

JAMAICA

No. 20 – 2005

I assent,

[L.S.]

W. M. GORDON,  
*Deputy Governor-General.*

9th day of June, 2005.

AN ACT to Amend the Road Traffic Act.

[ 10th June, 2005 ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the Authority of the same, as follows:—

1. This Act may be cited as the Road Traffic (Amendment) Act, 2005, and shall be read and construed as one with the Road Traffic Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and  
construction.

2. Section 46 of the principal Act is amended—

(a) in subsection (1) by—

- (i) deleting the comma at the end of paragraph (k) and substituting therefor a semi-colon and the word “or”;

Amendment  
of section  
46 of prin-  
cipal Act.

- (ii) inserting next after paragraph (k) the following as paragraph (l)—

“ (l) operates a motor vehicle or trailer or any part of the vehicle or trailer that is transmitting to the road, weight in excess of the prescribed maximum laden weight;”

- (b) in subsection (2) by—

- (i) deleting from paragraph (a) the word “twenty-five” and substituting therefor the words “one hundred”;

- (ii) by deleting the full stop at the end of paragraph (b) and substituting therefor a semi-colon; and

- (iii) by inserting next after paragraph (b) the following as paragraph (c) —

“ (c) in respect of an offence under paragraph (1) of that subsection, to the penalty prescribed in the Third Schedule Third Schedule in relation to the weight in excess of the prescribed maximum laden weight of the vehicle or trailer concerned.”

Amendment  
of section  
50 of prin-  
cipal Act

**3. Section 50 of the principal Act is amended—**

- (a) in subsection (1) by deleting from the second proviso thereto the words “six miles out of his way, that is to say, three miles going and three miles returning” and substituting therefor the words “such distance as may be prescribed by order for the parish concerned.”;

- (b) by renumbering subsections (2), (3), (4) and (5) as subsections (3), (4), (5) and (6);

- (c) by inserting next after subsection (1) the following as subsection (2)—

“ (2) Where a vehicle or trailer or any part of the vehicle or trailer is found to be transmitting to the road, weight in excess of the prescribed maximum laden

weight, it shall be lawful for a person authorized by the Island Traffic Authority or for any constable authorized in that behalf to remove or cause to be removed any goods from the vehicle or trailer, in order to ensure that the weight transmitted to the road is within the prescribed limit.”;

(d) in subsection (4) as renumbered—

- (i) by deleting the word “erect” and substituting therefor the word “provide”; and
- (ii) by inserting immediately after the word “vehicles” the words “, such machines being of a fixed or a portable construction”;

(e) in subsection (6) as renumbered by deleting the word “eight” and substituting therefor the word “twenty-five”.

4. The principal Act is amended by inserting next after section 50, the following as sections 50A and 50B—

Insertion of new sections 50A and 50B in principal Act.

“Further provisions re weighing of vehicles.

50A.—(1) The Island Traffic Authority and any person authorized by the Authority shall not be liable for any loss of earnings or loss of goods where a person or constable authorized under section 50—

- (a) requires the person in charge of a vehicle to allow the vehicle or any trailer drawn thereby to be weighed;
- (b) requires that goods be removed from the vehicle or trailer under subsection (2); and
- (c) in accordance with the provisions of this section, stores, sells or otherwise disposes of any goods removed from a vehicle or trailer under subsection (2).

(2) Where the weight of a vehicle or trailer or any part of the vehicle or trailer weighed under section 50 is found to be above the prescribed maximum laden weight, and goods are accordingly

required to be removed therefrom, the person in charge of the vehicle shall ensure that—

- (a) the goods are not placed or allowed to remain in a manner that causes or is likely to cause an obstruction to traffic or danger to any person on any road;
- (b) the goods are removed from the road within twenty-four hours after the vehicle or trailer is found to have exceeded the prescribed maximum laden weight; and
- (c) before the continuation of any journey, the weight of the vehicle or trailer is within the prescribed limit.

(3) The Island Traffic Authority shall remove and store, in such manner as may be prescribed, any goods which are not removed from the road within the time required by subsection (2) (b).

(4) The owner of a vehicle from which goods are required to be removed shall be liable for any costs incurred in the removal, storage or disposal of any goods by the Island Traffic Authority.

(5) Subject to subsection (6), the Island Traffic Authority may, seven days after goods are removed and stored under subsection (3), dispose of the goods by sale or such other manner as it thinks fit.

(6) Where the goods removed are perishable, the Island Traffic Authority may sell or otherwise dispose of them before seven days.

(7) Where the person or constable authorized under section 50 orders that goods be removed from a vehicle or any trailer drawn thereby, he shall give to the person in charge of the vehicle or

trailer a certificate of weighing in the prescribed form indicating—

- (a) the date and time by which the goods must be removed from the road;
- (b) the location of the storage area to which the goods will be taken in the event that the goods remain on the road beyond twenty-four hours;
- (c) the weight and description of the goods removed from the vehicle or trailer;
- (d) the current rates for the removal, storage and disposal of goods;
- (e) that the vehicle or trailer is within the prescribed maximum laden weight;
- (f) that he is satisfied that the removed goods are so placed that they are unlikely to obstruct traffic or be a danger to any person.

(8) Where the person in charge of the vehicle or trailer is not the owner of the goods removed, he shall provide the name of the owner of the goods to the person or constable authorized to require the removal of the goods.

(9) The person in charge of a vehicle who is found to be in breach of section 50 shall not proceed on the journey unless he has been issued with the certificate of weighing.

(10) In this section “goods” includes materials, produce, livestock, equipment or any other article.

50B.—(1) The owner of any goods removed from a vehicle or trailer under section 50A—

- (a) may, within seven days of the removal, claim the goods from the storage area specified in the certificate; and

Disposal  
of goods,  
payment  
of proceeds,  
etc.

(b) shall be given the goods upon payment of the removal and storage fees (if any).

(2) Where goods are sold in accordance with this Act, the Island Traffic Authority shall pay to the owner of the goods the proceeds of the sale of the goods less the respective costs of removal, storage or disposal.

(3) The Island Traffic Authority may recover in any court of competent jurisdiction, by way of an action for debt, any money owing to it in respect of removal, storage and disposal of the goods.

(4) Where funds are not recovered by the owner within 28 days of disposal of the goods, the Island Traffic Authority shall cause to be published in the *Gazette* and a daily newspaper, the name of the owner of the goods, the purpose for which the name is published and how the funds may be recovered.

(5) Any funds not recovered by the owner from the Island Traffic Authority under this section shall be held in trust for the owner of the goods.”

Amendment  
of section  
60 of prin-  
cipal Act

5. Section 60 of the principal Act is amended in subsection (1) by deleting the colon at the end of paragraph (d) and substituting therefor a semicolon and inserting next thereafter the following as paragraph (e)—

“(e) route taxis; that is to say, motor vehicles, adapted for carrying no more than ten passengers for hire or reward at separate fares along a designated route not exceeding thirty kilometres, and stopping to pick up and set down passengers along that route:”.

Amendment  
of section  
61 of prin-  
cipal Act

6. Section 61 of the principal Act is amended by—

(a) inserting in paragraph (a) of the proviso to subsection (1) immediately after the words “stage carriage” the words “or route taxi”.

- (b) inserting next after subsection (4) the following as subsections (4A) and (4B)—

“ (4A) Where a constable or an Inspector designated under section 12(1) of the Transport Authority Act has reasonable cause to believe that a person has used or caused or permitted a vehicle to be used in contravention of this section, the constable or Inspector may seize the vehicle; and

(4B) Subject to subsection (7)(b), a vehicle shall be kept in the possession of the Police or the Transport Authority, as the case may be, until the licence required under this Part is obtained and produced to the Police or the Transport Authority.”;

- (c) by deleting subsection (5) and substituting therefor the following—

“ (5) A person who uses or causes or permits a vehicle to be used in contravention of this section, shall be guilty of an offence and shall be liable on conviction thereof—

- (a) on a first conviction, to a fine which shall not be less than twenty thousand dollars nor more than forty thousand dollars and in default of payment to imprisonment for a term not exceeding six months;
- (b) on a second conviction, to a fine which shall not be less than forty thousand dollars nor more than seventy-five thousand dollars and in default of payment to imprisonment for a term not exceeding six months;
- (c) on a third and subsequent conviction, to a fine of not less than seventy-five thousand dollars nor more than one hundred and twenty-five thousand dollars and in default

of payment to imprisonment for a term not exceeding twelve months, and shall be disqualified from holding or obtaining a driver's licence for a period of one year from the date of conviction.”;

- (d) inserting in paragraph (b) of subsection (7)—
- (i) immediately after the word “Police” where it first appears the words “or the Transport Authority”;
  - (ii) after the words “by the Police” the words “or the Transport Authority, as the case may be;”.

Amendment  
of section  
62 of prin-  
cipal Act

7.—(1) Section 62 of the principal Act is amended—

- (a) in subsection (1) by deleting the full stop at the end of paragraph (d) and substituting therefor a semicolon and inserting next thereafter the following as paragraph (e)—
 

“ (e) route taxis.”;
- (b) in subsection (2) by—
  - (i) deleting the words “or a hackney carriage” and substituting therefor the words “, a hackney carriage or a route taxi”;
  - (ii) deleting the words “and (d)” and substituting therefor the words “, (d) and (e)”.

Amendment  
of section  
63 of prin-  
cipal Act.

8. Section 63 of the principal Act is amended—

- (a) in subsection (8) by inserting in paragraphs (a), (b), (d), and (e) immediately after the word “carriage” wherever it appears, the words “or a route taxi”; and
- (b) in subsection (15) by deleting the word “five” and substituting therefor the words “one hundred”.

Amendment  
of section  
67 of prin-  
cipal Act

9. Subsection (1) of section 67 of the principal Act is amended by deleting the words “or a hackney carriage” and substituting therefor the words “, a hackney carriage or a route taxi”.



10. Subsection (2) of section 74 of the principal Act is amended by deleting the word “two” and substituting therefor the word “fifty”. Amendment of section 74 of principal Act.

11. Subsection (2) of section 75 of the principal Act is amended by deleting the word “fifteen” and substituting therefor the word “seventy-five”. Amendment of section 75 of principal Act.

12. Subsection (3) of section 107 of the principal Act is amended by deleting the word “twenty-five” and substituting therefor the words “one hundred”. Amendment of section 107 of principal Act.

13. The principal Act is amended by inserting next after the Second Schedule the following as the Third Schedule— Insertion of Third Schedule in principal Act.

	THIRD SCHEDULE	Section 46 (2)(c)
	<i>Offences in respect of exceeding maximum laden weight for vehicles or trailers or parts thereof</i>	
		<u>Fine</u>
Section 46 (2)(c)	Exceeding the maximum laden weight for vehicles and trailers by:	
	1–500 kilogrammes (kg.)	\$5,000
	501–750kg.	\$10.00 for each kg.
	751–1,000kg.	\$10.00 for each kg.
	1,001–1,250kg.	\$10.00 for each kg.
	1,251–1,500kg.	\$10.00 for each kg.
	1,501–1,750kg.	\$10.00 for each kg.
	1,751–2,000kg.	\$10.00 for each kg.
	2,001–2,250kg.	\$10.00 for each kg.
	2,251–2,500kg.	\$10.00 for each kg.

THIRD SCHEDULE, *contd.**Offences in respect of exceeding maximum laden weight for vehicles or trailers or parts thereof*

		<u>Fine</u>
Section 46 (2)(c)	Exceeding the maximum laden weight for vehicles and trailers by:	
	2,501–3,000kg.	\$10.00 for each kg.
	3,001–3,500kg.	\$10.00 for each kg.
	3,501–4,000kg.	\$10.00 for each kg.
	4,001–5,000kg.	\$18.00 for each kg.
	5,001kg. and over	\$25.00 for each kg."

Amendment of Appendix to principal Act.

14. The Appendix to the principal Act is amended by inserting next after the entry in the first column relating to section 46(1)(g) of the Road Traffic Act the following

“	APPENDIX	Penalty
Section 46 (2)(c)	Exceeding the maximum laden weight for vehicles and trailers or parts thereof by:	
	1–500 kilogrammes (kg.)	\$2,200
	501–750kg.	\$2,500
	751–1,000kg.	\$3,400
	1,001–1,250kg.	\$4,300
	1,251–1,500kg.	\$6,100
	1,501–1,750kg.	\$7,300
	1,751–2,000kg.	\$8,500
	2,001–2,250kg.	\$9,700

APPENDIX, *contd.*

	Penalty
	—
Section 46 (2)(c)	
Exceeding the maximum laden weight for vehicles and trailers or parts thereof by:	
2,251–2,500kg.	\$11,500
2,501–3,000kg.	\$4.80 for each kg.
3,001–3,500kg.	\$7.20 for each kg.
3,501–4,000	\$9.60 for each kg.
4,001–5,000	\$18.00 for each kg.
5,001kg. and over	\$25.00 for each kg."

**15.** The enactments specified in the first column of the Schedule are amended in the manner specified in the second column.

Amendments to other Acts.

## SCHEDULE

(Section 15)

<u>Enactments</u>	<u>Amendments</u>
<p>The Public Passenger Transport (Kingston Metropolitan Transport Region) Act.</p> <p>Section 2(1)</p> <p>Section 3</p>	<p>Insert immediately after the words "hackney carriage," the words "route taxi",.</p> <p>In subsection (3)(d) delete the words "or express carriage service on any route" and substitute therefor the words "express carriage service or route taxi service on any route".</p>
<p>The Public Passenger Transport (Rural Area) Act.</p> <p>Section 2(1)</p> <p>Section 3</p>	<p>Delete the words "and hackney carriage" and substitute therefor the words ", hackney carriage" and "route taxi".</p> <p>In subsection (3) (c) delete the words "or express carriage service" and substitute therefor the words ", express carriage service or route taxi service".</p>