

MONT SERRAT

ROAD TRAFFIC (AMENDMENT) ACT

No. 5 of 2014

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I ASSENT

(Sgd.) Adrian Davis

GOVERNOR

DATE: 2.4.14

M O N T S E R R A T

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AN ACT TO AMEND THE ROAD TRAFFIC ACT (CAP. 07.06).

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

1. Short title

This Act may be cited as the Road Traffic (Amendment) Act, 2014.

2. Interpretation

In this Act, “**principal Act**” means the Road Traffic Act (Cap. 7.06).

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3. Section 2 amended

Section 2 of the principal Act is amended –

(a) by deleting the definition of “road” and substituting the following:

“**road**” means any street, road or open space to which the public are granted access and any bridge over which a road passes, and includes any privately owned street, road or open space to which the public are granted access either generally or conditionally, but does not include a place designated for racing or speed trials under section 51A; and

(b) by deleting the definition of “traffic sign” and substituting the following:

“**traffic sign**” includes a signal, warning sign-post, direction post, sign, line, mark, or other device for the guidance of—

(a) a person using a road; or

(b) a person near a place designated for a race or speed trial under section 51A.”.

4. Section 17 deleted

Section 17 of the principal Act is deleted.

5. Section 22 amended

Section 22 of the principal Act is deleted and the following is substituted—

“22. Application, expiration and renewal of licence

(1) An application for a motor vehicle or trailer licence shall be made to the Licensing Officer in the prescribed form and a subsequent application for the renewal of a licence shall be made in person or by letter addressed to the Licensing Officer.

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- (2)** A motor vehicle or trailer licence, unless suspended, cancelled or revoked by the competent authority, expires on 31 December next following the date of issue of the licence.
- (3)** Despite subsection (2)—
- (a)* a person has a grace period ending 31 March next following the date of expiration of the licence, within which he may apply for the renewal of a motor vehicle or trailer licence; and
 - (b)* a person who does not apply for the renewal of a motor vehicle or trailer licence between 31 December and 31 March next following the date of issue of the licence is not liable to a penalty under section 15.
- (4)** The Licensing Officer may issue in respect of a motor omnibus a half-yearly licence on payment of half of the yearly licence fee specified in the First Schedule and the half-yearly licence expires on 30 June or 31 December, whichever occurs first, after the issue of the licence.
- (5)** The Licensing Officer shall renew a motor vehicle or trailer licence only if—
- (a)* he is satisfied that the motor vehicle or trailer does not differ in any respect from the particulars in the register of motor vehicles;
 - (b)* the motor vehicle or trailer has been examined by an Examining Officer and a certificate of fitness in respect the motor vehicle or trailer is produced to the Licensing Officer;
 - (c)* there is in force in respect of the motor vehicle or trailer a policy of insurance that complies with the

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requirements of the Motor Vehicle Insurance (Third Party Risks) Act, (Cap. 7.08); and

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

6. Section 27 amended

Section 27 of the principal Act is deleted and the following is substituted—

“27. Licence duties, exemptions, rebates

- (1) A motor vehicle or trailer licence shall be issued in the prescribed form and the duties payable on the licence are as set out in the First Schedule.
- (2) If the Licensing Officer is satisfied that the motor vehicle or trailer has not been used on a road previously during the current year, the following percentage of the full annual duty is payable where a licence is issued—
 - (a) in the second quarter of the year, 75% of the duty;
 - (b) in the third quarter of the year, 50% of the duty;
 - (c) in the last quarter of the year, 25% of the duty.
- (3) No licence duty is payable in respect of a vehicle which is exempt from registration or from payment of the registration fee under section 12 as long as the condition justifying the exemption continues.
- (4) The Traffic Commissioner may authorise a rebate of a proportion of the licence duty paid with respect to a motor vehicle or trailer licence which—

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- (a) has not been used for a continuous period of at least three months in any year;
 - (b) has been rendered permanently unserviceable; or
 - (c) has been permanently removed from Montserrat.
- (5) The rebate under subsection (4) shall not exceed 1/12 of the annual licence duty for each complete month during which the vehicle was not in use.
- (6) The Accountant General shall—
 - (a) on the certificate of the Traffic Commissioner; and
 - (b) on surrender of the licence, refund to the person named in the certificate the amount certified for rebate.”.

7. Section 51 amended

Section 51(1) of the principal Act is amended by deleting “Any person” and substituting “Subject to section 51A, a person”.

8. Section 51A inserted

The principal Act is amended by inserting the following as section 51A—

“51A. Designation of place for racing or speed trials

- (1) The Governor acting on the advice of Cabinet may, by Order, designate a place to be used for a race or speed trial.
- (2) An Order under subsection (1) shall specify the —
 - (a) place to which the Order applies;
 - (b) persons who are permitted to participate in the race or speed trial;

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- (c)* motor vehicles which may be used in the race or speed trial;
 - (d)* manner in which the race or speed trial is to be conducted; and
 - (e)* duration of the Order.
- (3)** If an Order is made under subsection (1), the Traffic Commissioner shall cause traffic signs to be placed on or near a place designated for a race or speed trial to—
 - (a)* temporarily restrict the use of the place described in the Order to persons who are permitted to participate in the race or speed trial;
 - (b)* notify persons of restrictions imposed by this Act or regulations made under this Act; and
 - (c)* warn persons of the need to approach the place designated for a race or speed trial with caution.
- (4)** A person who is not permitted to participate in a race or speed trial under subsection (2) shall not use or enter a place designated for a race or speed trial.
- (5)** A person who contravenes subsection (4) commits an offence and is liable to two months imprisonment or a fine of \$500.
- (6)** Sections 46 and 51 do not apply to a person to which the Order applies.
- (7)** A person who drives a motor vehicle in a place designated for a race or speed trial under subsection (1) without due care and attention or without reasonable consideration for other persons using the place commits a summary offence and is liable to three months imprisonment or a fine of \$500 and for a subsequent offence, a fine of \$1,500.

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- (8) A person who drives or attempts to drive, a motor vehicle in a place designated for race or speed trials under the influence of drink or drug to such an extent as to be incapable of having proper control of the motor vehicle commits an offence.
- (9) A person who drives a motor vehicle in a place designated for a race or speed trial under subsection (1), recklessly or in a manner likely to cause danger—
- (a) to another person who is participating in the race or speed trial; or
 - (b) to a spectator at the race or speed trial,
- having regard to all the circumstances of the case, including the nature, condition and use of the designated place, commits an offence.
- (10) A person who commits an offence under subsection (8) or (9) is liable—
- (a) on summary conviction, to four months imprisonment or to a fine of \$1,500 or to both; or
 - (b) on conviction on indictment to six months imprisonment, or to a fine of \$2,000 or to both.
- (11) A person who causes the death of another person by driving a motor vehicle recklessly in a place designated for a race or speed trial under subsection (1), having regard to all the circumstances of the case including the nature, condition and use of the place, commits an indictable offence and is liable to five years imprisonment.”.

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(Sgd.) Teresina Bodkin
SPEAKER

Passed by the Legislative Assembly this 28th day of March,
2014.

(Sgd.) Shivonne R. White
CLERK OF LEGISLATIVE ASSEMBLY (Ag.)