurers on bankruptcy, etc , of the insured

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company, in the event of a winding-up order being made, or a

resolution for a voluntary winding-up being passed, with respect to the company, or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

if, either before or after that event, any such liability as aforesaid is incurred by the insured, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything in any Act or rule of law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

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(2) Where an order is made under the Bankruptcy Act for the administration of the estate of a deceased debtor according to the law of bankruptcy, then, if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall, notwithstanding anything in the said Bankruptcy Act, be transferred to vest in the person to whom the debt is owing.

(3) In so far as any contract of insurance made after the commencement of this Act in respect of any liability of the insured to third parties purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of subsection (1) of this section or upon the making of the order referred to in subsection (2) of this section (in respect of the estate of a deceased debtor), the contract shall be of no effect.

(4) Upon a transfer under subsection (1) or subsection (2) of this section, the insurer shall, subject to the provisions of section 20 of this Act, be under the same liability to the third party as he would have been under to the insured but —

(a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act shall affect the rights of the insured against the insurer in respect of the excess; and

(b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this Act the expression “liabilities to third parties”, in relation to a person insured under any contract of insurance, shall not include any liability of that person in the capacity of insurer under some other contract of insurance.

(6) This Act shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

19. (1) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors or in the event of an order being made under the Bankruptcy Act in respect of the estate of any deceased person, or in the event of a winding-up order being made, or a resolution for a voluntary winding-up being passed, with respect to any company, or of a receiver or manager of the company’s business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, it shall be the duty of the bankrupt debtor, personal representative of the deceased debtor or company, and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver or manager, or person in possession of the property, to give at the request of any person claiming that the bankrupt debtor, deceased debtor, or company is under a liability to him, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act and for the purpose of enforcing such rights, if any, and any contract of insurance, in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(2) If the information given to any person in pursuance of subsection (1) of this section discloses reasonable ground for supposing that there have or may have been transferred to him under this Act rights against

Duty to give
necessary
information to
third parties
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any particular insurer, that insurer shall be subject to the same duty as is imposed by the said subsection (1) on the persons therein mentioned.

(3) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or, power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

Settlement
between insurers
and insured
persons

20. Where the insured has become bankrupt or where, in the case of the insured being a company a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up, as the case may be, nor any waiver, assignment, or other disposition made by, or payment made to the insured after the commencement aforesaid shall be effective to defeat or affect the rights transferred to the third party under this Act, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Requirements as
to production of
certificate of
insurance

21. (1) Any person driving a motor vehicle on a road shall, on being so required by any police officer, give his name and address and the name and address of the owner of the motor vehicle and produce his certificate, and if he fails so to do he shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months or to both fine and imprisonment:

5 cf 1987, s 2

55 cf 1962, s 2

Provided that if the driver of a motor vehicle within forty-eight hours of the time the production of his certificate was so required, produces the certificate in person at such police station as may have been specified to him at the time its production was required, he shall not be convicted under this subsection of the offence of failing to produce his certificate.

5 cf 1987, s 2

(2) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by any police officer to give as to the identity of the driver of the motor vehicle on any occasion when the driver was

required under subsection (1) of this section to produce the certificate; and if the owner fails to do so, he shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months or to both the fine and imprisonment. *5 cf 1987, s 2*

(3) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving injury to another person or to an animal or to the property of any person, and the driver of the motor vehicle does not at the time produce his certificate to a police officer or to some person who, having reasonable ground for so doing, has required its production, the driver shall report the accident at a police station as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, and there produce his certificate; and if he fails to do so, he shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months or to both the fine and imprisonment. *5 cf 1987, s 2*

Provided that a person shall not be convicted under this subsection of the offence of failing to produce his certificate if, within five days after the occurrence of the accident, he produces the certificate in person at such police station as may be specified to him at the time the accident was reported.

(4) In this section the expression “produce his certificate” means produce for examination the relevant certificate of insurance evidencing the fact that the motor vehicle was not being driven in contravention of section 8 of this Act.

22. Any person applying for a licence in respect of a motor vehicle under Part IV of this Act shall produce to the Controller such evidence as may be prescribed by regulations made by the Minister under this Act, or in the absence of such regulations as the Controller may reasonably require, that either —

Production of certificate of insurance on application for motor vehicle licence

- (a) on the date when the licence comes into operation there will be in force the necessary policy of insurance in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or

- (b) the vehicle is a vehicle to which this Part of this Act does not apply at any time when it is being driven by the owner thereof, or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

Forgery, etc. of
certificates.
Ch. 84.

- 23.** (1) Any person who, with intent to deceive —
- (a) forges within the meaning of the Penal Code, or alters or uses or allows to be used by any other person, a certificate of insurance within the meaning of this Act; or
- (b) makes or has in his possession any document so closely resembling such a certificate as to be calculated to deceive,

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term of twelve months and, in addition, to a fine not less than one thousand dollars but not exceeding two thousand dollars.

*35 cf 1989, s 2
and Sch*

(2) Any person who, for the purpose of obtaining the issue of a certificate of insurance under this Act, makes any false statement or withholds any material information, shall be guilty of an offence and shall be liable on summary conviction to a fine not less than five hundred dollars but not exceeding one thousand dollars or to imprisonment for a term of six months, or to both the fine and imprisonment.

*35 cf 1989, s 2
and Sch*

(3) Any person who issues a certificate of insurance which is to his knowledge false in any material particular, shall be guilty of an offence, and shall be liable on summary conviction to a fine of eight hundred dollars or to imprisonment for a term of twelve months, or to both the fine and imprisonment.

*35 cf 1989, s 2
and Sch*

(4) If any police officer has reasonable cause to believe that any certificate of insurance produced to him in pursuance of the provisions of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document; and when any document is seized under this section, the person from whom it was taken shall, unless previously charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of the said document, and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

24. The Minister may make regulations for prescribing anything which may be prescribed under this Part of this Act, and in particular, may make regulations —

Regulations
regarding
insurance

- (a) as to the forms to be used for the purposes of this Part of this Act;
- (b) as to applications for, and the issue of, certificates of insurance and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister;
- (c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;
- (d) as to the custody, production, cancellation and surrender of any such certificates or other documents.

PART IV REGULATION, REGISTRATION AND LICENSING OF MOTOR VEHICLES

25. (1) The Minister may by regulations made under this Act —

Classification,
construction and
use of motor
vehicles

- (a) divide all motor vehicles and trailers into classes, which classes may be distinguished by reference to the following matters —
 - (i) the unladen weight or overall length or width of the motor vehicle or trailer;
 - (ii) the fact that the motor vehicle is designed or adapted to carry only a load, or only passengers, or both a load and passengers;
 - (iii) the nature or maximum weight of the load which the motor vehicle or trailer or the maximum number of passengers which the motor vehicle is designed or adapted to carry;
 - (iv) the fact that the motor vehicle is designed or adapted to be driven by persons suffering from physical defect or disability;
 - (v) the nature of the tyres fitted to the motor vehicle or trailer;

- (vi) the fact that the motor vehicle is designed or adapted to haul a trailer;
 - (vii) the fact that the motor vehicle or trailer is a mobile plant or appliance or is fitted with a special plant or appliance which is normally affixed to the vehicle;
 - (viii) the number of wheels of the motor vehicle;
- (b) make provision for the prohibition, regulation or authorisation subject to such restrictions or conditions as to construction, weight, equipment or use as may be specified, of the use on roads of any such class of motor vehicle or trailer as is referred to in paragraph (a) of this subsection (including provision that any trailer shall carry a number plate corresponding to the number plate affixed to the towing vehicle) and for the granting of temporary exemptions from any such provision in respect of any such class of motor vehicle or trailer or of any motor vehicle or trailer while being used for special purposes or for tests or trials;
- (c) prescribe fees in respect of the use of roads by heavy duty vehicles.

35 cf 1989, s 2 and Sch

(2) If a motor vehicle or trailer is used on a road in contravention of any regulations made under this section, any person who so uses the vehicle or trailer or causes or permits it to be used shall be guilty of an offence and liable on summary conviction therefor to a fine of two hundred dollars.

5 cf 1987, s 2

Number plates and licences

26. (1) The Minister may make regulations under this Act prescribing the types, dimensions and colours of number plates and licences which shall be affixed to licensed motor vehicles, and the number and wording thereof, and the manner of affixing the same, and may make different provisions for different classes of motor vehicles and for different categories of public service vehicles (namely omnibuses, taxi-cabs, tour cars, livery cars and self-drive vehicles); and until such regulations are made the Controller may give directions as to any of the matters which may be prescribed in such regulations.

(2) There shall be affixed to every licensed motor vehicle while being driven on a road, any number plates or

licences issued by the Controller to the owner in respect of that vehicle, and required by any such regulations or directions to be affixed by the owner, in such manner as may be so required or directed.

(3) It shall not be lawful for any person to deface or obscure any number plate or licence issued under this section, or to attach thereto or impose thereon any letters or numbers.

(4) Number plates issued by the Controller under this section shall remain the property of the Department and shall be surrendered to the Controller — *23 cf 1975, s 2*

- (a) upon an order by the Minister under section 27;
- (b) upon the cancellation of the motor vehicle licence in respect of which they were issued (or, in the case of trade plates, upon their cancellation).

(5) Any person who —

23 of 1975, s 2

- (a) contravenes any of the provisions of this section;
- (b) without the authority of the Controller makes or issues number plates for use on any motor vehicle, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred and fifty dollars.

(6) Any reference in this section to a number plate shall include a reference to a trade plate.

(7) In respect of a set of number plates, other than trade plates, issued under this section, there shall be paid to the Controller by every owner of a motor vehicle other than a person listed in the proviso of section 31(3), such fee as the Minister may by order prescribe; and the Minister may prescribe different fees for different types of number plates. *23 cf 1975, s 2*

27. (1) The Minister may, by order, and in respect of any one or more classes of motor vehicles, call for the surrender of number plates issued under section 26 for the purpose of replacing them by plates of such colour and markings as may be prescribed in the order.

Surrender and replacement of number plates
23 cf 1975, s 3

(2) Whenever number plates are replaced pursuant to an order under subsection (1), there shall be paid to the Controller such fee as may be prescribed in the order.

Fraudulent use of
number plates
and licences

28. If any person forges or fraudulently alters or uses, or fraudulently lends to or allows to be used by any other person, any number plate or licence issued by the Controller in respect of any licensed motor vehicle, or ownership book issued under this Part of this Act, or any entry in such ownership book, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine not less than two hundred dollars but not exceeding eight hundred dollars or to imprisonment for a term of six months, or to both the fine and imprisonment.

*35 cf 1989, s 2
and Sch*

Property left in
public service
vehicles

29. (1) Any property left in any public service vehicle shall, if not claimed by the owner, be deposited by the finder as soon as practicable at the nearest police station, and any finder who neglects to do so shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars.

5 cf 1987, s 2

(2) The Commissioner of Police, or upon appeal from his decision to a magistrate, then the magistrate, shall return any such lost property to any person who shall give satisfactory evidence of ownership, upon payment by that person of all expenses reasonably incurred by, and of such reasonable further sum as may be awarded to the finder who deposited the lost property.

Recovery of
damages by
summary
proceedings
5 cf 1987, s 2

30. (1) In any proceedings in a magistrate's court against the owner or driver of a public service vehicle (other than a self-drive vehicle) for an offence under this Act, the magistrate may award to any person whose person or property has been injured or damaged by the wilful and negligent conduct of the said owner or driver, damages not exceeding two hundred dollars and a further sum by way of costs not exceeding forty dollars.

(2) Any passenger who wilfully causes any injury to the driver of a public service vehicle (other than a self-drive vehicle) or any damage to any such vehicle shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars, and on any such conviction the magistrate may award to the owner of the vehicle damages not exceeding four hundred dollars and a further sum by way of costs not exceeding forty dollars, and to the driver of the vehicle (and if the driver is the owner then to the owner in addition to the aforesaid sums) damages not exceeding eighty dollars and a like sum by way of costs.

(3) The magistrate may order any sum awarded by way of damages or costs under this section to be paid

forthwith, and payment thereof shall thereupon be recoverable as a fine.

31. (1) Subject to the provisions of this section a person shall not use or cause or permit any other person to use a motor vehicle on a road unless that vehicle has been registered under this Act and unless there is in force the appropriate motor vehicle licence in respect of that vehicle, and any person acting in contravention of this subsection shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred dollars.

Registration of
all motor
vehicles
9 cf 1974, s 2

5 cf 1987, s 2

(2) For the purposes of this section the appropriate motor vehicle licence is —

- (a) in the case of an omnibus or of a motor vehicle licensed as a taxi-cab, tour car, livery car or self-drive vehicle, the appropriate public service vehicle licence;
- (b) in every other case a private motor vehicle licence, which in the case of a private motor vehicle registered and licensed outside The Bahamas or brought into The Bahamas by a *bona fide* visitor to The Bahamas, may be a temporary private motor vehicle licence.

(3) No motor vehicle licence shall be granted unless the applicant has paid the appropriate fee specified in the Schedule to this Act:

Schedule

Provided that no fee shall be required to be paid —

9 cf 1974, s 2

- (a) by the Governor-General; or
- (b) by —
 - (i) the head of, or any member of the diplomatic, administrative or technical staff of a diplomatic mission;
 - (ii) any consular officer or consular employee;
 - (iii) any member of an International Organisation approved for the purposes of this Act by the Minister responsible for External Affairs,

who is not a citizen of The Bahamas or ordinarily resident in The Bahamas at the date of the commencement of his employment; or

-
- (c) by any member of the family forming part of the household of any of the persons referred to in paragraph (b)(i), (ii) and (iii) of this proviso who is not a citizen of The Bahamas.

1 cf 1994, s 2

(4)(a) The period for which a motor vehicle licence (other than a temporary licence) shall be valid shall not exceed one year and shall terminate in each year —

- (i) in the case of a licence in respect of a motor vehicle owned by an individual, on the last day of the month of the birth of that individual and where the vehicle is registered in the name of two or more individuals, the month of the birth of the first named individual shall be used;
- (ii) in the case of a licence issued in respect of a public service vehicle, on the thirty-first day of May; and
- (iii) in every other case, on the thirty-first day of March.

(b) Where an application is made for a motor vehicle licence for the first time after the coming into force of this subsection by an individual under paragraph (a)(i), the Controller shall issue a licence —

- (i) for the ensuing period ending with the last day of the month in which the next birth-date of that individual falls, being in the case where there is more than one individual owner, the first named; or
- (ii) for the ensuing period ending with the last day of the month in which the next birth-date of that individual falls plus a further period of one year from that date.

(c) Where an application is made for the first time after the coming into force of this subsection for a motor vehicle licence in respect of a public service vehicle, the Controller shall issue a licence —

- (i) for the ensuing period ending with the thirty-first day of May next; or
- (ii) for the ensuing period ending with the thirty-first day of May next plus a further period of one year from that date.

(d) The period for which a temporary private motor vehicle licence shall be valid shall not exceed six months, and shall terminate upon any change of ownership of the vehicle.

(5) Subject to the provisions of this section the Controller shall upon application made by or on behalf of the owner of a motor vehicle register that vehicle and issue the appropriate motor vehicle licence in respect thereof:

Provided that —

- (a) in the case of a motor vehicle intended by the applicant to be licensed as a taxi-cab, livery car or self-drive vehicle, but not yet so licensed under Part VI of this Act, the Controller shall issue a private motor vehicle licence, and when that vehicle is licensed under Part VI of this Act as a taxi-cab, livery car or self-drive vehicle, shall upon surrender of the private motor vehicle licence (and upon payment of the appropriate fee specified in the Schedule to this Act) issue the appropriate public service vehicle licence;
- (b) the Controller shall not issue a temporary private motor vehicle licence unless he is satisfied that the applicant is a *bona fide* visitor to The Bahamas and that the motor vehicle is registered and licensed as a private motor vehicle outside The Bahamas and was brought into The Bahamas by the applicant.

Schedule

(6)(a) Upon the registration of a motor vehicle under this section (other than a motor vehicle in respect of which a temporary private motor vehicle licence has been granted), the Controller shall issue a registration book to the applicant for the registration, in such form and containing such particulars as may be prescribed by regulations made under this Act.

(b) Upon any change of ownership of a motor vehicle registered under this Act, and in respect of which a motor vehicle licence is in force, the new owner may (and shall before being entitled to the issue or renewal of a motor vehicle licence in respect of that vehicle) send the registration book to the Controller together with an appropriate certificate of insurance, and thereupon the Controller shall (subject to the payment of the appropriate fee specified in the Schedule to this Act) reissue the registration book to the new owner.

Schedule

<i>54 cf 1959, s 2</i>	<p>(7) A motor vehicle licence issued in New Providence, shall be valid in any Out Island, and a motor vehicle licence issued in an Out Island shall be valid in New Providence, upon the payment of the appropriate fee specified in the Schedule to this Act and upon the endorsement of the licence by the Controller.</p>
Schedule	<p>(8) Any motor vehicle registered and licensed under any Act repealed by this Act shall be deemed to be registered and to be the subject of the issue of an appropriate motor vehicle licence under this Act, until such time as the licence issued under that Act would, but for the passing of this Act, have expired.</p> <p>(9) The Minister may by regulations made under this Act make further provision (not inconsistent with the provisions of this Act) regarding any of the following matters —</p> <ul style="list-style-type: none">(a) the registration and licensing of motor vehicles and of different classes and categories of motor vehicles and of public service vehicles;(b) the form, issue, and endorsement of registration books upon registration and upon change of ownership of motor vehicles;(c) generally for the purposes of giving effect to the intentions of this section. <p>(10) Upon his being satisfied that a registration book has been lost or destroyed, the Controller may issue a duplicate book upon payment of the appropriate fee specified in the Schedule to this Act.</p>
Schedule	<p>(11) The provisions of this section shall not apply in the case of vehicles owned by the Admiralty, the War Department or the Air Ministry.</p>
Inspection of motor vehicles	<p>32. (1) No motor vehicle licence shall be granted under this Act unless there is in force in relation to the motor vehicle concerned a certificate of fitness issued under this section.</p> <p>(2) Every certificate of fitness shall be registered by the Controller and shall remain in force until the motor vehicle concerned is next inspected under this section.</p> <p>(3) All motor vehicles licensed as public service vehicles shall be subject to inspection under this section at least once in every period of six months, and all other licensed motor vehicles shall be subject to such inspection</p>

at least once in every year, and an inspection under this section shall be made at such time and place as the Controller may direct.

(4) There shall be payable in respect of a certificate of fitness issued under this section the appropriate fee specified in the Schedule to this Act: *28 cf 1971, s 2*

Provided that no fee shall be required to be paid — *9 cf 1974, s 3*

(a) by the Governor-General; or

(b) by —

(i) the head of, or any member of the diplomatic, administrative, or technical staff of a diplomatic mission;

(ii) any consular officer or consular employee;

(iii) any member of an International Organisation approved for the purposes of this Act by the Minister responsible for External Affairs,

who is not a citizen of The Bahamas or ordinarily resident in The Bahamas at the date of the commencement of his employment; or

(c) by any member of the family forming part of the household of any of the persons referred to in paragraph (b)(i), (ii) and (iii) of this proviso who is not a citizen of The Bahamas.

(5) The Minister may make regulations prescribing —

(a) the standard of fitness to be required for a certificate of fitness, and may prescribe different standards of fitness —

(i) as to mechanical condition or general appearance, for different categories of public service vehicles (namely omnibuses, taxi-cabs, tour cars, livery cars and self-drive vehicles), and for different classes of motor vehicles within such categories; and

(ii) as to mechanical condition for different classes of motor vehicles other than public service vehicles;

(b) the procedure on inspections, and the form of notices and certificates and the manner of communicating the same;

(c) such other matters for the purposes of giving effect to this section as the Minister may see fit,

and until such regulations are made such standards of fitness shall be such as the Controller may determine.

55 cf 1962, s 4

(6) If at any time the Controller or any police officer is of the opinion that any motor vehicle should be inspected under this section, the Controller or the police officer, as the case may be, may at any time require the owner or person in charge of that vehicle to submit that vehicle for inspection.

46 cf 1965, s 2

(7) If upon an inspection under this section a motor vehicle does not qualify for a certificate of fitness, the Controller may cancel any motor vehicle licence in force in relation to that vehicle, or may do so unless that vehicle qualifies for a certificate upon further inspection under this section within such time as he may allow.

55 cf 1962, s 4

(8) Any owner of a motor vehicle may appeal to the Authority against any decision of the Controller or a police officer under this section, and the decision of the Authority, after hearing the holder (if he so wishes) and the Controller, shall be final.

(9) In this section a reference to the mechanical condition of a motor vehicle includes a reference to the equipment of that vehicle with spare parts and tools.

46 cf 1965, s 2

(10) Any owner or person in charge of a motor vehicle who fails without reasonable excuse to submit that vehicle for inspection under this section at the directed time and place shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of forty dollars for a first offence and of two hundred dollars for a second or subsequent offence.

5 cf 1987, s 2

Trade plates

33. (1) The provisions of section 31 of this Act (which relates to the licensing of motor vehicles) shall not apply to any motor vehicle —

- (a) on which is exhibited a set of trade plates issued under this section; and
- (b) which is in the possession or control of the holder of that set of trade plates; and
- (c) which is being driven for any of the following purposes —
 - (i) the delivery of the vehicle to that holder's place of business; or
 - (ii) the trial of the vehicle after manufacture, modification or repair; or

(iii) the trial of the vehicle by a prospective purchaser.

(2) The Controller may in his discretion issue one or more sets of trade plates to any manufacturer of or dealer in motor vehicles on payment of the appropriate fees specified in the Schedule to this Act.

Schedule

(3) If the holder of a set of trade plates is convicted of any offence under this Act arising out of the misuse of any trade plates, the Controller may cancel any or all of the sets of trade plates issued to that holder, whereupon the sets of trade plates so cancelled shall be of no effect for the purposes of this section.

PART V PROVISIONS AS TO DRIVING MOTOR VEHICLES, ETC

34. (1) A person shall not drive or employ any other person to drive a motor vehicle on a road unless he or that other person (as the case may be) is either —

Driver's licence

- (a) the holder of a licence to drive a motor vehicle of the class of such motor vehicle (hereafter in this Act referred to as a “driver’s licence”); or
- (b) the holder of a licence to drive a motor vehicle of the class of such motor vehicle as a learner (hereafter in this Act referred to as a “provisional driver’s licence”), and a holder of a driver’s licence is seated beside him in the vehicle; or
- (c) the holder of a licence to drive a motor vehicle in a place outside The Bahamas or has in his possession a valid international driving licence issued by the State which recognises international driving licences:

54 cf 1959, s 3

Provided that such person —

- (i) is a *bona fide* visitor to The Bahamas; and
- (ii) is not under seventeen, or, as respects the driving of an excepted motor vehicle, fifteen years of age.

18 cf 1969, s 2

For the purposes of this paragraph the expression “*bona fide* visitor to The Bahamas” means a person who is a visitor to The Bahamas

for a period not exceeding three months and who is not employed in The Bahamas,

5 cf 1987, s 2
35 cf 1989, s 2
and Sch

and any person who acts in contravention of this subsection shall be guilty of an offence and liable on summary conviction to a fine not less than two hundred dollars but not exceeding eight hundred dollars.

(2) The Minister may by regulations made under this Act —

- (a) require every applicant for a driver's licence who has not been the holder of a licence to drive a motor vehicle within the year preceding the commencement of this Act, to satisfy an examiner as to his physical fitness and competence to drive a motor vehicle before being entitled to be granted a driver's licence;
- (b) require every applicant for any licence to drive a motor vehicle to furnish such particulars and satisfy such other conditions relating to his competence to drive a motor vehicle as may be prescribed before being granted such a licence;
- (c) require the holder of any licence to drive a motor vehicle at any time to satisfy a qualified medical examiner as to his physical fitness to continue to hold such a licence, and provide for the cancellation and surrender of any such licence if the holder fails to satisfy such examiner;
- (d) require different tests and qualifications for different classes of motor vehicles;
- (e) prescribe the form of driver's licences to be issued by the Controller and may provide for such licences to bear the signature of a responsible officer of the Road Traffic Department for and on behalf of the Controller,

54 cf 1959, s 3

and until such regulations are made all driver's licences shall be issued and may be cancelled as the Controller may direct.

27 cf 1972, s 2

(3) There shall be payable in respect of a test as to the competence of an applicant for a licence to drive a motor vehicle the appropriate fee specified in the Schedule to this Act.

- (4) No person —
- (a) who is disqualified from driving a motor vehicle shall apply for a licence to drive a motor vehicle;
 - (b) whose licence to drive a motor vehicle is suspended shall apply for a licence to drive a motor vehicle,

and any person who acts in contravention of this subsection shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of eight hundred dollars or to imprisonment for a term of four months.

*35 cf 1989, s 2
and Sch*

(5) A person under the age of seventeen years shall be disqualified from driving a motor vehicle and shall not be granted any licence so to do, so however, that the disqualification from driving and the prohibition upon the grant of a licence imposed by this subsection shall not extend to persons of fifteen years of age or over in relation to an excepted motor vehicle.

18 cf 1969, s 2

(6) Every applicant for a licence to drive a motor vehicle shall, before being granted a licence, pay the appropriate fee specified in the Schedule to this Act:

Schedule

Provided that no fee shall be required to be paid —

9 cf 1974, s 4

- (a) by the Governor-General; or
- (b) by —
 - (i) the head of, or any member of the diplomatic, administrative, or technical staff of a diplomatic mission;
 - (ii) any consular officer or consular employee;
 - (iii) any member of an International Organisation approved for the purposes of this Act by the Minister responsible for External Affairs,

who is not a citizen of The Bahamas or ordinarily resident in The Bahamas at the date of the commencement of his employment; or

- (c) by any member of the family forming part of the household of any of the persons referred to in paragraph (b)(i), (ii) and (iii) of this proviso who is not a citizen of The Bahamas.

(7) A licence to drive a motor vehicle shall be granted —

1 cf 1994, s 3

- (a) in the case of a driver's licence, for a period of one year or three years and shall expire on the

last day of the month of the birth of the holder of the driver's licence;

- (b) in the case of a provisional driver's licence, for a period of six months.

1 cf 1994, s 3

(8) Notwithstanding subsection (7), where the application is made for a driver's licence for the first time after the coming into force of this subsection, the licence shall be granted —

- (a) for the ensuing period ending with the last day of the month in which the next birth-date of that individual falls; or
 (b) for the ensuing period ending with the last day of the month in which the next birth-date of that individual falls plus a further period of one year or three years from that date.

(9) Subject to the provisions of this section, the Controller shall grant —

- (a) a driver's licence to any applicant;
 (b) a provisional driver's licence to any applicant who has not previously held more than six provisional driver's licences.

54 cf 1959, s 3

54 cf 1959, s 3

(10) A licence to drive a motor vehicle issued in New Providence shall be valid in an Out Island, and a licence to drive a motor vehicle issued in an Out Island shall be valid in New Providence upon the payment of the appropriate fee specified in the Schedule to this Act and upon the endorsement of the licence by the Controller.

Schedule

(11) Upon his being satisfied that a licence to drive a motor vehicle has been lost or destroyed the Controller may issue a duplicate licence upon payment of the appropriate fee specified in the Schedule to this Act.

Schedule

54 cf 1959, s 3

(12) The provisions of this section shall not apply to members of the armed forces of the Crown while driving motor vehicles owned by the Admiralty, the War Department or the Air Ministry.

18 cf 1969, s 2

(13) In this section "excepted motor vehicle" means a motor cycle whereof the cylinder capacity of the engine does not exceed fifty cubic centimetres, being a cycle equipped with pedals by means whereof it is capable of being propelled.

Fraudulent use of licence

35. Any person who forges or who fraudulently uses or allows any other person to use any licence to drive a motor vehicle or public service vehicle shall be guilty of an

offence and liable on summary conviction therefor to a fine not less than two hundred dollars but not exceeding eight hundred dollars or to imprisonment for a term of six months. *35 cf 1989, s 2 and Sch*

36. (1) A person shall not drive or employ any other person to drive — *Public service driver's licence*

- (a) an omnibus carrying passengers for hire or reward; or *46 cf 1965, s 3*
- (b) a public service vehicle (other than a self-drive vehicle), carrying passengers for hire or reward,

unless he or that other person (as the case may be) is the holder of the appropriate public service driver's licence, and any person acting in contravention of this subsection shall be guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars in respect of a first offence, or to a fine of five hundred dollars or to imprisonment for a term of six months in respect of a second or subsequent offence. *35 cf 1989, s 2 and Sch*

(2) For the purposes of this section the appropriate public service driver's licence is —

- (a) in the case of a tour car, a tour driver's licence;
- (b) in the case of a taxi-cab or livery car, a tour driver's licence or a taxi-cab driver's licence;
- (c) in the case of an omnibus, a tour driver's licence, a taxi-cab driver's licence or an omnibus driver's licence.

(3) The Minister may by regulations made under this Act —

- (a) require every applicant for any public service driver's licence to satisfy an examiner as to his physical fitness and competence to drive and effect temporary repairs to a public service vehicle of the appropriate category before being granted a public service vehicle licence;
- (b) require every applicant for a taxi-cab driver's licence, in addition to the matters referred to in the foregoing paragraph of this subsection, to satisfy an examiner as to his suitability to be a taxi-cab driver, having regard in particular to his knowledge, intelligence and general appearance;
- (c) require every applicant for a tour car driver's licence, in addition to the matters referred to in

the foregoing paragraphs of this subsection, to satisfy an examiner as to his suitability to be a tour car driver, having regard in particular to his knowledge of The Bahamas and competence as a conductor of sightseeing tours,

and until such regulations are made the issue of all public service driver's licences shall be subject to such requirements as the Controller may impose.

- (4) A person —
- (a) who does not hold a driver's licence or who is not entitled to drive a motor vehicle; or
 - (b) who is under twenty-one years of age; or
 - (c) who is in receipt of remuneration (other than a pension) from public funds; or
 - (d) who cannot read or write; or
 - (e) who is not either a person who —
 - (i) is deemed for the purposes of the Immigration Act to belong to The Bahamas; or
 - (ii) possesses a valid and subsisting certificate of permanent residence granted under the Immigration Act and has been given permission in writing to engage in gainful occupation in The Bahamas,

*43 cf 1964, Third
Sch
Ch 191*

shall not be granted a public service driver's licence:

55 cf 1962, s 5

Provided that the provisions of paragraph (d) of this subsection shall not apply to any person who had been licensed to drive a taxi-cab, omnibus, tour car or carriage for a period longer than six months prior to the commencement of this Act.

(5) A refusal by the Controller to grant a public service driver's licence shall be subject to confirmation by the Authority, which shall, before confirming such refusal, hear the Controller, and hear the applicant if he desires to be heard.

(6) A public service driver's licence shall be granted for such period not exceeding one year from its commencement as the applicant's driving licence shall remain valid.

(7) A public service driver's licence shall only be granted on payment of the appropriate fee specified in the Schedule to this Act.

Schedule

(8) Upon his being satisfied that a public service driver's licence has been lost or damaged, the Controller may issue a duplicate licence upon payment of the appropriate fee specified in the Schedule to this Act.

Schedule

(9) Every public service driver's licence shall bear a number, which number shall appear also on the badge to be issued to the holder by the Controller, and every holder while acting as a public service vehicle driver shall wear the badge which indicates that he is the holder of the appropriate public service driver's licence, and any driver who fails to comply with this subsection shall be guilty of an offence and liable on summary conviction to a penalty of eight dollars for each offence:

s cf 1987, s 2

Provided that no person shall be required to wear a badge while driving a livery car.

37. (1)(a) Any person who satisfies the Controller that he has had not less than six months experience of driving an omnibus in the period of five years immediately preceding the commencement of this Act may be granted an omnibus driver's licence without having to satisfy an examiner except as to his physical fitness to drive an omnibus, if he applies for such a licence within three months of the commencement of this Act.

Rights of existing public service drivers

- (b) Any person who —
- (i) immediately before the commencement of this Act was driving a taxi-cab licensed by himself; or
 - (ii) at any time during the period of six months immediately preceding the commencement of this Act was employed for a continuous period of not less than one month as the driver of a motor vehicle licensed as a taxi-cab,

shall be entitled to be granted a tour driver's licence and a taxi-cab driver's licence and an omnibus driver's licence, or all or any of those licences, without having to satisfy any examiner, if he applies therefor within three months of the commencement of this Act.

(2) If any licence is granted under this section to any person before the expiration of a licence held by that person entitling him but for the passing of this Act, to drive a public service vehicle, the Controller shall remit to

that person, upon his surrendering his existing licence, an appropriate proportion of the fee paid by him for that licence, for each whole month for which it is expressed to remain in force after the date of surrender.

Conduct and
appearance of
public service
drivers

38. (1) Every driver of a public service vehicle (other than a self-drive vehicle) shall be required while driving passengers for hire or reward or while attending any court to be sober, of orderly behaviour and of clean and tidy appearance, and to wear any public service driver's badge issued to him by the Controller, and the Minister may make regulations prescribing the standard of conduct, appearance and dress to be required by any such drivers at any such time.

(2) Every driver of a public service vehicle (other than a self-drive vehicle) who while in charge of such a vehicle —

- (a) drives wantonly or furiously; or
- (b) uses insulting or abusive language or makes any insulting gesture; or
- (c) wilfully causes any injury or damage to any person or property,

5 cf 1987, s 2

shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars for a first offence, and to a fine of two hundred dollars or to imprisonment for a term of one month for a second or subsequent offence.

(3) Every driver of a public service vehicle (other than a self-drive vehicle) who while in charge of such a vehicle —

- (a) demands more than the legal fare; or
- (b) refuses to carry in the vehicle which he is driving the number of persons for which such vehicle is licensed; or
- (c) wilfully obscures the number plate of the vehicle which he is driving, or wilfully obscures any table or card which is required to be affixed in that vehicle,

5 cf 1987, s 2

shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of eighty dollars for each offence.

Revocation or
suspension of
public service
driver's licence

39. (1) Subject to the provisions of this section any public service driver's licence may be revoked or suspended at any time by the Controller, upon the ground that, by

reason of his conduct or physical disability, the holder is not a fit person to hold any such licence:

Provided that —

- (a) if the Controller is satisfied that the holder is not a fit person to hold a tour driver's licence, but is not satisfied that he is not a fit person to hold a taxi-cab driver's licence, he may revoke or suspend the holder's tour driver's licence, but shall not revoke or suspend his taxi-cab driver's licence;
- (b) if the Controller is satisfied that the holder is not a fit person to hold a tour driver's licence or a taxi-cab driver's licence, but is not satisfied that he is not a fit person to hold an omnibus driver's licence, he may revoke or suspend the holder's taxi-cab driver's licence and his tour car driver's licence (if any), but shall not revoke or suspend his omnibus driver's licence.

(2) Before revoking or suspending any public service driver's licence upon the grounds of any complaint made against the conduct of the holder, the Controller shall investigate the complaint and afford to the holder an opportunity to be heard and to adduce evidence.

(3) A holder of any public service driver's licence may appeal to the Authority against any decision of the Controller under this section, and the decision of the Authority, after hearing the holder (if he so wishes) and the Controller, shall be final.

40. Any person who, for the purpose of deception, has or uses any badge resembling or intended to resemble any taxi-cab driver's badge, tour car driver's badge or omnibus driver's badge which has been issued by the Controller, and any person who shall transfer or attempt to transfer the same to any other person, shall be guilty of an offence and liable on summary conviction therefor to a fine not less than two hundred and fifty dollars but not exceeding five hundred dollars for a first offence and to a fine not less than five hundred dollars but not exceeding one thousand dollars for a second or subsequent offence.

Fraudulent use
of driver's badge.

*35 cf 1989, s 2
and Sch*

41. (1) It shall be an offence for the driver of any taxi-cab, livery car, tour car, or omnibus to recommend or solicit custom for any place of business, unless directly

Offence of
soliciting.

requested to give advice or recommendation by a passenger, and it shall be an offence for the owner of any such vehicle to cause, require or knowingly permit any driver employed by him to commit any such offence.

(2) It shall be an offence for the owner of any taxi-cab, livery car or tour car to cause to be affixed thereto or displayed therein any advertising matter advertising any place of business other than the owner's transport business.

(3) Any person guilty of an offence under this section and any person guilty of aiding or abetting such an offence shall be liable on summary conviction to a fine of forty dollars for a first offence, and to a fine of two hundred dollars for a second or subsequent offence.

5 cf 1987, s 2

Regulation of
conduct of
passengers.

42. The Minister may make regulations generally as to the conduct of passengers in public service vehicles (other than self-drive vehicles) and any such regulations may in particular, without prejudice to the generality of the foregoing, authorise the removal of a passenger from a vehicle, require a passenger to give his name and address to the driver, and to declare the journey he intends to take or has taken, and to pay the legal fare therefor and to produce on demand and surrender at the proper time and to the proper person any ticket issued to him.

Motor vehicles to
be fitted with
seat belts.
14 cf 2002, s 2

42A. (1) Subject to section 42B, every registered owner of a motor vehicle shall have such motor vehicle fitted with seat belts.

(2) The registered owner of a motor vehicle referred to in subsection (1) who contravenes that subsection shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars.

Exemptions.
14 cf 2002, s 2

42B. The provisions of section 42A shall not apply to —

- (a) a tractor;
- (b) a motor cycle;
- (c) an omnibus, except the front seats used by the driver and any other persons sitting alongside the driver's seat;
- (d) a truck, except the front seats used by the driver and any other passenger sitting alongside the driver's seat, and in the case of a truck with double rows of seats in the cab such double rows of seats;

- (e) a motor vehicle specifically designed for the use of the physically or medically handicapped or disabled, when the person operating the motor vehicle has a certificate issued by a qualified medical practitioner registered under the Medical Act specifying —
- (i) the nature of the physical or medical disability or handicap;
 - (ii) the reasons why the use of seat belt is not deemed desirable; or
- (f) cars manufactured before 1986 or trucks manufactured before 1972.

Ch. 224.

42C. (1) Subject to section 42B, no person shall drive a motor vehicle or permit a person to ride as a passenger in that motor vehicle unless that person or that passenger is secured by a seat belt.

Mandatory use of seat belts.
14 cf 2002, s 2

(2) Subject to section 42B, no person shall ride as a passenger in any motor vehicle on any road unless he is secured by a seat belt.

(3) Where any passenger mentioned under this section is under the age of five years, such passenger shall be secured in a child passenger seat positioned in the rear passenger seat of the motor vehicle.

(4) Any driver of a motor vehicle who drives without a seat belt or allows a passenger in such vehicle to ride without a seat belt commits an offence and is liable on summary conviction to a fine of three hundred dollars.

(5) Any passenger other than the passenger referred to in subsection (3) who rides in a motor vehicle and is not secured by a seat belt commits an offence and is liable on summary conviction to a fine of one hundred dollars.

(6) Every person is guilty of an offence against this section who being the person driving the motor vehicle at the time of the breach, permits a child to ride without a seat belt or secured in a child passenger seat and such person shall be liable on summary conviction to a fine of five hundred dollars.

42D. (1) No person shall sell, offer for sale, hire, or otherwise deal in, any motor vehicle which is required by this Act to be equipped with seat belts, unless that motor vehicle is duly equipped with seat belts.

Sale of motor vehicle without seat belts.
14 cf 2002, s 2

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine of five hundred dollars for a first offence, and to a fine of one thousand dollars for a second or subsequent offence.

Powers of the
Controller.
14 cf 2002, s 2

42E. The Controller or other persons duly authorised by the Minister may cancel, suspend or refuse to issue or renew the licence of a motor vehicle required by this Act to be equipped with seat belts if such motor vehicle is not duly equipped with such belts.

*Provisions as to Driving and C₁ fences in
connection therewith*

Rate of speed.

43. (1) It shall not be lawful for any person to drive a motor vehicle on a road at a speed greater than the speed specified for that road or vehicle in any regulations (hereafter in this section referred to as “speed limit regulations”) made by the Minister under this Act.

(2) A speed limit may be specified in speed limit regulations —

- (a) for any road, and different speed limits may be specified for different roads or classes or descriptions of roads; or
- (b) for any class or description of motor vehicle, and different speed limits may be specified for different classes or descriptions of motor vehicles.

(3) Until speed limit regulations are made under this Act in respect of any road, the speed limit in respect of that road shall be thirty miles an hour.

(4) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on summary conviction —

- (a) in respect of a first offence to a fine not less than two hundred and fifty dollars but not exceeding five hundred dollars; and
- (b) in respect of a second or subsequent offence to a fine not less than five hundred dollars but not exceeding one thousand dollars; and
- (c) in respect of a third or subsequent offence to disqualification from holding or obtaining a driver’s licence for a period not exceeding twelve months.

*35 cf 1989, s 2
and Sch*

*35 cf 1989, s 2
and Sch*

(5) A person shall not be liable to be convicted under subsection (4) of this section solely on the opinion of one witness as to the rate of speed:

Provided that nothing in this subsection shall prevent the court from convicting on the evidence of one police officer as to facts ascertained by the measurement of distance and time, or as to a speedometer or radar speed meter reading made by him. *46 cf 1965, s 4*

(6) Any person who aids, abets, counsels or procures any person who is employed by him to drive, or who is subject to his orders in driving, a motor vehicle on a road, to commit an offence under this section, shall be guilty of an offence and shall be liable on summary conviction in the case of a first offence to a fine of eighty dollars, and in the case of a second or subsequent offence to a fine of two hundred dollars. *5 cf 1987, s 2*

(7) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule or the giving of the directions may be produced as *prima facie* evidence that the employer procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

44. (1) Any person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence and shall be liable on conviction therefor on information in the Supreme Court to a fine not less than five thousand dollars but not exceeding ten thousand dollars or to imprisonment for a term of four years, or to both the fine and imprisonment. *Killing in the course of reckless or dangerous driving. 35 cf 1989, s 3 and Sch*

(2) Section 18 of the Coroners Act shall apply to an offence under this section as it applies to murder, manslaughter or infanticide. *Ch. 56.*

Reckless or dangerous driving.

45. (1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, he shall be liable on summary conviction therefor to a fine of five thousand dollars or to imprisonment for a term of one year, or to both the fine and imprisonment.

35 cf 1989, s 3 and Sch

(2) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Act relating to disqualification for holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

Careless driving.

46. If any person drives a vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, he shall be guilty of an offence and liable on summary conviction therefor to a fine of two hundred dollars.

35 cf 1989, s 3 and Sch

Power to convict of lesser offence on charge for greater offence.

47. Any person charged in any court —

- (a) with an offence under section 44 of this Act (which relates to killing in the course of reckless or dangerous driving) may be convicted either of that offence, or without further charge, of an offence under section 45 of this Act (which relates to reckless or dangerous driving), or of an offence under section 46 of this Act (which relates to careless driving);
- (b) with an offence under section 45 of this Act, may be convicted under that section, or without further charge of an offence under section 46 of this Act; and shall be liable to be punished accordingly.

Causing an obstruction to traffic.
35 cf 1989, s 3 and Sch

48. Any person who, while driving, riding or being in charge of any vehicle in any public place or street —

- (a) refuses to give way;
- (b) negligently or wilfully prevents, hinders or interrupts the free passage of any other traffic; or

- (c) allows such vehicle to stand in any such place or street so as to cause an obstruction in such place or street or inconvenience to any member of the public,

shall be guilty of an offence and liable on summary conviction therefor to a fine not less than five hundred dollars but not exceeding one thousand dollars; and, for the purpose of allowing the free passage of other traffic, such person shall keep his vehicle on the left or near side of the road.

49. Any person who —

- (a) drives or attempts to drive a motor vehicle on a road or other public place; or
 (b) is in charge of a motor vehicle on a road or other public place,

Driving under the influence of liquor or drugs.
14 cf 2002, s 3

after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit shall be guilty of an offence.

(2) Any person who when on a road or other public place and when in charge of a motor vehicle which is on that road or that public place, but not driving the vehicle, is unfit to drive, shall be liable on summary conviction therefor to a fine of two hundred dollars or to imprisonment for a term of two months, or to both the fine and imprisonment:

5 cf 1987, s 2

Provided that a person shall be deemed for the purposes of this section not to have been in charge of a motor vehicle if he proves —

- (a) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive; and
 (b) that between his becoming unfit to drive and the material time he had not driven the vehicle on a road or other public place.

(3) A police officer may arrest without warrant any person committing an offence under this section.

31 cf 1959, s 2

Breath tests.
14 cf 2002, s 4

49A. (1) Where a police officer has reasonable cause to suspect —

- (a) that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body or has committed an offence under this Act whilst the vehicle was in motion; or
- (b) that a person has been driving or attempting to drive or has been in charge of a motor vehicle on a road or other public place with alcohol in his body and that that person still has alcohol in his body; or
- (c) that a person has been driving or attempting to drive or has been in charge of a motor vehicle on a road or other public place and has committed an offence under this Act whilst the vehicle was in motion,

the police officer may, subject to section 49C require that person to provide a specimen of breath for a breath test.

(2) If an accident occurs owing to the presence of a motor vehicle on a road or other public place, a police officer may, subject to section 49C of this Act, require any person whom he has reasonable cause to believe was driving or attempting to drive or in charge of the 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 subsection (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.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section is guilty of an offence.

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

- (a) as a result of a breath test he 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 in pursuance of this section and the police officer

has reasonable cause to suspect that he has alcohol in his body, but a person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.

(6) A police officer may, for the purpose of requiring a person to provide a specimen of breath under subsection (2) in a case where he has reasonable cause to suspect that the incident involved injury to another person or of arresting him in such a case under subsection (5), enter (if need be by force) any place where that person or where the police officer, with reasonable cause, suspects him to be.

49B. (1) In the course of an investigation into whether a person has committed an offence under sections 44 and 49 of this Act a police officer may, subject to the following provisions of this section require him —

Provision of
specimens for
analysis.
14 cf 2002, s 4

- (a) to provide two specimens of breath analysis by means of a device of a type approved by the Minister; or
- (b) to provide a specimen of blood or urine for a laboratory test.

(2) A requirement under this section to provide specimens of breath can only be made at or near the scene of the investigation, a police station, hospital or other health care facility.

(3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless —

- (a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required; or
- (b) at the time the requirement is made a device or a reliable device of the type mentioned in subsection (1)(a) is not available at the police station or it is then for any other reason not practicable to use such a device there; or
- (c) the suspected offence is one under sections 44 and 49 of this Act and the police officer making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug,

but may then be made notwithstanding that the person required to provide the specimen has already provided or has been required to provide two specimens of breath:

Provided that a specimen of blood may only be taken from a person by a registered medical practitioner.

(4) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section, 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 a specimen of urine.

(5) A specimen of urine shall be provided within one hour of the requirement for its provision being made after the provision of a previous specimen of urine.

(6) Where a person is required to give a specimen of urine, that person shall be permitted to do so in facilities provided for that purpose.

(7) A person who, without reasonable excuse, fails to provide a specimen of urine when required to do so in pursuance of this section is guilty of an offence.

(8) A police officer must, on requiring any person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

(9) In this section, a “registered medical practitioner” includes a nurse.

Protection for
hospital patients.
14 cf 2002, s 4

49C. (1) While a person is at a hospital as a patient he shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and —

- (a) if the requirement is then made, it shall be for the provision of a specimen at the hospital; but
- (b) if the medical practitioner objects on the ground specified in subsection (2), the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement or the provision of a specimen or, in the case of a specimen of blood or urine,

the warning required under subsection (7) of section 49B of this Act, would be prejudicial to the proper care and treatment of the patient.

49D. (1) Subject to subsections (2) and (3) below, a person required to provide a specimen of breath, blood or urine may afterwards 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, he would not be committing an offence under section 44 or 49 of this Act.

Detention of persons affected by alcohol or a drug.
14 cf 2002, s 4

(2) A person shall not be detained in pursuance of this section if it appears to a police officer that there is no likelihood of his driving or attempting to drive a motor vehicle whilst his ability to drive properly is impaired or whilst the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.

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

49E. (1) The following provisions apply for the interpretation of sections 49A, 49B, 49C and 49D of this Act.

Interpretation.
14 cf 2002, s 4

(2) In the sections referred to in subsection (1) —

“breath test” means 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;

“drug” includes any intoxicant other than alcohol;

“fail” includes refuse;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients;

“the prescribed limit” means, as the case may require —

(i) 35 microgrammes of alcohol in 100 millilitres of breath;

(ii) 80 milligrammes of alcohol in 10 millilitres of urine;

(iii) 107 milligrammes of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations made by the Minister.

(3) A person does not provide a specimen of breath for a test or for analysis unless the specimen —

(a) is sufficient to enable the test or the analysis to be carried out; and

(b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

(4) A person provides a specimen of blood if and only if he consents to it being taken by a medical practitioner and it is so taken.

Restrictions on prosecutions under the preceding sections.

50. Where a person is prosecuted for an offence under any of the provisions of sections 43, 44, 45, 46, 47 or 49 (which relate to offences committed in connection with driving or being in charge of a motor vehicle), he shall not be convicted unless either —

(a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or

(b) within fourteen days of the commission of the offence a summons for the offence was served on him; or

(c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that —

(a) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that —

(i) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been

ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

- (ii) the accused by his own conduct contributed to the failure; and
- (b) the requirements of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

51. Any person who drives a motor vehicle on a road when the vehicle is in such a condition —

Prohibition of driving vehicle in defective condition.

- (a) as to be likely to cause injury or damage to persons or property; or
- (b) as to cause unnecessary noise, vibration, smoke or smell; or
- (c) as to cause any asphalt, gravel, sand cement, stone, soil, or any combination of them, or any other material which is being conveyed therein to escape therefrom on to the road,

35 *cf* 1967, s 2

shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of eighty dollars.

5 *cf* 1987, s 2

52. (1) If a police officer has reasonable cause to believe that any equipment or any part belonging to a vehicle which is being used on a road is unfit for the purpose for which it is being used, he may order the driver to stop the vehicle and may inspect the equipment or part of the vehicle, and if the equipment or part is not in good working order he may order the driver to put it in good working order forthwith.

Power of police officer in case of defective equipment, etc.

(2) Any person who fails to comply with an order given as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of eighty dollars.

5 *cf* 1987, s 2

53. (1) Any court before which a person is convicted under this or any other Act of an offence in connection with the driving of a motor vehicle by him —

Power of court in regard to cancellation or suspension of driver's licence.

- (a) may, if the person convicted holds a driver's licence by order suspend the licence for such time as the court thinks fit, or may by order cancel the licence and declare the person convicted to be disqualified for obtaining another licence for a definite period;

(b) may, if the person convicted does not hold a driver's licence, declare him to be disqualified for obtaining such a licence for a definite period.

(2) Any person so convicted and in relation to whom such an order has been made, if he holds a driver's licence, shall produce the licence within such time as the court may direct, and if he fails to do so and fails to prove that the licence has been lost or destroyed, he shall be guilty of an offence and liable on summary conviction therefor to a fine not less than one hundred dollars but not exceeding five hundred dollars.

5 cf 1987, s 2
35 cf 1989, s 3
and Sch

(3) Where a driver's licence is suspended or cancelled or a person is declared to be disqualified for obtaining such a licence, the court shall forthwith inform the Controller and shall send to the Controller every suspended or cancelled licence. At the expiration of any period of suspension, the Controller shall return the licence to the owner at his request.

(4) Notwithstanding the provisions of section 54¹ of the Magistrates Act an appeal shall lie to the Supreme Court against an order suspending or cancelling a driver's licence and any such appeal shall be forthwith notified by the Registrar of the Court to the Controller; and where on appeal against any such order the appeal is allowed, or where on appeal any conviction is quashed, then the court by which the appeal is allowed or the conviction is quashed shall forthwith inform the Controller of its decision.

Ch. 54.

46 cf 1965, s 5

(5) A driver's licence suspended as aforesaid shall during the period of suspension be of no effect, and a person whose licence is so suspended, or who is declared by the court to be disqualified for obtaining such a licence, shall during the period of suspension or disqualification be disqualified for obtaining such a licence.

(6) Any person who drives a motor vehicle on a road while his driver's licence is suspended, or while he is disqualified for obtaining such a licence, shall be guilty of an offence and shall be liable on summary conviction

¹ This section, formerly section 128, of the Magistrates Act ceased to apply in criminal cases by section 271 of the Criminal Procedure Code Act, 1968 *q v*. See also Statute Law Provision Act, 1987 (No. 5 of 1987) Schedule.

therefor to a fine not less than seven hundred and fifty dollars but not exceeding one thousand five hundred dollars or to imprisonment for a term of six months, or to both the fine and imprisonment.

*35 of 1989, s 3
and Sch*

54. (1) A person whose driver's licence has been suspended or who has been disqualified for obtaining a driver's licence by reason of his conviction of an offence as mentioned in section 53 of this Act, or of any other offence in respect of which a driver's licence may be suspended, or in respect of which he may be disqualified for obtaining a driver's licence, may at any time after the expiration of one-half of the period for which the licence was suspended or one-half of the period for which he was disqualified for obtaining a licence apply from time to time to the court before which he was convicted to remove the suspension or disqualification; and on any such application the court, if it thinks fit, having regard to the character of the person convicted and his conduct subsequent to his conviction, the nature of the offence, and the other circumstances of the case, may by order remove the suspension or disqualification as from such date as may be specified in the order.

Application to court for review of suspension, etc., of driver's licence.

(2) The court shall forthwith inform the Controller of any order made under this section.

55. (1) Any person who takes and drives away any motor vehicle without the knowledge or permission of the owner of such vehicle shall be guilty of an offence and shall be liable on summary conviction therefor to imprisonment for a term of six months, and upon such conviction may be ordered to pay to the owner such compensation as the court may determine:

Taking motor vehicle without owner's consent to be an offence.

Provided that if that person is found to have acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent, if he had been asked therefor, that person shall not be liable to be convicted of the offence.

(2) If, on the trial of any charge or information for stealing a motor vehicle, it is found that the defendant is not guilty of stealing the motor vehicle but is guilty of an offence under this section, he may be found guilty of an offence under this section and shall be liable to be punished accordingly.

(3) Any police officer may arrest without a warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

Duty to stop in
case of accident.

55 *cf* 1962, s 6

56. (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the registration number of the vehicle. In any such accident as aforesaid the driver shall report the accident at a police station or to a police officer as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(2) In this section, the expression “animal” means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(3) If any person fails to comply with this section, he shall be guilty of an offence and liable on summary conviction therefor to a fine not less than five hundred dollars but not exceeding one thousand dollars.

35 *cf* 1989, s 3
and Sch

Inquiries into
accidents.

57. (1) Where an accident arises out of the presence of a public service vehicle on a road, the Controller may make inquiry into the cause of the accident.

(2) Where any such accident has occurred, the Controller or any person authorised by him in that behalf (on production by that person if so required of his authority) may inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is, and if any person obstructs any person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred dollars.

5 *cf* 1987, s 2

54 *cf* 1963, s 5

(3) If in any case the Minister considers that any inquiry to be made by the Controller under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.

(4) Any report made by or to the Minister as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

(5) Nothing in this section shall be construed as in any way limiting or prejudicing the powers of the Commissioner of Police or of any police officer.

58. (1) The driver of a motor vehicle on any road shall, when requested to do so by a police officer or when a police officer signals to him to do so, immediately bring the vehicle to a stop and keep it stationary until the police officer permits him to proceed.

Obligation to stop a vehicle at request, etc., of police officer.

(2) A police officer may give a signal to stop a vehicle by raising his hand or by waving from side to side a red light.

(3) Any person who fails to comply with any such request or signal as aforesaid shall be guilty of an offence and shall be liable on summary conviction therefor to a fine not less than five hundred dollars but not exceeding one thousand dollars.

35 cf 1989, s 3 and Sch

59. A police officer in uniform may require the driver of a motor vehicle to produce any driver's licence or public service vehicle driver's licence of which he is the holder, and if that driver does not produce such licence to that officer at the time of the requirement or at a police station selected by the driver within forty-eight hours of the time of the requirement, he shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of forty dollars.

Duty to produce driver's licence.

5 cf 1987, s 2

60. A police officer in uniform may arrest without warrant the driver of a motor vehicle whom he has reason to suspect of having committed an offence against this Act, if the driver, on being requested to do so by the police officer, refuses either to give his name and address or to produce his driving licence for examination.

Power of police officer to arrest in certain cases.

61. If the driver of any motor vehicle who commits an offence under this Act, or any regulations made thereunder, refuses to give his name and address or gives a false name or address, he shall be guilty of an offence and shall be liable on summary conviction to a fine not less than five hundred dollars but not exceeding one thousand dollars or to imprisonment for a term of three months, or to both the fine and imprisonment; and it shall be the duty of the owner of the motor vehicle if required, to give any information which it is within his power to give and which

Refusing to give name or address or giving false name or address.

35 cf 1989, s 3 and Sch

may lead to the identification and apprehension of the driver; and if the owner fails to do so he shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of one month or to both the fine and imprisonment.

Duty of owner to give information as to driver and occupants of vehicle.

62. (1) Where a police officer has reason to suspect that an offence in connection with the driving of a vehicle has been committed, it shall be lawful for him or any other police officer to require the owner of the vehicle, or any other person who may be able to give relevant information, to give all information in his possession as to the name, address, description and whereabouts of the driver and the occupants of the vehicle at the time of the alleged offence and also any information in his possession which may lead to the apprehension or identification of the offender.

5 cf 1987, s 2

(2) Any person who refuses or fails to comply with any such requirement duly made as aforesaid shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars or to imprisonment for a term of one month, or to both the fine and imprisonment.

Traffic signs, etc., presumption of compliance with legal requirements.

63. For the purposes of this Act a traffic sign, traffic signal or a notice regulating, prohibiting or restricting parking, which is erected, placed or marked on or near any road shall be deemed to have been lawfully so erected, placed or marked unless the contrary is proved.

PART VI FRANCHISES AND LICENCES TO CARRY PASSENGERS FOR HIRE OR REWARD

Penalty for operating without a franchise or licence.

64. (1) No motor vehicle shall be driven or used for the carriage of passengers for hire or reward unless it is a motor vehicle —

- (a) which is licensed under this Act as a public service vehicle; and
- (b) which is licensed under this Act as a taxi-cab or livery car or is driven by or by a person employed by the holder of a franchise.

(2) No motor vehicle other than a motor vehicle licensed as a taxi-cab under this Act shall —

- (a) stand or ply for hire as a taxi-cab; or

(b) stand for hire in any place designated by the Controller or by any regulations made under this Act as a taxi-stand.

(3) Any person who drives or uses, and any owner of a motor vehicle who causes or permits any other person to drive or use, any motor vehicle in contravention of either of subsections (1) or (2) of this section, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of two hundred dollars for a first offence, and for a second or subsequent offence to a fine of four hundred dollars or to imprisonment for a term of two months, or to both the fine and imprisonment. *5 cf 1987, s 2*

(4) No motor vehicle shall for reward be hired out or bailed for reward to any person for the purpose of enabling that person to drive or use the vehicle for his personal use unless it is a motor vehicle which is licensed under this Act as a public service vehicle operated under a self-drive vehicle franchise: *46 cf 1965, s 6*

Provided that nothing in this subsection shall be construed as prohibiting —

- (a) the hiring out or bailment for reward of any public service vehicle for the purpose of the use of that vehicle by the hirer under and in accordance with the conditions of a franchise held by the hirer; or
- (b) the hiring or bailment of a motor vehicle under a hire purchase agreement,

and any person who acts in contravention of this subsection shall be guilty of an offence, and shall be liable on summary conviction therefor to a fine of two hundred dollars for a first offence, and for a second or subsequent offence to a fine of four hundred dollars. *5 cf 1987, s 2*

65. (1) For the purpose of regulating the use of public service vehicles and the conduct of drivers of such vehicles there shall be appointed such number of officers to be known as Supervisors, as the Minister may from time to time determine. *Supervisors. 54 cf 1959, s 4*

(2) A Supervisor shall have all the powers of a peace officer and, in addition, he shall have such powers in relation to the use of the vehicles and the conduct of the drivers referred to in subsection (1) as are conferred upon him by this Act or by any regulations made thereunder.

(3) Any driver of a public service vehicle who fails to comply with any lawful direction given by a Supervisor shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars.

5 *cf* 1987, s 2

*Taxi-cab, Livery Car and Self-Drive Vehicle
Licences*

66. (1) Subject to the provisions of this section the Minister shall in his discretion determine from time to time the maximum number of each of the following classes of licences which may be issued and in force at any one time in The Bahamas or in any part thereof —

Maximum
number of
licences.
24 *cf* 1973, s 5

- (a) taxi-cab licences;
- (b) livery car licences;
- (c) self-drive vehicle licences;
- (d) tour car licences:

35 *cf* 1968, s 2

46 *cf* 1965, s 7

Provided that in the event of a licence or licences being granted by virtue of the proviso to paragraph (a) of subsection (1) of section 70 of this Act the number of taxi-cab licences shall, *ipso facto*, be correspondingly increased.

24 *cf* 1973, s 3

- (2) Until the Minister otherwise determines —
 - (a) the maximum number of taxi-cab licences shall not exceed the number in force at the commencement of this Act, less the number surrendered by the holders upon the grant of franchises or of livery car licences;
 - (b) the maximum number of livery car licences shall not exceed the number of taxi-cab licences surrendered by the holders upon the grant of livery car licences;
 - (c) the maximum number of self-drive vehicle licences shall not exceed the number of such licences granted under section 67 of this Act.

24 *cf* 1973, s 2

(3) Where the Minister proposes to increase or decrease under subsection (1) of this section the maximum number of any class of licence referred to in that subsection, he shall cause his proposals for that purpose to be published in the *Gazette*, and there shall elapse between the date of the publication in the *Gazette* and the date of the announcement of his determination, a period of not less than thirty days.

(4) Before reaching a determination the Minister shall consider any representations in writing made to him not later than twenty-one days after the date of publication in the *Gazette* referred to in subsection (3) of this section and such determination shall be published in the *Gazette*. *24 cf 1973, s 3*

(5) In reaching a determination the Minister shall have regard primarily to the interests of the public generally, and secondarily to the interests of holders of taxi-cab licences, livery car licences, self-drive vehicle licences and tour car licences. *46 cf 1965, s 7*

- 67.** (1) Any person who satisfies the Controller that — Self-drive vehicle
and livery car
licences.
- (a) he has been continuously engaged in the business of hiring out cars for reward during a period of six months prior to the commencement of this Act; and
 - (b) during that period he was the owner of not less than four cars which were continuously employed in that business,

shall be entitled to be granted, on making application therefor to the Controller within one month of the commencement of this Act, to a number of self-drive vehicle licences equal to the number of motor vehicles which he was employing in his said business during the said period:

Provided that no self-drive vehicle licence shall be granted except in relation to a specific vehicle which satisfies all the requirements of this Act relating to self-drive vehicles.

(2) The Controller shall issue a livery car licence to any holder of a taxi-cab licence who applies therefor within three months of the commencement of this Act and who surrenders that taxi-cab licence to the Controller:

Provided that the Controller shall not issue a livery car licence under this subsection except in respect of a motor vehicle which complies with all the provisions of section 79 of this Act and of any regulations made under that section, and which in the opinion of the Controller is a suitable vehicle to be licensed as a livery car.

(3) An applicant under this section may appeal to the Authority against any decision of the Controller under this section, and the decision of the Authority, after hearing the applicant (if he so wishes) and the Controller, shall be final.

Grant and
renewal of taxi-
cab, livery car
and self-drive
vehicle licences.
35 cf 1968, s 3

68. (1) Subject to the provisions of this section and of sections 66 and 67 and of any regulations made by the Minister under this subsection regulating the grant of taxi-cab licences and livery car licences (which regulations may make different provision in respect of different parts of The Bahamas) the Controller shall grant taxi-cab licences and livery car licences to applicants therefor.

(2) All applications for the grant or renewal of a licence under this section shall be made to the Controller, and the Controller shall keep a register of applications and of the dates thereof.

35 cf 1968 s 3

(3) The Minister shall have power, in relation to the grant of taxi-cab licences, to prescribe by regulations made under this subsection the proportion of the total number of such licences at any time in force in The Bahamas or in any part thereof which may be held by any one person or by any class of person and the conditions subject to which any such person or class of person shall hold such licences, and any such regulations may make different provision in respect of different parts of The Bahamas.

46 cf 1965, s 8

(4) No applicant for the grant or renewal of a taxi-cab licence or livery car licence shall be granted such a licence, unless within one month (or such longer period not exceeding three months as the Controller may allow) of his being notified by the Controller that his application may be granted, he is the owner of a motor vehicle which complies with all the provisions of this Act and of all the regulations made thereunder relating to a taxi-cab or livery car, as the case may be.

46 cf 1965, s 8

(5) A licence issued under this section shall be granted or renewed for a period not exceeding one year and ending on the thirty-first day of March:

Provided that if on the date of expiration of a licence an application for renewal has been duly made to the Controller, the existing licence shall continue in force until the application is disposed of.

(6) Upon the grant, renewal or transfer of a licence issued under this section there shall be paid by the applicant to the Controller the appropriate fee specified in the Schedule to this Act.

(7) The Controller shall not grant or renew a licence under this section if the applicant has been convicted of an

offence being a criminal offence or of an offence relating to the driving or use of a motor vehicle which in the opinion of the Controller suggests that he is not a suitable person to be the holder of such a licence.

(8) Subject as aforesaid and to the provisions of sections 69 and 70, the holder of a taxi-cab, livery car or self-drive vehicle licence shall be entitled to the renewal of that licence on expiration.

(9) Any person aggrieved by the refusal of the Controller to grant or renew a licence under this section may appeal to the Authority, and the decision of the Authority, after hearing the holder (if he so wishes) and the Controller, shall be final.

69. (1) Subject to the provisions of this section, the Controller may at any time revoke a taxi-cab licence, livery car licence or self-drive vehicle licence on the ground that —

Revocation of taxi-cab, livery car and self-drive vehicle licences.

- (a) the holder has been convicted of an offence under this Act or has failed to comply with any of the provisions of this Act or of any regulations made thereunder in respect of that vehicle or of the driving or use of that vehicle; or
- (b) that vehicle has without reasonable cause not been operated under the licence for a continuous period of not less than six months:

Provided that the Controller shall not revoke a licence on any ground stated in paragraph (a) of this subsection, unless he is satisfied that owing to the gravity of the holder's conduct or the danger to the public involved, the licence should be revoked.

(2) Before revoking a licence under this section the Controller shall afford to the holder an opportunity to be heard and to adduce evidence.

(3) A holder of a licence may appeal to the Authority against any decision of the Controller under this section, and the decision of the Authority, after hearing the holder (if he so wishes) and the Controller, shall be final.

70. (1) In each of the following events a taxi-cab or livery car licence shall become void and of no effect and shall forthwith be surrendered to the Controller —

Surrender and transfer of licences and substitution of vehicles.

- (a) upon the death of the holder or, if the holder is a body corporate or partnership, upon the dissolution of the holder:

46 *cf* 1965, s 9

Provided that upon the death of the holder of a taxi-cab licence the Controller may, on application made to him by the surviving spouse or a child of the deceased, transfer the licence to such spouse or child, as the case may be;

- (b) unless another vehicle is substituted under subsection (2) of this section within two months of the event (or within such longer period as the Controller may in his discretion allow), if the vehicle is destroyed or becomes unfit to be driven on a road;
- (c) if the holder ceases to be the owner of the vehicle;
- (d) if the holder ceases to be ordinarily resident in The Bahamas; and for the purposes of this paragraph a person ceases to be ordinarily resident if he has been absent from The Bahamas for an uninterrupted period of six months.

23 cf 1975, s 4

46 cf 1965, s 9

(2) The Controller shall on application by the holder of a taxi-cab, livery car or self-drive vehicle licence transfer that licence from the vehicle to which it attaches to any other public service vehicle owned by the licence holder and complying with all the provisions of this Act which apply to the category of public service vehicle concerned.

23 cf 1975, s 4

(3) An applicant under the proviso to subsection (1)(a) aggrieved by a decision of the Controller under that proviso may appeal to the Authority against that decision.

Licence as
security for loan.
14 cf 2002, s 5

70A. (1) A licence granted under section 68 shall be capable of being used by its holder (in this section called “the borrower”) as security for a loan.

(2) Where the borrower uses his licence as security for a loan —

- (a) the licence together with written evidence of the loan signed by the person granting the loan which shall be a recognised lending institution (in this section called “the lender”) and by the borrower shall be submitted to the Controller who shall endorse on the licence the fact of the loan made and shall make and keep a record of the transaction;
- (b) the licence shall after being duly endorsed be returned by the Controller;

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- (c) on an application in writing signed by the lender and the borrower requesting cancellation of the endorsement on the licence the Controller shall —
 - (i) cancel the endorsement on the licence;
 - (ii) make the necessary entries in his records evidencing the cancellation of the endorsement; and
 - (iii) deliver the licence to the borrower;
 - (d) if during the subsistence of the loan the lender submits to the Controller an application in writing signed by the lender and the borrower for permission to transfer the licence to another individual and the Controller considers that other individual to be a citizen of The Bahamas and a suitable person to operate a taxi-cab service, the Controller shall approve the transfer of the licence to that other individual freed and discharged from the loan endorsed thereon;
 - (e) the transfer shall be in such form as the Minister shall approve.

(3) The provisions of section 69 relating to the revocation of a licence shall not apply to a licence which is used as security for a loan but in the case of a licence so used the Controller may, if the circumstances specified in subsection (1)(a) and (b) of section 69 occur, order that the licence be transferred by the lender to a person whom the Controller considers suitable to operate a taxi-cab service.

(4) No action, suit, prosecution or other proceedings shall be brought or instituted against the Controller in respect of any act done *bona fide* in pursuance or execution or intended execution of any function under this section.

(5) In this section —

“licence” means a taxi-cab licence;

“recognised lending institution” means —

- (a) The Bahamas Development Bank established under section 3 of the Bahamas Development Bank Act; Ch 357
- (b) a domestic bank licensed under the Banks and Trust Companies Regulation Act, 2000; or Ch 316
- (c) an insurance company registered under the Insurance Act. Ch 347

Special Provisions relating to Taxi-Cabs

Requirements
relating to taxi-
cab.

71. (1) Every motor vehicle standing or plying for hire as a taxi-cab shall comply with the provisions of this section and of any regulations made thereunder.

(2) Every taxi-cab shall be fitted with a taxi meter which is in proper working order and which complies with any regulations made under this section.

(3) Every taxi-cab shall have the word “taxi” painted thereon or affixed thereto in such form and manner as may be prescribed by regulations made under this section, and shall comply with any such regulations prohibiting or restricting the painting thereon or affixed thereto of any other lettering.

(4) Every taxi-cab shall carry a card bearing a photograph of the driver and his name and the number of his public service driver’s licence, which card shall be carried in such position and shall be in such form as may be prescribed by regulations, and subject to any such regulations made under this section as may be directed by the Controller.

(5)(a) Every taxi-cab shall have affixed therein in such position as the Controller may direct and in a legible condition any card which may be issued free of charge to the owner by the Controller and relating to the legal rates of fares or to the offence of soliciting or to any provision of this Act which in the opinion of the Controller should be brought to the attention of the passengers.

5 cf 1987, Sch

(b) Further copies of such cards may be obtained from the Controller on payment of a fee of twenty-five cents for each copy.

(6) Regulations made under this section shall be made by the Minister.

5 cf 1987, s 2

(7) Every owner of a taxi-cab which does not comply with any of the provisions of this section shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars.

Taxi-cabs to be
regularly
employed in
standing and
plying for hire.

72. The owner of every licensed taxi-cab shall ensure that it is regularly employed in standing and plying for hire, and that it is so employed for a reasonable number of hours in each working day and for a reasonable number of working days in each month.

Provided that this section shall not apply while a taxi-cab is being repaired, or while the person who normally drives the same is incapable of doing so by reason of illness, or while a taxi-cab cannot be so employed for any other reason which the Controller accepts as sufficient reason.

73. The Minister may by regulations made under this section prescribe maximum fares for taxi-cabs.

Maximum fares for taxi-cabs.

74. Where a dispute arises between the hirer and driver (whether or not the owner) of a taxi-cab regarding the amount of a fare, the hirer may require the driver to drive to the nearest police station, where a note shall be taken of the substance of the dispute, and the hirer shall pay the amount demanded of him by the officer in charge of the station which amount may include the fare to the station, and which amount shall be paid over to the Commissioner of Police and retained by him until the matter in dispute shall have been decided:

Disputed fares.

Provided that —

- (a) if a Supervisor is on duty at a place nearer to the place at which the dispute arises than any police station, the driver may refer the matter to the Supervisor, who shall act in the same manner as if he were the officer in charge of a police station to which the dispute had been referred;
- (b) during office hours the hirer may require the driver to drive to the magistrate's court, and the magistrate shall hear and determine the dispute forthwith, or as soon as conveniently possible, and shall, if he decides the dispute in favour of the driver, award to the driver in addition to the disputed fare, the fare to the court and such further compensation for loss of time as he may determine.

75. (1) No driver of a licensed taxi-cab standing or plying for hire shall, without reasonable cause, refuse to drive his taxi-cab to any place in New Providence if in New Providence, or to any other place in an Out Island if in that Out Island, to which he shall be required by a hirer to drive.

Duties of taxi-cab drivers to passengers.

(2) Except at the request or with the consent of the passenger hiring his taxi-cab the driver of a taxi-cab shall

not carry or pick up any passenger on a journey other than a passenger whom he picked up at the commencement of that journey at the request or with the consent of the passenger hiring the taxi-cab:

Provided that the Minister may by notice to be published in the *Gazette* and the local press at any time authorise drivers of taxi-cabs to carry passengers in excess of the number required by the hirers up to the limit of passengers which such taxi-cabs are licensed to carry, and the Minister may make such order applicable generally or to any place or places, or during any period of time.

5 cf 1987, s 2

(3) Any driver of a taxi-cab acting in contravention of this section and any owner of a taxi-cab who causes, or requires or knowingly permits a driver employed by him so to act, shall be guilty of an offence and liable on summary conviction therefor to a fine of eighty dollars for a first offence, or to a fine of two hundred dollars for a second or subsequent offence.

Refusal to pay fare.

76. If any person hires a taxi-cab, and on the completion of the hiring refuses to pay the legal fare to the owner or driver thereof on demand, he shall be liable on a summary conviction in addition to the payment of the legal fare to a fine of forty dollars, which fine or any part thereof may be adjudged by the court to be paid to the owner or driver of the taxi-cab, as compensation for any loss of time he may have suffered.

5 cf 1987, s 2

Compensation for injury to taxi-cabs.

5 cf 1987, s 2

77. Any passenger in a taxi-cab who wilfully causes any injury to such taxi-cab shall be guilty of an offence, and shall be liable on summary conviction therefor to a fine of forty dollars and to pay to the owner thereof such compensation as the court may determine.

Taxi-stands and regulations for the conduct of taxis.

78. (1) The Minister may make regulations for designating and marking as a taxi-stand any place on a road and, with the consent in writing of the person or public board or other authority in occupation or control thereof, any place on any land not being a road, and such regulations may contain rules for the conduct of the drivers of taxi-cabs and for conferring powers on Supervisors.

(2) No owner or driver of a taxi-cab shall cause or permit a taxi-cab to stand for hire on any land not being a road, unless the Minister authorises the use of that land for that purpose, or unless the land is owned or leased by the owner or driver of such taxi-cab.

(3) Notwithstanding anything in any other law, the Minister and the Authority respectively may exercise all their powers in relation to the regulation and control of the use of public service vehicles and the conduct of the drivers thereof on any land made available by any Minister, public corporation, authority or body for the use of motor vehicles:

54 of 1963, s 11

Provided that the Minister shall consult with such Minister, public corporation, authority or body before making any regulations affecting the use of vehicles or the conduct of drivers on any land managed or controlled by such Minister, public corporation, authority or body.

(4) Subject to subsection (5) of this section, any person desiring to hire a taxi-cab on a taxi-stand shall be required to hire the first taxi-cab in line on that taxi-stand.

(5) Any person (including the holder of a tour car franchise or his servant or agent) desiring to hire a taxi-cab on a taxi-stand for a sightseeing tour or prearranged transfer or prearranged journey shall be required to hire the first taxi-cab in line on that taxi-stand, of which the driver is wearing a tour driver's badge.

(6) A Supervisor shall have authority to direct any person hiring a taxi-cab and any owner or driver of a taxi-cab to comply with the provisions of this Act and of any regulation made thereunder regarding the use of public service vehicles and the conduct of drivers and passengers.

Special Provisions relating to Livery Cars

79. (1) The Minister may make regulations prescribing in relation to livery cars —

Special provisions relating to livery cars.

- (a) the class and description and standard of condition and appearance of the vehicle;
- (b) the uniform which shall be the uniform of a chauffeur and the standard of conduct of the driver;
- (c) the maximum fares and charges;
- (d) such other matters relating to the maintenance of a high standard of service, as the Minister may see fit,

and until such regulations are made the holder of a livery car licence shall comply with any directions given by the Controller.

(2) A livery car shall not be hired except by oral or written communication to the licence holder at his usual place of business.

(3) For the purposes of section 69 of this Act (which relates to the cancellation of licences) a failure to comply with any direction of the Controller shall be deemed to be a failure to comply with a provision of this Act.

*Omnibus, Tour Car and Self-drive Vehicle
Franchises*

Classification of franchises.

80. Franchises shall for the purposes of this Act be divided into the following classes —

- (a) an omnibus franchise, that is to say a franchise to operate one or more omnibuses on either —
 - (i) a public scheduled service;
 - (ii) a private scheduled service;
 - (iii) privately chartered services;
- (b) a tour car franchise, that is to say a franchise to operate one or more tour cars on sightseeing tours or prearranged transfers;
- (c) an occasional franchise, that is to say a franchise to operate one or more omnibuses or tour cars on a special occasion, or in an emergency, or for a period not exceeding two months while an application for a franchise is pending; or
- (d) a self-drive vehicle franchise, that is to say a franchise to hire out self-drive vehicles for reward.

Conditions of franchise.

81. It shall be a condition of every franchise granted under this Part of this Act that the holder shall comply with all the provisions of this Act, and of all regulations made thereunder.

Other conditions of omnibus franchises.

82. (1) Every omnibus franchise for a public scheduled service —

- (a) shall be subject to the condition that, subject to the provisions of any regulations made under this Act, any person behaving lawfully and tendering the proper fare shall be entitled to be carried as a passenger on the scheduled service in any omnibus in which there is a vacant passenger seat;

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- (b) shall contain conditions prescribing —
- (i) each date on which the service shall be operated, and the timetable on each such date;
 - (ii) the minimum number of vehicles which shall be used and the maximum number of vehicles which may be used on each scheduled journey;
 - (iii) the route or routes;
 - (iv) the number and position of picking up points and setting down points;
 - (v) maximum fares for individual passengers, unless actual fares are prescribed;
- (c) may contain conditions prescribing —
- (i) fare stages;
 - (ii) actual fares or minimum fares;
 - (iii) special maximum or actual fares for children;
 - (iv) the classes or descriptions of vehicles which may be used;
 - (v) other matters relating to the maintenance of a high standard of service, as the Authority may see fit.
- (2) Every omnibus franchise for a private scheduled service —
- (a) shall contain conditions prescribing —
- (i) the classes or descriptions of persons who may be carried as passengers for reward;
 - (ii) each date or occasion on which the service may be operated;
 - (iii) the maximum number of vehicles which may be used on each such date or occasion;
 - (iv) the route or routes;
 - (v) the number and position of picking up points and setting down points;
- (b) may contain conditions prescribing —
- (i) the timetable on each such date or occasion;

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- (ii) actual or maximum fares for individual passengers, including special fares for children, or the actual or maximum charges for each vehicle journey;
 - (iii) the classes or descriptions of vehicles which may be used;
 - (iv) other matters relating to the maintenance of a high standard of service, as the Authority may see fit.
 - (3) Every omnibus franchise for privately chartered services —
 - (a) shall be subject to the condition that in the case of each vehicle journey made under the franchise each passenger carried shall be making a prearranged journey and shall be of the same class or descriptions of persons as each of the other passengers carried;
 - (b) shall contain conditions prescribing —
 - (i) the various classes or descriptions of persons which may be carried on vehicle journeys made under the franchise;
 - (ii) each date or occasion on which vehicles may be used, and in respect of which classes or descriptions of persons;
 - (iii) the maximum number of vehicles which may be used and the maximum number of vehicle journeys which may be made on each such date or occasion and in respect of which classes or description of persons;
 - (iv) the route or routes and destinations of all vehicle journeys;
 - (v) the number and position of picking up and setting down points;
 - (c) may contain conditions prescribing —
 - (i) maximum fares for individual passengers (including special maximum fares for children) or the maximum charges for each vehicle journey;
 - (ii) the classes or descriptions of vehicles which may be used;

- (iii) other matters relating to the maintenance of a high standard of service, as the Authority may see fit.

(4) For the purposes of this section a class or description of persons means any class or description of persons which can be defined either by reference to the group or party of which all such persons are members or by reference to the common purpose of all their respective journeys.

(5) All conditions to be prescribed under this section shall be prescribed by the Authority at the time of granting a franchise, and all conditions which may be so prescribed may be so prescribed either at the time of granting, varying or renewing a franchise.

83. (1) Every tour car franchise —

- (a) shall be subject to the condition that no passenger shall be carried in a tour car for reward except on a sightseeing tour or on a prearranged transfer;
- (b) shall be subject to the further condition that only specified vehicles (as defined in subsection (2) of this section) shall be used for the carriage of passengers on prearranged transfers;
- (c) shall contain conditions prescribing —
 - (i) the number of specified vehicles, which number shall not exceed one-half of the maximum number of vehicles which may be used under the franchise on any date or occasion, and the identification of each such specified vehicle;
 - (ii) each date or occasion on which vehicles may be used, and the maximum number of vehicles which may be used on each such date or occasion;
 - (iii) the initial picking up points and final setting down points of all permitted vehicle journeys (which may be defined in general or in particular terms);
- (d) may contain conditions prescribing —
 - (i) the route or routes or destination of all tours and of all permitted vehicle journeys;

Other conditions of tour car franchises.

- (ii) the maximum number of vehicles which may be used or of vehicle journeys which may be made on any tour, or between any points, or from any initial picking up point or on any route, on any date or occasion;
- (iii) the maximum fares for individual passengers or the maximum charge for any vehicle journey;
- (iv) the classes or descriptions of vehicles which may be used;
- (v) other matters relating to the maintenance of a high standard of service as the Authority may see fit.

(2) For the purposes of this section a “specified vehicle” means a particular vehicle which is permitted to be used under a franchise for the carriage of passengers on prearranged transfers.

(3) All conditions to be prescribed under this section shall be prescribed by the Authority at the time of granting a franchise, and all conditions which may be so prescribed may be so prescribed either at the time of granting, varying or renewing a franchise.

(4) If upon any application for the renewal of a tour car franchise the Authority is satisfied on the evidence that —

- (a) the applicant and all other holders of tour car franchises taken as a whole have exercised an extreme degree of preference without reasonable cause in the selection by them for driving on sightseeing tours of drivers holding tour driver’s licences and driving licensed taxi-cabs; and
- (b) that a substantial number of such drivers have not had any reasonable share of the work of providing sightseeing tours for visitors not carried in tour cars,

the Authority may prescribe such conditions as it may see fit in that tour car franchise for the purpose of ensuring that the work of providing such sightseeing tours is more widely distributed.

Other conditions
of self-drive
vehicle
franchises.

- 84.** (1) Every self-drive vehicle franchise —
- (a) shall contain conditions prescribing —
 - (i) the maximum number of vehicles to be operated by the holder thereof;

- (ii) the classes or descriptions of vehicles which may be used;
- (b) may contain conditions prescribing —
 - (i) the maximum charge;
 - (ii) the information which must be given to the hirer by the holder of the franchise or his agent, representative or employee;
 - (iii) other matters relating to the maintenance of a high standard of service, as the Authority may see fit.

(2) No person shall cause or permit any other person to drive or be in charge of any self-drive vehicle in any public place unless there shall be posted on the windshield, in such a position so as not to obstruct the view of the driver, a sticker with the words “KEEP LEFT” printed thereon in bold print.

35 cf 1989, s 3 and Sch

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of one hundred dollars.

35 cf 1989, s 3 and Sch

85. (1) This section applies to every application for the grant, variation, renewal or transfer of a franchise (other than an occasional franchise).

Application for the grant, variation, renewal or transfer of franchises.

(2) Every application shall be heard and determined by the Authority at a public sitting.

(3) The Authority shall hold a public sitting once in every period of three months, and may do so at any time to hear any application which has been published by the Controller on a date not less than four weeks following the date of the last public sitting of the Authority.

(4) Notice of the date and place of every public sitting of the Authority shall be published in the *Gazette* not less than two weeks before the date of such sitting.

(5) Every application shall be made to the Controller, and shall be published by him in the *Gazette* within seven days of the application being made.

(6) The Authority shall not hear any applications until a period of four weeks has elapsed following the date of publication of the application in the *Gazette*.

(7) Any person entitled to object to an application and wishing to be heard as an objector shall lodge two copies in writing of his objection, stating all the grounds of

the objection, within fourteen days of the date of the publication of the application in the *Gazette*, and the Controller shall as soon as practicable send one copy of the objection to the applicant.

(8) The Authority shall not hear any objector who does not lodge his objection within the period referred to in subsection (7) of this section, and shall not be required to hear or entertain any grounds of objection unless duly lodged as aforesaid.

(9) For the purposes of this section a person entitled to object to an application is a person who is either —

- (a) the holder of a franchise granted under this Act; or
- (b) the holder or any person or body of persons representing the holders of not less than ten taxi-cab or livery car licences.

(10) Subject as aforesaid the Authority shall permit every party to an application, being an applicant for the grant, renewal, variation or transfer of a franchise or a person entitled to object to the application, to appear and be heard by himself or by a representative, and to call witnesses and to cross-examine any witnesses called by any other party to the application, but subject as aforesaid and subject to any regulations made under this Act the Authority may regulate its own procedure.

(11) Subject to the provisions of this section the Authority may by regulations prescribe —

- (a) the manner and form in which applications and objections under this section shall be made and the particulars to be furnished therewith;
- (b) the manner and form in which such applications and objections and notices of proceedings and of decisions of the Authority shall be published;
- (c) the procedure of the Authority at public sittings, and any other matters connected with the granting, variation, renewal, transfer, suspension or revocation of franchises, for the purposes of giving effect to this Act.

86. (1) Subject to the provisions of this section, the Authority shall have full power in its discretion either to grant or to refuse an application for a new franchise or for the variation, renewal or transfer of an existing franchise, or to grant a franchise or a variation, renewal or transfer of a franchise which differs from the application.

Discretion of Authority as to granting, varying, renewing or transferring franchises.

(2) In exercising its discretion in regard to an application for a new franchise, the Authority shall have regard primarily to the interests of the public generally and of any sections of the public requiring facilities for transport, and secondarily to the interests of persons providing facilities for transport by public service vehicles, and, in particular, shall have regard to the following matters —

- (a) the suitability and financial resources of the applicant to be the holder of a franchise, and the extent to which it is probable that the applicant will provide efficient and regular service to the public under and in accordance with the terms and conditions of the franchise;
- (b) the previous conduct of the applicant in the capacity of a holder of a franchise;
- (c) the needs of the area or routes in question, including the provision of adequate, suitable and efficient public transport facilities, the elimination of unnecessary facilities and of unremunerative facilities, and the co-ordination of all forms of road passenger transport;
- (d) the existence of other road transport facilities in the area or on the routes in question;
- (e) the degree of efficiency and suitability of existing road transport facilities in such area and on such routes;
- (f) the period for which similar road transport facilities have been provided in The Bahamas by the applicant or by other franchise or licence holders objecting to the application;
- (g) in the case of a self-drive vehicle franchise, the maximum number of self-drive vehicle licences which may be issued and in force at any one time as determined by the Authority, *46 cf 1965, s 10*

and the Authority shall take into consideration any objections which may be duly made by any person entitled to object to an application.

(3) The following provisions of this section shall apply to an application for the variation of an existing franchise only in so far as the franchise as sought to be varied differs from the existing franchise.

(4) In exercising its discretion in regard to an application for the renewal of an existing franchise the Authority may vary the conditions of the franchise, but shall not refuse to renew the franchise, unless it is reasonably satisfied either —

- (a) that the applicant is no longer a suitable person to hold a franchise for one or more of the following reasons, namely —
 - (i) that he has been convicted of an offence under this Act; or has committed a breach of any of the conditions of the franchise sought to be renewed during the period for which that franchise was in force; or
 - (ii) that he has failed to give satisfactory service to the public during the said period; or
- (b) that the needs of the public for the services provided under the franchise have ceased to exist or have diminished; and any person entitled to object to an application (as defined in subsection (9) of section 85 of this Act) may adduce evidence before the Authority which is material to satisfy the Authority as to any of the matters referred to in this subsection.

(5) In exercising its discretion in regard to an application for the transfer of an existing franchise from the holder to the applicant, the Authority shall grant the application if it is satisfied —

46 cf 1965, s 10

- (a) that there is a *bona fide* sale by the holder of the franchise of all the vehicles included in the category of franchise in respect of which the application is made; and
- (b) as to all the matters referred to in paragraphs (a) and (b) of subsection (2) of this section, in relation to the applicant.

Occasional franchises.

87. (1) The Authority may in its discretion if it appears to the Authority to be in the public interest so to do —

- (a) grant to an applicant for a franchise an occasional franchise, which may take effect before and until such time as the application is heard and determined, and which may remain in force for such period not exceeding two months from the date of the granting thereof as the Authority may determine;

- (b) grant, or by special or general directions authorise the Controller to grant, on the oral or written application of the holder of an omnibus franchise or of a tour car franchise made to the Controller, an occasional franchise for a special occasion or for an emergency, which franchise may remain in force for such period not exceeding three days from the date of the commencement thereof as the Authority or the Controller, as the case may be, may determine:

Provided that an occasional franchise shall not be granted under paragraph (b) of this subsection if the Authority or the Controller, as the case may be, is of the opinion that the need which gives rise to the application can be adequately met by the facilities provided by the licensed taxi-cabs.

(2) An occasional franchise shall be granted so far as practicable subject to such of the conditions of an omnibus franchise or of a tour car franchise as may be appropriate, and may be granted subject to such other conditions as the Authority or the Controller, as the case may be, may see fit to impose.

(3) No appeal shall be allowed against the refusal of an occasional franchise, whether the refusal is by the Authority or by the Controller.

88. (1) A franchise (other than an occasional franchise) granted or renewed under this Part of this Act shall, unless previously revoked, continue in force for such period not exceeding five years, as the Authority in each case may determine, commencing on the date on which the franchise is expressed to take effect:

Duration of franchises.

Provided that, if on the date of the expiration of a franchise proceedings are pending before the Authority on an application for the renewal of such franchise, whether with or without variations, the existing franchise shall continue in force until the application is disposed of.

(2) Nothing in this section shall prevent the attachment to a franchise of a condition that the franchise shall be limited to one or more particular dates or occasions.

(3) If and in so far as it is suspended under the provisions of this Part of this Act, a franchise shall be of no effect during the time of suspension.

Fees for
franchises.

89. (1) Upon the grant, variation, renewal or transfer of a franchise other than an occasional franchise, there shall be paid by the applicant to the Controller the appropriate fee specified in the Schedule to this Act and until such fee is paid the franchise shall be deemed not to have come into force.

Schedule.

Schedule.

(2) The appropriate fee for an occasional franchise as specified in the Schedule to this Act shall be paid to the Controller within such time as he may determine.

Revocation or
suspension of
franchise.

90. (1) Subject to the provisions of subsection (2) of this section, the Authority may revoke or suspend a franchise in whole or in part on the ground that the holder —

- (a) has been convicted of an offence under this Act;
or
- (b) has failed to comply with any condition subject to which the franchise was granted:

Provided that the Authority shall not revoke or suspend a franchise unless, in the case of a failure to comply with any conditions of the franchise, the Authority is satisfied that owing to the frequency of the breach of conditions on the part of the holder, or to the breach having been committed wilfully or to the danger to the public involved in the breach, the franchise should be revoked or suspended.

(2) Before revoking or suspending a franchise under this section, the Authority shall give to the holder of the franchise notice in writing specifying the grounds upon which it is proposed to revoke or suspend the franchise, and shall not revoke or suspend the franchise until it is satisfied, after hearing the holder of the franchise at a public sitting of the Authority, that the franchise should be revoked or suspended.

Power to vary
conditions of a
franchise.
55 *cf* 1962, s 7

91. (1) The Authority may from time to time vary in such manner as it deems fit the conditions attached to a franchise whether there has been an application for such variation or not.

(2) The provisions of subsection (2) of section 90 shall apply *mutatis mutandis* to subsection (1) of this section.

92. Any person being —

Appeals

- (a) an applicant for the grant, variation, renewal or transfer of a franchise whose application has been refused in whole or in part by the Authority; or
- (b) an objector to any such application whose objection has been over-ruled in whole or in part by the Authority; or
- (c) any person entitled to object to an application who has been refused a hearing by the Authority; or
- (d) a holder of a franchise whose franchise has been suspended, revoked or varied in whole or in part by the Authority,

may appeal to a judge of the Supreme Court by giving notice of appeal in writing to the Registrar of the Supreme Court and to the Authority within fourteen days of the decision of the Authority, and such notice of appeal shall be given, and such appeal shall be heard and determined, in accordance with rules made under the provisions of the Supreme Court Act, and the Authority shall give effect to any order made by the Supreme Court on any such appeal.

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PART VII STREET AND TRAFFIC REGULATION

93. (1) The Minister shall have power to make regulations for any of the following purposes:

Power to make regulations

- (a) for the placing, erecting or marking on or near a road of traffic signs (including traffic signals and signs indicating street crossings, parking places, loading zones, taxi-cab stands, tour car stands, or omnibus stops), and for the removal of unauthorised traffic signs;
- (b) for the making of a traffic code governing the conduct of all users of the highway including pedestrians and of all drivers and passengers in motor vehicles, and for the punishment of the neglect of traffic signs, signals or directions;
- (c) for the prevention of the obstruction of roads by vehicles, and for the removal of obstructions on or over a road at the expense of the person responsible, and for the control of parking, and

as to the duties of drivers stopping owing to mechanical breakdown, and for the securing of motor vehicles left unattended;

- (d) for the lighting of all vehicles (including cycles) and of obstructions on a road, and for regulating the sounding of warning devices;
- (e) for restricting the use of roads by vehicles generally or by particular classes of vehicles or on particular occasions;
- (f) for the erection of bus shelters.

54 cf 1963, s 12

(2) Before making any regulations under this section the Minister shall consult with the Commissioner of Police and with any other Minister or Department appearing to the Minister to be concerned.

35 cf 1989, s 3 and Sch

(3) Regulations made under this section may provide for the imposition of penalties for any contravention of any provision of the regulations and, without prejudice to the foregoing provisions of this subsection, any such regulations may provide for the imposition of minimum penalties for any such contravention.

Vehicles other than motor vehicles.
5 cf 1987, Sch

94. (1) In this section and sections 95 and 96 “vehicle” means hackney carriage, cart, dray, wagon, bicycle or tricycle.

(2) Any person who drives or rides any vehicle on a road in a manner dangerous to any other person shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

(3) Any person who drives or rides any vehicle on a road —

- (a) without due care and attention or without reasonable consideration for other persons using the road; or
- (b) by night without having attached thereto one light clearly visible to persons following the vehicle,

shall be liable on summary conviction to a fine not exceeding fifty dollars.

Power of police to stop vehicles other than motor vehicles.
5 cf 1987, Sch

95. A person driving or riding a vehicle on a road shall stop the same on being required to do so by a police officer and, if he fails so to do, shall be liable on summary conviction to a fine not exceeding one hundred and fifty dollars.

96. A person driving or riding a vehicle on a road shall comply with all signals and directions given by a police officer engaged in the regulation of traffic on the road and with all traffic signs, including light signals, lawfully placed on or near the road, and if he fails so to do shall be liable on summary conviction to a fine not exceeding one hundred and fifty dollars.

Traffic directions for vehicles other than motor vehicles.
5 cf 1987, Sch

PART VIII MISCELLANEOUS AND GENERAL

97. (1) Notwithstanding the provisions of this or any other Act, it shall be lawful for the Controller to issue a licence for any period not exceeding six months to any visitor to The Bahamas in respect of any passenger vehicle brought into The Bahamas.

Registration of visitors' passenger vehicles.
10 cf 1933

(2) The fee payable for the period for which such licence is granted shall be the proportionate part of the sum payable under the provisions of this Act for one year, the whole of the month in which the application is granted to be included in calculating the amount to be paid.

(3) In this section the word "visitor" means any person who satisfies the Controller that such person is a *bona fide* visitor to The Bahamas.

98. The Governor-General may by order for the purpose of giving effect to any International Convention relative to passenger vehicles and traffic provide —

International Conventions relating to passenger vehicles and traffic.
11 cf 1939

- (a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in The Bahamas when temporarily taking their passenger vehicles abroad or to drivers when proceeding abroad for the purpose of driving passenger vehicles; and
- (b) for modifying the provisions of this Act and any rules made thereunder relating to the registration of passenger vehicles and the licensing of drivers in the cases of passenger vehicles temporarily brought into The Bahamas by persons resident in countries where similar Conventions are in force and intending to make only a temporary stay in The Bahamas and of drivers entering The Bahamas for the purpose of driving such passenger vehicles.

Protective helmets for motor cyclists. *5 cf 1975, s 2*

99. (1) The Minister may make regulations —

- (a) making it compulsory for protective helmets to be worn by persons driving and riding on motor cycles;
- (b) prescribing the shape, construction or quality of protective helmets.

(2) If any person sells any helmet as a helmet for affording protection as aforesaid and such helmet fails to comply with any requirements prescribed under any regulations made under this section, he shall be guilty of an offence and shall be liable on summary conviction in the case of a first conviction for such offence to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months and in the case of a second or subsequent conviction for such offence to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months and the court may order the confiscation of any such deficient helmets.

(3) In this section the expression “helmet” includes any head-dress, and references in this section to selling includes references to letting on hire.

Holders of self-drive vehicle franchises to provide protective helmets. *5 cf 1975, s 2*

100.(1) Every holder of a self-drive vehicle franchise who hires out motor cycles shall provide protective helmets for use of persons to whom such vehicles are hired.

(2) Every holder of a self-drive vehicle franchise who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction in the case of a first conviction for such offence to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months and in the case of a second or subsequent conviction for such offence to a fine not exceeding four hundred dollars or to imprisonment for a term not exceeding six months.

Saving of rules made under the Penal Code. Ch. 84.

101. Subject to the provisions of section 7 of this Act nothing in this Act shall be construed as avoiding the application of any rules made under the Penal Code to any taxi-cabs or to any persons driving taxi-cabs.

Fees.

102. All fees received by the Controller under this Act, or under any regulations made thereunder, shall be paid into the Consolidated Fund to the credit of general revenue.

103. All expenses incurred by the Minister or the Authority for the purposes of this Act shall be defrayed out of moneys appropriated by Parliament.

Expenses.
54 cf 1963, s 13

104. (1) Save for the provisions of sections 96 and 97 which apply throughout The Bahamas, this Act shall apply to the Island of New Providence, but shall not apply to any Out Island until applied thereto by the Minister by order, and different provisions of this Act may be so applied on different days.

Application to
Out Islands.
E L A O, 1974

(2) For the purposes of the application of this Act to any Out Island, any reference in this Act to the Controller shall be deemed to be a reference to any person in such Out Island authorised in writing by the Controller to act on his behalf.

SCHEDULE OF FEES (Sections 31, 33, 34, 36, 68 and 89) *12 cf 1982, s 2*

A.	In the whole of The Bahamas —	
1.	For issuing the appropriate motor vehicle licence in respect of any motor vehicle (other than a motor cycle or an invalid carriage) which occupies an area which —	<i>16 of 1990, s. 3.</i>
(a)	does not exceed 60 sq.ft., per annum.....	\$75.00
(b)	exceeds 60 sq.ft. but does not exceed 70 sq.ft., per annum.....	\$80.00
(c)	exceeds 70 sq.ft. but does not exceed 80 sq.ft., per annum.....	\$90.00
(d)	exceeds 80 sq.ft. but does not exceed 90 sq.ft., per annum.....	\$100.00
(e)	exceeds 90 sq.ft. but does not exceed 100 sq.ft., per annum.....	\$110.00
(f)	exceeds 100 sq.ft. but does not exceed 110 sq.ft., per annum.....	\$125.00
(g)	exceeds 110 sq.ft. but does not exceed 120 sq.ft., per annum.....	\$140.00
(h)	exceeds 120 sq.ft. but does not exceed 130 sq.ft., per annum.....	\$155.00
(i)	exceeds 130 sq.ft. but does not exceed 140 sq.ft., per annum.....	\$185.00
(j)	exceeds 140 sq.ft. but does not exceed 150 sq.ft., per annum.....	\$200.00
(k)	exceeds 150 sq.ft. but does not exceed 160 sq.ft., per annum.....	\$215.00

	(l)	exceeds 160 sq.ft. but does not exceed 170 sq.ft., per annum	\$225.00
	(m)	exceeds 170 sq.ft. but does not exceed 180 sq.ft., per annum	\$235.00
	(n)	exceeds 180 sq.ft. but does not exceed 190 sq.ft., per annum	\$265.00
	(o)	exceeds 190 sq.ft. but does not exceed 200 sq.ft., per annum	\$280.00
	(p)	exceeds 200 sq.ft. but does not exceed 210 sq.ft., per annum	\$300.00
	(q)	exceeds 210 sq.ft. but does not exceed 220 sq.ft., per annum	\$320.00
	(r)	exceeds 220 sq.ft. but does not exceed 230 sq.ft., per annum	\$340.00
	(s)	exceeds 230 sq.ft. but does not exceed 240 sq.ft., per annum	\$360.00
	2.	Upon the issue of the appropriate motor vehicle licence in respect of an omnibus, an additional fee for each seat for a passenger per annum	75c
	3.	For issuing the appropriate motor vehicle licence in respect of —	
<i>26 cf 1988, s 2</i>	(a)	a motor cycle of which the cylinder capacity of the engine —	
	(i)	does not exceed 125 cubic centimetres	\$30.00
	(ii)	exceeds 125 cubic centimetres but does not exceed 350 cubic centimetres	\$40.00
	(iii)	exceeds 350 cubic centimetres but does not exceed 750 cubic centimetres	
	(iv)	exceeds 750 cubic centimetres....	\$60.00
	(b)	an invalid carriage, per annum	Nil
<i>26 cf 1988, s 2</i>	4. (1)	For issuing the appropriate motor vehicle licence in respect of any motor vehicle classified as a heavy duty vehicle which occupies an area that —	
<i>35 cf 1989, s 3 and Sch</i>	(a)	does not exceed 100 sq.ft., per annum.....	\$200.00
<i>35 cf 1989, s 3 and Sch</i>	(b)	exceeds 100 sq.ft. but does not exceed 110 sq.ft., per annum	\$210.00
<i>35 cf 1989, s 3 and Sch</i>	(c)	exceeds 110 sq.ft. but does not exceed 120 sq.ft., per annum	\$220.00
<i>35 cf 1989, s 3 and Sch</i>	(d)	exceeds 120 sq.ft. but does not exceed 130 sq.ft., per annum	\$230.00
<i>35 cf 1989, s 3 and Sch</i>	(e)	exceeds 130 sq.ft. but does not exceed 140 sq.ft., per annum	\$240.00

(f)	exceeds 140 sq.ft. but does not exceed 150 sq.ft., per annum.....	\$250.00	<i>35 cf 1989, s 3 and Sch</i>
(g)	exceeds 150 sq.ft. but does not exceed 160 sq.ft., per annum	\$270.00	<i>35 cf 1989, s 3 and Sch</i>
(h)	exceeds 160 sq.ft. but does not exceed 170 sq.ft., per annum	\$290.00	<i>35 cf 1989, s 3 and Sch</i>
(i)	exceeds 170 sq.ft. but does not exceed 180 sq.ft., per annum	\$310.00	<i>35 cf 1989, s 3 and Sch</i>
(j)	exceeds 180 sq.ft. but does not exceed 190 sq.ft., per annum.....	\$330.00	<i>35 cf 1989, s 3 and Sch</i>
(k)	exceeds 190 sq.ft. but does not exceed 200 sq.ft., per annum.....	\$350.00	<i>35 cf 1989, s 3 and Sch</i>
(l)	exceeds 200 sq.ft. but does not exceed 210 sq.ft., per annum.....	\$370.00	<i>35 cf 1989, s 3 and Sch</i>
(m)	exceeds 210 sq.ft. but does not exceed 220 sq.ft., per annum.....	\$390.00	<i>35 cf 1989, s 3 and Sch</i>
(n)	exceeds 220 sq.ft. but does not exceed 230 sq.ft., per annum.....	\$410.00	<i>35 cf 1989, s 3 and Sch</i>
(o)	exceeds 230 sq.ft. but does not exceed 240 sq.ft., per annum.....	\$430.00	<i>35 cf 1989, s 3 and Sch</i>
(p)	exceeds 240 sq.ft. but does not exceed 250 sq.ft., per annum.....	\$500.00	<i>35 cf 1989, s 3 and Sch</i>
(q)	exceeds 250 sq.ft., per annum	\$520.00	<i>35 cf 1989, s 3 and Sch</i>
	(2) In addition to the fee payable under paragraph (1) of this item there shall be paid a fee based upon the capacity laden weight of the vehicle in accordance with the following scale —		<i>35 cf 1989, s 3 and Sch</i>
	Laden Weight Schedule	Fee	
	(a) of or above 5000 lbs. but less than 7500 lbs	\$25.00	
	(b) of or above 7500 lbs. but less than 9000 lbs	\$50.00	
	(c) of or above 9000 lbs. but less than 10,500 lbs	\$75.00	
	(d) of or above 10,500 lbs. but less than 12000 lbs	\$100.00	
	(e) of or above 12000 lbs. but less than 15000 lbs	\$125.00	
	(f) of or above 15,000 lbs	\$150.00	
5.	For issuing the appropriate licence in respect of —		<i>26 cf 1988, s 2</i>
	(a) a bicycle licence, per annum	\$10.00	
	(b) a bicycle licence, for six months	\$5.00	
6.	For a licence to drive a motor vehicle —	\$20.00	<i>1 cf 1994, s 4</i>
	(a) for one year.....	\$20.00	<i>9 cf 2003</i>
	(b) for three years.....	\$50.00	
7.	For a provisional licence to drive a motor vehicle	\$10.00	<i>26 cf 1988, s 2</i>

<i>26 cf 1988, s 2</i>	8.	For the issue of a duplicate driver's licence to replace one destroyed or lost.....	\$10.00
	9.	For the reservation of licence plates	\$50.00
		B. In the whole of The Bahamas —	
<i>16 cf 1990, s 3</i>	1.	Transfer of temporary licence to public service vehicle	\$20.00
	2.	Re-issue of registration book to new owner.....	\$10.00
<i>26 cf 1988, s 2</i>	3.	Transfer of motor vehicle licence originally issued in Out Island to become valid in New Providence	\$10.00
<i>26 cf 1988, s 2</i>	4.	Issue of duplicate registration book	\$10.00
	5.	For the issue of trade licence plates, per set, per annum.....	\$150.00
	6.	For the issue of public service driver's licence —	
	(a)	issue of public service driver's licence to drive a tour car	\$50.00
	(b)	issue of public service driver's licence to drive a taxi cab.....	\$40.00
	(c)	issue of public service driver's licence to drive an omnibus.....	\$75.00
<i>26 cf 1988, s 2</i>	7.	To replace public service driver's licence damaged or lost.....	\$20.00
	8.	Public Service vehicle licence fee in addition to the fees set out in item 1 of parts A and B above, per annum	\$5.00
<i>16 cf 1990, s 3</i>	9.	For issuing a tour operator's franchise, per annum —	
	(a)	for the first 5 vehicles	\$300.00
	(b)	for every additional 3 vehicles or part thereof thereafter.....	\$50.00
<i>16 cf 1990, s 3 9 cf 2003</i>	10.	For issuing a public scheduled omnibus franchise per annum for each vehicle	\$300.00
<i>16 cf 1990, s 3</i>	11.	For issuing a private scheduled omnibus franchise per annum —	
	(a)	for the first 5 vehicles	\$300.00
	(b)	for every additional 3 vehicles or part thereof thereafter.....	\$50.00
<i>16 cf 1990, s 3</i>	12.	For issuing a privately chartered franchise per annum —	
	(a)	for the first 5 vehicles	\$300.00
	(b)	for every additional 3 vehicles or part thereof thereafter.....	\$50.00

13.	For issuing an occasional franchise <i>per diem</i>	\$80.00	<i>16 cf 1990, s 3</i>
14.	For issuing an occasional omnibus franchise, while awaiting the decision of the Authority, per month	\$15.00	
15.	For issuing a self-drive vehicle franchise, per annum —		<i>16 cf 1990, s 3</i>
	(a) for the first 10 vehicles	\$300.00	
	(b) for every additional 10 vehicles or part thereof thereafter.....	\$50.00	
16.	For the transfer or variation of any franchise.....	\$20.00	<i>16 cf 1990, s 3</i>
17.	For a certificate of inspection for private vehicles, per annum	\$25.00	<i>16 cf 1990, s 3</i> <i>9 cf 2003</i>
18.	For a test as to competence to drive —		<i>26 cf 1988, s 2</i>
	(a) a private vehicle.....	\$10.00	
	(b) a public service vehicle.....	\$10.00	
19.	For a certificate of inspection for public service vehicles for a six month period.....	\$20.00	<i>16 cf 1990, s 3</i>
20.	For the issue of an international driver's permit	\$50.00	<i>26 cf 1988, s 2</i> <i>26 cf 1988, s 2</i>
21.	For issuing the appropriate licence in respect of any hackney cab, for a period of three months	\$10.00	
22.	For a licence to drive a hackney cab (cab driver's licence) for a period of three months	\$3.00	<i>26 cf 1988, s 2</i>