

CHAPTER 51:02

MOTOR VEHICLES AND ROAD TRAFFIC ACT

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1953 Ed.
c. 280

MOTOR VEHICLES AND ROAD TRAFFIC ACT

22 of 1940

An Act to make provision for the licensing, regulation and use of motor vehicles, the regulation of traffic on roads and otherwise with respect to roads and vehicles thereon.

[20TH DECEMBER, 1940]

Short title.

1. This Act may be cited as the Motor Vehicles and Road Traffic Act.

Interpretation.
[21 of 1946
28 of 1948
7 of 1959
26 of 1961
24 of 1969
32 of 1970
2 of 1973
[4 of 2002]

2. In this Act—

“anchorage points” means that part of the motor vehicle which is designed to hold securely in position on the vehicle, seat belts for the driver’s seat and the specified passengers’ sets;

“child for the purposes of the provisions relating to seat belts, includes any person whose size, height or build is such that the person experiences or is likely to experience problems or difficulty with the upper anchorage point of a seat belt;

“child restraint system” means a seat belt restraint system or other device or combination of devices, designed to diminish the risk of injury to a child, in the event of collision or of abrupt deceleration of a vehicle, by limiting the mobility of body of the child, being a device or combination of devices which-

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(i) is designed either to be fixed directly to an anchorage point or to be used in conjunction with an adult seat belt and held in place by the restraining action of the action of the belt; or

(ii) is fitted in the vehicle by the manufacturer and is of a type which complies with such standards as may be prescribed by the Minister by regulations in respect of the shape, quality, construction, installation and assembly of seat belts and other safety belt assemblies and anchorage points and child restraint systems;

“division” means a police division;

“driver” where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle and the expression “drive” shall be construed accordingly;

“front seat” in relation to a motor vehicle, means a seat which is wholly or partially in the front of the vehicle;

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“hire car” means a motor car used or intended to be used for carrying not more than seven passengers for hire or reward under a contract express or implied for the use of the vehicle as a whole;

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

“local authority” means a municipal council, the council of a local government district established under the Municipal and District Councils Act, and a village council, country authority or sanitary authority under the Local Government Act; c. 28:01
c. 28:02

“motor bus” means a motor vehicle constructed and used for carrying not less than eight passengers for hire or reward at separate fares stage by stage or stopping to pick up or set down passengers along the line of route;

“motor car” means a motor vehicle constructed or adapted solely for the carriage of persons and their effects and used exclusively for personal purposes;

“motor cycle” means a motor vehicle (not being an invalid carriage) with less than four wheels and the weight of which unladen does not exceed eight hundredweight;

“motor lorry” means a motor vehicle which is constructed or adapted for use for the carrying of goods;

“motor tractor” means a motor vehicle which is not itself constructed to carry any load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, but does not include a steam traction engine, steam roller or a vehicle constructed and intended for use exclusively on rails and, for the purposes of Parts II, III (other than section 12) and IV includes a trailer;

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“owner” means the person in whose name a motor vehicle or trailer is registered, and, in the absence from Guyana of the registered owner, the person in actual charge or possession of the vehicle and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, the person in possession of the vehicle under that agreement;

“prescribed” in relation to any matters, other than those prescribed in the Schedules, means prescribed by regulations made under this Act;

“purchase tax” means the tax imposed under section 6;

“restraint seat” in relation to a motor vehicle, means a seat fixed to the structure of a motor vehicle by appropriate means and a seat belt for which at least one anchorage point is located on the structure of the seat;

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes, and any wharf, stelling or part of the foreshore to which the public has access;

“road authority” in relation to a road means the authority responsible for the maintenance of the road;

“seat belt” means an arrangement or assembly of straps with a securing buckle adjusting devices and attachment anchored to the motor vehicle in accordance with section 45A(1) and is designed to diminish the risk of injury to its wearer in the event of collision or abrupt deceleration of the vehicle by limiting the mobility of the body of the wearer.

“traffic” means vehicles of every description, pedestrians and all animals being ridden, driven or led;

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“trailer” means any vehicle without independent motive power intended to be drawn by a motor vehicle, but does not include a side-car or a van attached to the side of a two-wheeled motor cycle;

“vehicle” means a vehicle of any kind used on a road.

PART I

CONSTITUTION OF LICENSING AUTHORITY

3. (1) The Minister shall be the Licensing Authority for the purposes of this Act.

Licensing
Authority.
[26 of 1961]

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(2) The administration of this Act shall be vested in the Licensing Authority who may from time to time by publication in the *Gazette* appoint such licensing officers and certifying officers for each division as may be necessary for the due carrying out of the provisions of this Act.

(3) All licensing officers and certifying officers shall be under the direction of the Licensing Authority and all licences, certificates and other documents which may be issued under this Act shall, except where otherwise expressly provided, be issued by them.

(4) All applications which may be made under this Act shall be made—

(a) in connection with the motor vehicle, to the licensing officer of the division where the vehicle is usually kept, and

(b) in the case of an application for a driver's or conductor's licence, to the licensing officer of the division where the applicant resides.

PART II

REGISTRATION OF MOTOR VEHICLES

4. (1) The Licensing Authority shall cause to be kept registers of motor vehicles in the prescribed forms and a separate register shall be kept by the licensing officer in each division as directed by the Licensing Authority.

Register of motor vehicles to be kept.

(2) Every licensing officer shall forward to the Licensing Authority a copy of every entry made in the local register kept by him.

5. (1) Application for the registration of a motor vehicle shall be made by the owner thereof in the prescribed form, which must be duly completed by the applicant and be accompanied by the prescribed registration fee together with the amount of the purchase tax due pursuant to section 6.

Registration of motor vehicles. [2 of 1973]

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c. 51:03

(2) The licensing officer to whom application is made shall, upon being satisfied that the provisions of this Act and the Motor Vehicles (Third-Party Risks) Act, have been complied with, forthwith enter the particulars of the vehicle in the register and shall give to the owner of the vehicle a certified copy of that entry and such certificate of registration shall be regarded as *prima facie* evidence that the vehicle to which it refers has been registered.

(3) The licensing officer shall supply to any person applying therefor and on payment of the prescribed fee a copy of any entry in the register relating to any specified vehicle, provided that the applicant shows that he has a reasonable cause for requiring such a copy.

(4) The onus of proving that a vehicle has been registered shall rest upon the owner of the vehicle.

Purchase tax payable on registration of certain motor vehicles.
[2 of 1973
42 of 1974
9 of 1994]

6. (1) There shall be charged, levied and collected in respect of every motor vehicle of a class or description specified by order of the Minister responsible for finance (hereinafter in this section referred to as “the Minister”) a purchase tax calculated on such percentage of the value of the motor vehicle as shall be specified in that order which may contain such provisions as the Minister may consider necessary or expedient for giving effect to the order, including such qualifications, exceptions and conditions as he may think fit.

(2) Purchase tax is payable to the licensing officer at the time of the making of the application for the registration of the motor vehicle which, for the purposes of this section, includes the amendment, by reason of such circumstances as may be specified in the order made under subsection (1), of the particulars of the entry in the register relating to the registration of a motor vehicle.

(3) If any motor vehicle in respect of which purchase tax is payable is registered contrary to the provisions of this section the registration shall be void and of no effect and the vehicle shall be deemed not to have been registered under this Act.

(4) The Minister may, by order, abolish, reduce or increase the purchase tax imposed pursuant to subsection (1).

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(5) Every order made under this section shall within twenty-one days from the date of its publication in the *Gazette* be laid before the National Assembly and the National Assembly may by resolution confirm, amend or revoke the order and upon publication of the resolution of the National Assembly in the *Gazette*, the effect of the order shall, subject to the provisions of any other law, be subject to the terms of the resolution; if the order is not laid as required by this subsection it shall *ipso facto* expire and in reckoning for the purposes of this subsection any period of days no account shall be taken of any period during which Parliament is dissolved or prorogued or during which the National Assembly is adjourned for more than seven days.

(6) Purchase tax shall not be charged, levied and collected in respect of a motor vehicle the registered owner of which is exempt from the payment of fees on the registration thereof under this Act or by virtue of any other law.

(7) If it is proved to the satisfaction of the Commissioner of Inland Revenue that any person has paid purchase tax in excess of the amount with which he is properly chargeable, that person is entitled to have the amount so paid in excess refunded.

(8) Sections 36 and 37 of the Customs Act shall, as they apply to an exemption from duties of customs, apply *mutatis mutandis* to any exemption from the payment of purchase tax conferred by this or any other law as if the purchase tax were such a duty subject, however, to the modification that the references in those sections to the Comptroller and an importer shall be construed and have effect as references to a licensing officer, and the registered owner of the vehicle the subject matter of the exemption, respectively. c. 82:01

(9) For the purposes of this section, “value” in relation to—

(a) a new or used motor vehicle which is the subject matter of a purchase from a dealer in motor vehicles, means such sum as in the opinion of the licensing officer is the ordinary retail selling price at which the motor vehicle would normally be sold without having regard to any discounts, commissions, monetary deductions, or other allowances given or made by

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the seller thereof;

(b) a used motor vehicle imported into Guyana, not being a used motor vehicle to which paragraph (a) applies, means such sum as is certified by the Comptroller of Customs and Excise to be the value of the motor vehicle taking into account the amount of customs duty and defence levy leviable thereon.

Prohibition of registration of certain persons and vehicles.

7. (1) No person shall be registered as the owner of a motor vehicle unless he is of or above the age of seventeen years.

(2) Unless the Minister otherwise directs a licensing officer shall not register a motor vehicle, other than a tractor, having the steering pillar on the left or near side, which has been imported or brought into Guyana after the 31st December, 1932.

Exemptions from need for registration and from payment of registration fee.
[6 of 1941]

8. (1) The following motor vehicles shall be exempt from the need for registration:

(a) new motor vehicles in the stock of a dealer in motor vehicles, and motor vehicles whilst being used under the authority of dealers' general licences, as hereinafter provided; and

(b) any motor vehicle the property of or used by the President.

(2) No registration fee shall be charged in respect of any motor vehicle which is the property of the Government or any municipal council or a local authority which has been exempted from payment of registration fees by the Minister, or the Georgetown Sewerage and Water Commissioners.

Amendment of entries in register.
[7 of 1959]

9. (1) The owner of a motor vehicle shall, within seven days thereof, notify the licensing officer of all circumstances or events which affect the accuracy of the entries in the register and shall at the same time forward his certificate of registration for amendment. A licensing officer may at any time call upon an owner of a motor vehicle to furnish all information for the verification of the entries in the register relating to such vehicle.

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(2) Whenever the registered owner of a motor vehicle is about to absent himself from Guyana leaving his registered vehicle in Guyana he shall notify the licensing officer in writing of the name and address of the person in whose charge or possession the vehicle will be left.

10. (1) On the change of possession of a motor vehicle otherwise than by death—

Transfer of
registration.
14 of 1982]

(a) the motor vehicle shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof;

(b) the registered owner and the new owner shall within seven days after such change of possession, make application in writing signed by both of them to the licensing officer giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of registration, the prescribed fee and a certificate of the Commissioner of Inland Revenue stating that the registered owner has in accordance with section 60 of the Income Tax Act delivered to the Commissioner of Inland Revenue all his returns, including the return for the preceding year of income, and has paid all taxes due and payable to the Commissioner by him or has made arrangements to the satisfaction of the Commissioner for the payment of all such taxes that are due and payable. The licensing officer shall thereupon enter in the register and the certificate of registration the name and address of the new owner and the date on which the entry is made and from such date the new owner shall for the purposes of this Act be deemed to be the registered owner of the motor vehicle.

(2) (i) On the death of the registered owner of a motor vehicle the person into whose custody the vehicle shall lawfully come shall within one month of its coming into his custody give notice of the fact to the licensing officer, who shall give such instructions in writing as he may think fit as to the use of the vehicle pending the registration of the new owner. Any person to whom permission to use the vehicle pending such

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registration is given shall for the purposes of this Act be deemed to be the registered owner of the vehicle during the period for which such permission is given.

(ii) On the registration of the new owner the licensing officer shall on payment of the prescribed fee amend the certificate of registration in the manner prescribed in paragraph (b) of the preceding subsection.

(3) In lieu of amending any certificate of registration as provided in this section the licensing officer may issue a new certificate of registration.

Cancellation of
registration.

11. (1) The registration of a motor vehicle shall remain valid so long as the vehicle is kept for use, and shall only be cancelled if the licensing officer is satisfied that the vehicle has been destroyed or rendered permanently unserviceable or permanently removed from Guyana.

(2) The owner of any motor vehicle which has been destroyed or rendered permanently unserviceable or has been permanently removed from Guyana shall notify the licensing officer of the fact within one month of the happening of the event.

Driving
unregistered
motor vehicle
an offence.
[4 of 1972]

12. Save as hereinafter provided, any person who drives or, being the owner, permits any other person to drive on a road a motor vehicle which is not registered under this Act shall be guilty of an offence:

Provided that no person shall be convicted for an offence against this section if he proves that he has taken all reasonable steps to comply with its requirements, and that the vehicle was being driven on a road for the purpose of being registered.

PART III

IDENTIFICATION MARKS AND CERTIFICATES OF FITNESS

13. (1) The licensing officer shall assign to every motor vehicle on registration a distinctive identification mark consisting of a number or a number and a letter, and there may be different series of marks for such different classes of vehicles as may be prescribed.

Identification marks for motor vehicles.

(2) The licensing officer may at any time give notice in writing to the registered owner of a motor vehicle directing him within a time limited in the notice to produce the vehicle in order that another identification mark may be assigned to the vehicle and on the vehicle being produced the mark shall be assigned and the register amended accordingly.

(3) The licensing officer may assign general identification marks to dealers in motor vehicles for use on vehicles which are being used for any purpose authorised by or under a dealer's general licence. The same identification mark shall not be used on more than one vehicle at any one time.

(4) The licensing officer may at any time by notice in writing assign to a dealer new identification marks.

14. Any person who drives a motor vehicle the identification mark of which is not fixed thereon as prescribed or being so fixed is in any way obscured or not easily distinguishable shall be guilty of an offence:

Driving motor vehicle without identification mark an offence.

Provided that on a prosecution for having a mark obscured or not easily distinguishable proof that all reasonably practicable steps have been taken to prevent the mark being obscured or not easily distinguishable shall be a good defence.

15. (1) Application for a certificate of fitness in respect of a motor vehicle shall be made to a certifying officer and shall be accompanied by the prescribed fee:

Certificates of fitness for motor vehicles. [6 of 1941]

Provided that—

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(a) where a second or subsequent application is made in respect of the same motor vehicle in any one year no fee shall be required;

(b) no fee shall be charged under this section for the inspection of any motor vehicle which is the property of Government or any municipal council or a local authority which has been exempted from the payment of registration fees by the Minister, or the Georgetown Sewerage and Water Commissioners.

(2) If, after inspecting the motor vehicle, the certifying officer is satisfied that the vehicle conforms to the prescribed conditions as to fitness, he shall, subject to the regulations, issue a certificate of fitness in respect of the vehicle for such time as he shall think fit.

(3) The Licensing Authority may at any time revoke or suspend a certificate of fitness if, on the advice of a certifying officer, it appears to him that the motor vehicle has ceased to comply with any of the prescribed conditions as to fitness.

(4) A certifying officer may issue a certificate of fitness without inspection if he is satisfied that the motor vehicle conforms to the prescribed conditions as to fitness.

Driving an unfit motor vehicle an offence.

16. Any person who drives on a road a motor vehicle in respect of which a certificate of fitness is not in force or in respect of which the prescribed conditions as to fitness are not fulfilled shall be guilty of an offence.

Certificate of fitness for animal drawn vehicles.
[26 of 1950
6 of 1997
12 of 1997]
[16 of 1998]

17. (1) No person shall operate any vehicle to which this section applies unless there is in force a certificate of fitness issued by a certifying officer in respect of such vehicle.

(2) Any application for the issue of a certificate of fitness under this section shall be accompanied by a fee of sixty-five dollars.

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(3) This section shall apply to every vehicle drawn by any animal, and constructed and used for the carriage of not less than six passengers for hire or reward at separate fares stage by stage, or stopping to pick up or set down passengers along the line of route.

(4) Any person who operates any vehicle in contravention of this section shall be liable on summary conviction to a fine of not less than five thousand dollars nor more than ten thousand dollars.

PART IV

LICENCE FEES

18. (1) There shall be charged, levied and paid in respect of motor vehicles used or kept for use on roads licence fees at the respective annual rates specified in the First Schedule.

Licence duty
for motor
vehicles.
[34 of 1969
32 of 1970]

(2) The fees charged under this section shall be paid annually upon licences to be taken out by persons keeping vehicles for use, which licences shall expire on the 31st December of the year in respect of which such licences are issued:

Provided that where a vehicle is licensed for the first time on or after the 1st July in any year, the licence fee chargeable shall be fifty per cent of the annual fee.

(3) Licence fees shall be due on the 1st January in every year except in respect of vehicles being licensed for the first time, when the fees therefor shall be due at the time of the first registration in Guyana of such vehicles.

(4) No licence fee shall be payable in respect of any vehicle which is exempt from registration or from payment of a registration fee under section 8 or which is exempt under the provisions of the First Schedule.

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Application for
a licence.

c. 51:03

19. (1) Application for the issue of a licence for a motor vehicle shall be made to the licensing officer in the prescribed form and shall be accompanied by the certificate of registration, the certificate of fitness and the certificate of insurance under the Motor Vehicles Insurance (Third-Party Risks) Act.

(2) The licensing officer may refuse to issue a licence to any applicant who fails to comply with the provisions of the preceding subsection:

Provided that the licensing officer may, if he thinks fit, dispense with production of the certificate of registration or the certificate of fitness, or both, when the licence, not being a licence for a motor bus or hire car, is to be issued by way of renewal of an existing licence and to the same applicant.

(3) Save as is in this Act provided every licence shall be issued in respect of the motor vehicle specified in the application for the licence and shall not entitle the person to whom it is issued to use it in respect of any other vehicle or for any purpose other than that specified in the licence and a licensing officer shall not be required to issue any licence for which application is made unless he is satisfied that the licence applied for is the appropriate licence for the vehicle specified in the application and, in the case of an application for a licence for a vehicle purporting to be the first application for a licence in respect of the vehicle, that a licence has not previously been issued in respect of that vehicle:

Provided that if a licensing officer refuses to issue a licence on the ground that the licence applied for is not the appropriate licence for the vehicle the applicant for the licence may, after giving to the licensing officer notice of his intention so to do, appeal to the magistrate's court of the magisterial district in which the vehicle is normally kept, and on any such appeal the court may make such order as it thinks fit, and any order so made shall be binding on the Licensing Authority.

Alteration of
motor vehicle
occasioning
higher licence
duty.

20. (1) Where a motor vehicle in respect of which a licence has been issued is altered after the licence has been issued in such manner as to cause the vehicle to become a vehicle in respect of which a licence at a higher fee or a licence of a different class is required, the licence shall

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become void, but the holder of the licence shall, on surrendering the same and furnishing the particulars of alteration, be entitled to receive a new licence in respect of the vehicle, to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force, on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence. [26 of 1961]

(2) Where a licence has been taken out as for a motor vehicle to be used solely for a certain purpose and the vehicle is at any time during the period for which the licence is in force used for some other purpose, the person so using the vehicle shall, if the fee chargeable in respect of a licence for a vehicle used for that purpose is higher than the fee chargeable in respect of the licence which has been taken out, be deemed to be guilty of an offence under section 23, and that section shall apply accordingly.

21. (1) On the change of possession of a motor vehicle the current licence in respect of such vehicle may be delivered to the new owner and such delivery shall, subject to section 10, operate as a transfer of the said licence. Transfer of licence on change of ownership.

(2) Where on a change of possession as aforesaid the current licence is not transferred the new owner shall, if he intends to use the vehicle, obtain a licence for the purpose.

22. (1) A licensing officer may issue to a dealer in motor vehicles a dealer's general licence which, subject to this section and to any other conditions which may be prescribed, shall authorise the use of such number of motor vehicles not exceeding four at any one time, as may be specified in the licence. Dealers' general licences.

(2) Application for a dealer's general licence shall be made to a licensing officer in the prescribed form and shall be accompanied by the prescribed fee.

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(3) A dealer's general licence shall authorise the use of any motor vehicle which belongs to the dealer, or is entrusted to him for sale or repair, and is being tested or being used for the purpose of effecting a sale or hire or for such other purposes as may be prescribed.

(4) A motor vehicle shall not be used on a road under the authority of a dealer's general licence unless the holder of the licence, or a person duly authorised by him in writing, accompanies such vehicle.

(5) A motor vehicle shall not be used on a road under the authority of a dealer's general licence for the carriage of passengers or goods for reward or for any purpose not provided for by this Act nor shall it be transferred or assigned to any other person without the authority of the licensing officer.

(6) The licensing officer shall keep a register of all dealers' general licences issued under this Act.

(7) On the issue of a licence under this section the licensing officer shall assign to the dealer different identification marks in respect of the number of vehicles specified in the licence.

(8) A licence issued under this section shall continue in force until the 31st December in the year in which it is issued.

Using
unlicensed
motor vehicle
an offence.
[52 of 1950
7 of 1959
34 of 1969
4 of 1972
12 of 1997]
[16 of 1998]

23. (1) If any person uses on a road or keeps for use or permits to be kept for use on a road any motor vehicle in respect of which a licence under this Act is not in force he shall be liable on summary conviction to a fine of not less than ten thousand dollars nor more than twenty thousand dollars and in the case of a second or subsequent conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars.

(2) Where any person who is charged with an offence under the preceding subsection alleges that he is not the owner of the vehicle the magistrate may cause a summons to be issued against the person who is alleged by the person charged to be the owner of the vehicle making

him a co-defendant in the case and the magistrate may after hearing the evidence and witnesses of all parties make such order as to the payment of any fine and costs as to the magistrate may seem just.

(3) Where any person has been convicted of an offence under subsection (1) the magistrate shall, if such person has not at the time of conviction taken out the licence required by section 18, order such person to pay, in addition to any fine imposed for such offence the sum required to be paid for the licence.

(4) The sum to be paid under subsection (3) shall be deemed to be and shall be recovered as one penalty.

(5) Upon the payment of the aforesaid penalty and costs, the licensing officer shall issue the appropriate licence in respect of the vehicle:

Provided that no such licence shall be issued by the licensing officer if he would not otherwise have been obliged to issue that licence by virtue only of the payment of the said amount.

PART V

LICENSING OF DRIVERS AND PROVISIONS AS TO
DISQUALIFICATION OF DRIVERS AND ENDORSEMENT OF
LICENCES

24. (1) A person shall not drive a motor vehicle on a road unless he is the holder of a driver's licence and a person shall not employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a driver's licence and if any person acts in contravention of this section he shall be guilty of an offence.

Driving motor
vehicle
without a
licence an
offence.
[7 of 1959
10 of 1975]

(2) Any person driving a motor vehicle on a road including any person who supervises that person whilst driving shall, on being so required by a police constable, produce his licence for examination, so as to enable the police constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued, and if he fails so to do, he shall be guilty of an offence.

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(3) Any person producing his licence under the preceding subsection shall, if requested to do so, declare his present address and if he refuses he shall be guilty of an offence.

Conditions governing grant of driving licence.

25. A licence to drive a motor vehicle shall not be granted to any applicant unless he satisfies the licensing officer that he has either—

(a) at some time passed the prescribed test of competence to drive; or

(b) at any time before the commencement of this Act held a certificate in Guyana or a licence elsewhere in the Commonwealth authorising him to drive any motor vehicle of the class or description which he would be authorised by the licence applied for to drive.

Provisional licences.
[10 of 1975]

26. (1) For the purpose of enabling the applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing the prescribed test, the licensing authority may, if so requested by him, and on payment of the prescribed fee, grant him a provisional licence upon such terms and conditions, and for such period, and in such form, as may be prescribed.

(2) If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

Driving tests.

27. Tests of competence to drive a motor vehicle shall be conducted by a certifying officer in the prescribed manner and on payment of the prescribed fee.

Provisions as to physical fitness of applicants for drivers' licences.

28. (1) On an application for the grant of a driver's licence the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, the certifying officer shall refuse to grant the licence:

Provided that—

(a) a licence limited to driving an invalid carriage may be granted to the applicant if the certifying officer is satisfied that he is fit to drive such carriage;

(b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive, and if he passes the prescribed test and is not otherwise disqualified, the licence shall not be refused by reason only of this subsection so, however, that if the test proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;

43 of 1932

(c) if on the first application for the grant of a licence by a person who at the commencement of this Act is the holder of a driver's certificate under the (repealed) Motor Vehicles Act, 1932, an applicant who is suffering from a disease or disability other than a disease or disability prescribed as aforesaid makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of this subsection;

(d) if on the application for the grant of a driver's licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as aforesaid, or making such a declaration as is mentioned in the last preceding paragraph of this proviso, a further test shall not be required, unless from the declaration as to physical fitness made by him for the purposes of his

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application, or from information received by the certifying officer, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(3) If it appears to a certifying officer that there is reason to believe that any person who holds a licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on inquiry into the matter the certifying officer is satisfied that the licence holder is suffering from such a disease or disability as aforesaid, then, whether or not the holder so suffering as aforesaid has previously passed a test under this section, the certifying officer may, after giving to the licence holder notice of his intention so to do, revoke the licence and the licence holder shall, on receipt of such notice, deliver the licence to the certifying officer for cancellation:

Provided that the licence holder may, except in the case of such disease and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

(4) If any person is aggrieved by the refusal of a certifying officer to grant a licence or by the revocation of a licence under this section, he may, after giving to the officer notice of his intention so to do, appeal to the magistrate's court of the magisterial district in which the said person resides, and on any such appeal the court may make such order as it thinks fit, and any order so made shall be binding on the certifying officer.

Issue of driving
licences.
[6 of 1941
34 of 1969
4 of 1972
3 of 1988]

29. (1) Subject to this Part the licensing officer, except in the case of an applicant who is disqualified as hereinafter mentioned, shall on payment of the prescribed fee grant a licence to any person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is not disqualified by reason of age or otherwise from obtaining the licence for which he is applying:

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Provided that no fee shall be payable by any police constable or member of the Guyana Defence Force who is required to drive in the course of his duty any motor vehicle which is the property of the State.

(2) Licences shall be in the prescribed form, and where under this Part the applicant is subject to any restriction with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the licence.

(3) Subject to the provisions of this Act with respect to provisional licences, a licence shall, unless previously revoked or surrendered, remain in force until the birthday of the licence holder in the third year following the year of issue.

(4) A person shall be disqualified from obtaining a licence—

- (a) while another licence granted to him is in force;
- (b) if he is by a conviction under this Act or by an order of a court thereunder disqualified from holding or obtaining a licence.

(5) In any proceedings the fact that a licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified from holding or obtaining the licence.

30. The Licensing Authority shall keep a register of all driving licences issued in which shall be entered the name and address of the holder and the date of issue of the licence, the class of vehicle authorised to be driven and a record of any convictions against the holder of the licence.

Register of driving licences.

31. (1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle (not being an offence under Part VIII)—

Disqualification for offences and endorsement of convictions.
[26 of 1961]

- (a) may in any case, except where otherwise expressly provided by this Act, and shall where so required by this Act, order him to be disqualified from holding or obtaining a licence for such period as the court thinks fit; and

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(b) may in any case, and shall where a person is by virtue of a conviction disqualified from holding or obtaining a licence, or where an order so disqualifying any person is made or where so required by this Act, order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

c. 3:04 (2) A person who by virtue of an order of a court under this Act is disqualified from holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, notwithstanding the provisions of the Summary Jurisdiction (Appeals) Act, declare that the disqualification shall operate pending the appeal.

Provision as to
disqualifica-
tions and
suspensions.
[12 of 1997
[16 of 1998]

32. (1) Where a person who is disqualified by virtue of a conviction or order under this Act is the holder of a licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this Act shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this Act is disqualified from holding or obtaining a licence, may, at any time after the expiration of six months from the date of the conviction or order, and from time to time apply to the court before which he was convicted or by which the order was made to remove the disqualification and on any such application the court may as it thinks proper having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

(4) If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(5) If any person who under this Act is disqualified from holding or obtaining a licence applies for or obtains a licence while he is so disqualified or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be liable on summary conviction to imprisonment for twelve months or if the court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars, or to both such imprisonment and such fine, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

(6) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (5) 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.

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(7) For the purposes of this section, references to orders and convictions under this Act include references to orders and convictions under the corresponding provisions of any enactment repealed by this Act.

Provisions as to
endorsement.
[21 of 1946
26 of 1961
6 of 1997
12 of 1997]
16 of 1998]

33. (1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under this section to have a licence issued to him free from endorsement.

(2) Where an order is made requiring any licence held by an offender to be endorsed, then—

(a) if the offender is at the time the holder of a licence, he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and

(b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement,

and if he fails to do so, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under this section to have a licence issued to him free from endorsements.

(4) If any person whose licence has been ordered to be endorsed and who has not previously become entitled under this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable on

summary conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for six months and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under this Act or the corresponding provisions of any Act repealed by this Act requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order against him, he shall be entitled, either on applying for the grant of a licence under this Act or, subject to payment of a fee of sixty-five dollars, and subject to surrender of any subsisting licence, at any time, to have issued to him a new licence free from endorsements:

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified from holding or obtaining a licence shall be excluded.

(6) Where a court orders particulars to be endorsed on a licence held by any person, or where by a conviction or order of a court a person is disqualified from holding or obtaining a licence the court shall send notice of the conviction or order to the Licensing Authority and the Commissioner of Police and in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the Licensing Authority who shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description the Licensing Authority shall forthwith after the receipt thereof issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

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(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed, the court by which the appeal is allowed or the conviction is quashed shall direct that notice thereof be sent to the Licensing Authority and the Commissioner of Police.

PART VI

PROVISIONS AS TO DRIVING AND THE USE OF ROADS AND OFFENCES IN CONNECTION THEREWITH

Restrictions on
driving by
young
persons.
[O. 4/1974]

34. (1) A person under sixteen years of age shall not drive a motor vehicle on a road.

(2) A person under seventeen years of age shall not drive a motor vehicle other than a motor cycle or invalid carriage on a road.

(3) A person under eighteen years of age shall not drive a hire car, motor bus, motor lorry, or motor tractor on a road:

Provided that a vehicle being an agricultural tractor shall not be deemed to be driven on a road within the meaning of this subsection while it is being so driven in the course of the internal operations of an estate or plantation.

(4) Any person who drives, or causes or permits any other person to drive a motor vehicle in contravention of this section, shall be guilty of an offence.

(5) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class, shall be deemed to be disqualified from holding or obtaining any driving licence other than a licence to drive such motor vehicle, if any, as he is not by this section forbidden to drive.

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35. (1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified in the Second Schedule as the maximum speed in relation to a vehicle of that class or description and if any person acts in contravention of this section he shall be guilty of an offence.

Rate of speed
[6 of 1970
12 of 1997
16 of 1998]

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified from holding or obtaining a licence.

(3) A person charged under this section with the offence of driving a motor vehicle of any class or description on a road at a speed greater than the maximum speed allowed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(4) The Minister may by regulation vary, subject to such conditions as may be specified in the regulation, the provisions of the Second Schedule.

Second
Schedule

(5) If any person is convicted under section 19 of the Summary Jurisdiction (Offences) Act, of aiding, abetting, counselling or procuring any person who is employed by him to drive, or is subject to his orders in driving a motor vehicle on a road to commit an offence under this section, he shall, instead of being liable on being so convicted to the same punishment as the principal offender, be liable in the case of a first conviction to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars, and in the case of a second or subsequent conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars and to imprisonment for a term not exceeding six months, and if any person is convicted of the offence of inciting to commit an offence under this section, he shall be liable to the same punishment as if he had procured the commission of an offence under this section.

c. 8:02

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(6) 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 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, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

Causing death by reckless or dangerous driving of motor vehicles. [26 of 1961] 16 of 1998]

36. (1) Any person who causes the death of another person by the driving of a motor vehicle on the 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 a misdemeanour and on conviction thereof on indictment shall be liable to imprisonment for ten years.

c. 4:03

(2) Section 21 of the Coroners Act shall apply to an offence against this section as it applies to manslaughter.

(3) If upon the trial of a person for an offence against this section the jury are not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for them to convict him of an offence under section 37 of this Act whether or not the requirements of section 46 of this Act have been satisfied as respects that offence.

Reckless or dangerous driving. [21 of 1978] 12 of 1997] 16 of 1998]

37. (1) Every person who 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 the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable—

(a) on summary conviction to a fine of not less than twenty-

five thousand dollars nor more than fifty thousand dollars or to imprisonment for twelve months, and in the case of a second or subsequent conviction to a fine of not less than thirty-five thousand dollars nor more than seventy thousand dollars and to imprisonment for twelve months;

(b) on conviction on indictment to a fine of not less than fifty thousand dollars nor more than one hundred thousand dollars and to imprisonment for two years.

(2) The court shall order particulars of any such conviction to be endorsed on any licence held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this Act of ordering that the offender shall be disqualified from holding or obtaining a licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) 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 from holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

38. (1) If any person drives a motor 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.

Careless
driving.
[7 of 1959]

(2) A first conviction for an offence under this section shall not render the offender liable to be disqualified from holding or obtaining a licence.

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Prohibition of motor racing and speed trails on highways.
[12 of 1997
16 of 1998]

39. (1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall be liable on summary conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars and to imprisonment for six months.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a licence.

Punishment of persons driving motor vehicles when under influence of drink or drugs
[12 of 1997
16 of 1998]

40. (1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable on summary conviction to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars or to imprisonment for twelve months, and in the case of a second or subsequent conviction to a fine of not less than forty thousand dollars nor more than eighty thousand dollars and to such imprisonment as aforesaid.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a licence.

Riding on outside of motor vehicle
[12 of 1997
16 of 1998]

41. (1) A driver of a motor vehicle shall not permit any person to ride on the running board, wings or fenders of the vehicle or on the outside of the vehicle except on a properly constructed seat or on any trailer drawn thereby.

(2) If any person is carried on any such motor vehicle in contravention of the provisions of this section, the driver of the vehicle shall be liable, in the case of a first conviction, to a fine of not less than five thousand dollars nor more than ten thousand dollars, and in the case of a second or subsequent conviction to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

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42. (1) One trailer only shall be drawn by a motor vehicle on a road and one person in addition to the driver of the vehicle shall be carried on the vehicle for the purpose of attending to the trailer.

Not more than one trailer to be drawn

(2) If any person causes or permits a trailer to be drawn in contravention of this section he shall be guilty of an offence.

43. (1) It shall not be lawful for any person to drive or cause or permit any person employed by him or subject to his orders to drive any motor bus, motor lorry, motor tractor or any motor vehicle constructed to carry goods other than the effects of passengers—

Limitation of time for which drivers if certain vehicles may remain continuously on duty

(a) for any continuous period of more than five hours and one-half; or

(b) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight; or

(c) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving:

Provided that it shall be a sufficient compliance with the provisions of paragraph (c) if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours provided that he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

(2) For the purposes of this section—

(a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half-an-hour in which the driver is able to obtain rest and refreshment;

(b) any time spent by a driver on other work in connection with a vehicle or the load carried thereby, including in the case of a motor bus any time spent on a vehicle while on a journey in any other capacity than as a passenger shall be reckoned as time spent in driving;

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(c) in the case of a vehicle which is being used in the course of operations of agriculture or forestry a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road.

(3) If any person acts in contravention of this section, he shall be guilty of an offence:

Provided that a person shall not be liable to be convicted under this section if he proves to the court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

Duty to give name and address and to stop, and power of arrest in certain cases. [12 of 1997 16 of 1998]

44. (1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act or the regulations as to reckless or dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, he shall be guilty of an offence.

(2) Any member of the police force may arrest without warrant the driver of any motor vehicle who within his view commits any offence contrary to the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by any member of the police force in uniform, and if he fails so to do shall be liable, on summary conviction to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

Information to be given as to identity of

45. Where the driver of a vehicle is alleged to be guilty of an offence under this Act—

(a) the owner of the vehicle shall give such information as he may be required by or on behalf of the Commissioner of Police to give as to the identity of the driver, and, if he fails to do so, shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

identity of
drivers of
motor vehicles

(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver, and, if he fails to do so, he shall be guilty of an offence.

PART VIA
SEAT BELTS

45A. (1) Every seat belt assembly shall be of a type the design of which shall be any of the following-

Seat Belt
assembly
[4 of 2002]

- (a) a lap belt which is a seat belt assembly that is anchored at two points and passes across the front of the wearer's pelvic region from one side of the hip to the other side;
- (b) a diagonal belt which is a seat belt assembly, that is anchored at two points and passes diagonally across the front of the chest from the hip to the opposite shoulder;
- (c) a three point belt which is a seat belt assembly, that is anchored at three points and passes across the front of the wearer's pelvic region and crosses the front of the chest from the hip to the opposite shoulder;
- (d) any other seat belt assembly that is duly certified by the Guyana National Bureau of Standards and approved by the Minister by notice in the Gazette and published in at least in one daily newspaper.

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(2) The seat belt assemblies mentioned in subsection (1) shall be of such shape, quality, construction, installation and assembly as may be duly certified by the Guyana National Bureau of Standards and approved by the Minister by notice in the Gazette certification and notification, a seat belt of a type and designed mentioned in subsection (1) shall satisfy the legal requirements.

Additional requirements in respect to seat belts assemblies

45B. Every seat belt assembly shall be securely affixed to the anchorage points and shall be designed constructed, installed maintained and worn in such a manner that when deployed it will operate satisfactorily and hereby reduce the risk of injury to the person wearing it in the event of a collision or abrupt vehicle deceleration by limiting

Proper installation and configuration of seat belts

45C. Every seat belt shall be installed in such a manner that-

(a) the straps are not liable to assume a dangerous configuration: and

(b) when deployed, the risk of the strap slipping from the shoulder and the risk of the straps deteriorating through contact with rigid parts of the vehicle or seat structure is reduced to a minimum.

All motor vehicles to be fitted with seat belt assemblies

45D (1) A motor vehicle shall not be driven on a road unless it is equipped with appropriately fitted three-point seat belt assemblies or such other seat belt assemblies or such combination of seat belt assemblies referred to in section 45A(1) as the case may be and as may be necessary for the front seats for the driver and every passenger.

(2) A person who drives a motor vehicle on any road in contravention of the preceding subsection commits an offence and is liable on summary conviction-

on summary conviction-

- (a) in the case of a first offence, to a fine not less than seven thousand five hundred dollars nor more than ten thousand dollars
- (b) in the case of a second offence or subsequent offence, to a fine not less than ten thousand dollars nor more than fifteen thousand dollars.

45E. (1) Subject to subsection (2) every person who drives or rides on the front of a motor vehicle shall wear a seat belt.

Drivers, etc. of motor vehicle to wear seat belts

- (2) Subsection (1) shall not apply to-
 - (a) a child who wears or is conveyed in a child restraint system;
 - (b) any person who holds a valid certificate of exemption issued by a registered medical practitioner on a form approved by Minister and stamped by the prescribed authority;
 - (d) a person riding in a vehicle which is being used for fire services, police purposes, prison duties, military services or other government enforcement services;
 - (e) a person driving or riding a motor tractor, invalid carriage, motor cycle or trailer.

(3) A person who drives or rides on the front seat of a motor vehicle in contravention of the provisions of this section commits an offence and is liable on summary conviction-

- (a) in the case of a first offence, to a fine not less than seven thousand five hundred dollars nor more than ten thousand dollars.
- (b) in the case of a second or subsequent offence, to a fine not less than ten thousand dollars nor more than fifteen thousand dollars.

(4) Notwithstanding anything in the PART a person who, rides a motor vehicle on any seat fitted with a seat belt without fastening the seat belt shall be guilty of an offence and shall on summary conviction be liable to a fine of seven thousand five hundred dollars.

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Child in motor vehicle to wear child restraint system

45F. (1) Every driver of a motor vehicle which conveys a child shall cause such child to wear or be conveyed in an appropriate child restraint system.

(2) A driver who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars.

Restriction on prosecutions under certain sections.

46. Where a person is prosecuted for an offence under any of the provisions of this Act relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either -

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

(b) within fourteen days 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 owner of the vehicle at the time of the commission of the offence:

Provided that-

(i) 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-

(A) neither the name and address of the accused nor the name and address of the 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

(B) the accused by his own conduct contributed to the failure; and

(ii) the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

PART VII

REGULATION OF TRAFFIC AND OTHER MATTERS IN
CONNECTION THEREWITH

Rule of the
road

47. (1) Every person in any road who drives or propels any vehicle or is in charge of any animal when meeting or being overtaken by any other vehicle or animal as aforesaid shall keep his own vehicle or animal on the left or near side of the road, and when overtaking another vehicle or animal going in the same direction shall keep his own vehicle or animal on the right or offside, except in case of actual necessity or other sufficient reason for deviation.

(2) Every person who acts in contravention of the provisions of this section shall be guilty of an offence.

Issue by
Commissioner
of Police of
directions for
guidance of
users of road
[7 of 1959
26 of 1961]

48. (1) The Commissioner of Police shall prepare a code (in this section referred to as the “highway code”) comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he think fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof, shall, as soon as prepared by the Commissioner of Police, be laid before the National Assembly, and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by resolution of the Assembly.

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(3) Subject to the foregoing provisions of this section, the Commissioner of Police shall cause the code and every revised edition of the code to be printed and issued to the public at such price, if any, as the Minister may determine.

(4) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

49. (1) The Commissioner of Police may, with the approval of the Minister, make orders for any of the following purposes—

Power to restrict use of vehicles on specified roads

(a) the specification of the routes to be followed by motor or other vehicles;

(b) the prohibition or restriction of the use of specified roads by motor or other vehicles of any specified class or description, generally or during particular hours;

[6 of 1941
26 of 1961
6 of 1970
4 of 1972]

(c) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction;

(d) otherwise in relation to the regulation of traffic.

(2) The Commissioner of Police may by order prohibit or restrict the use of specified roads by motor or other vehicles of any specified class or description on particular occasions.

50. (1) Subject to this section, if a road authority is satisfied that traffic on any road should, by reason of works of repair or reconstruction being required or being in progress on the road, be restricted or prohibited, the authority may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

Power of road authority temporarily to prohibit or restrict traffic on roads

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(2) A road authority, when considering the question of the making of an order under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(3) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be guilty of an offence.

Power to erect
traffic signs
[4 of 1972]

51. The Commissioner of Police may cause or permit to be placed on or near any road, a prescribed traffic sign for—

(a) providing adequate guidance to users of the road as to the directions, restrictions or prohibitions contained in any law for the regulation of traffic; or

(b) providing for such of the purposes of section 49 as he may consider more appropriate to provide for by sign under this section, than to provide for by order under section 49;

(c) making such appointments, prescriptions, prohibitions or restrictions authorised by section 52 as he may consider more appropriate to provide for by sign under this section, than to provide for by order under section 52:

Provided that no sign inconsistent with any order made under section 49 or 52 shall be placed on or near any road.

Parking places
[26 of 1961]

52. The Commissioner of Police may by order—

(a) appoint parking places for motor and other vehicles or any specified class of vehicle generally or for particular occasions or during particular hours;

(b) prescribe the manner in which and the conditions under which such vehicles may park in such places; and

(c) prohibit or restrict the parking of vehicles in any road or in any part of a road generally or on particular occasions or during particular hours.

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53. Where any member of the police force in uniform is for the time being engaged in the regulation of traffic on a road, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, or for regulating the parking of vehicles has been lawfully placed on or near any road in accordance with section 51, any person driving or propelling any vehicle or being in charge of any animal who—

Penalties for neglect of traffic directions
[4 of 1972]

- (a) neglects or refuses to stop the vehicle or animal or to make it proceed in or along any route or keep to a particular line of traffic when directed so to do by any member of the police force aforesaid in the execution of his duty; or
- (b) fails to conform to the indication given by the sign, shall be guilty of an offence.

54. (1) It shall be lawful for any member of the police force in uniform on the occasion of any abnormal or extraordinary traffic on a road to give such directions as he may deem necessary in order to relieve congestion or prevent obstruction of such traffic and with respect to the parking of vehicles comprising such traffic.

Abnormal or extraordinary traffic
[6 of 1997
16 of 1998]

(2) If the driver or person in charge of any vehicle fails to comply with any direction given under and in accordance with the preceding subsection he shall be liable on summary conviction to a fine of not less than two thousand dollars nor more than five thousand dollars.

55. (1) If any person otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a motor vehicle or trailer while in motion on any road, for the purpose of being drawn or carried, he shall be liable, in the case of a first conviction, to a fine of not less than five thousand dollars nor more than ten thousand dollars, and in the case of a second or subsequent conviction to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

Restrictions on persons being towed by getting on to or tampering with motor vehicles
[6 of 1997
16 of 1998]

(2) If while a motor vehicle is on a road or a parking place any person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with any part of the vehicle, he shall be guilty of an offence.

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Restriction on pillion riding

56. (1) It shall not be lawful for more than one person in addition to the driver to be carried on a road on any two-wheeled motor cycle, nor shall it be lawful for any such person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If any person is carried on any such cycle in contravention of this section, the driver of the cycle shall be guilty of an offence.

Restriction on persons being towed on bicycles
[12 of 1997
16 of 1998]

57. (1) It shall not be lawful for more than one person to be carried on a road on a bicycle unless it was originally constructed for the carriage of more than one person:

Provided that this subsection shall not apply to the carriage of not more than one child under the age of seven years on a bicycle adapted for the purpose.

(2) If any person is carried on a bicycle in contravention, of the foregoing subsection, each of the persons carried shall be liable in the case of a first conviction to a fine of not less five thousand dollars nor more than ten thousand dollars and in the case of a second or subsequent conviction to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

(3) In this section references to a person carried on a bicycle shall include reference to a person riding a bicycle.

(4) This section shall apply only to such areas or to such roads as the Minister may, from time to time, by order direct.

Restricting on cyclists riding abreast or holding on to other moving vehicles

58. (1) It shall not be lawful for more than two persons to ride abreast on a road upon motor cycles or bicycles:

Provided that a person shall not be convicted under this section in respect of the overtaking of two persons so riding when there is no other traffic on the road at the point of overtaking.

(2) It shall not be lawful for any person while riding a motor cycle or bicycle on a road—

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- (a) to hold on to any other moving vehicle; or
- (b) to ride such cycle or bicycle without at least one hand being on the handle bars thereof.

(3) If any person contravenes this section he shall be guilty of an offence.

59. If any person in charge of a vehicle, other than a motor vehicle, uses or causes or permits such vehicle to be used on any road without due care and attention or without reasonable consideration for other persons using the road he shall be liable on summary conviction, in the case of a first conviction, to a fine of not less than ten thousand dollars nor more than twenty thousand dollars and, in the case of a second or subsequent conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

Using vehicles on road carelessly [52 of 1952 12 of 1997 16 of 1998]

60. If any person in charge of a vehicle causes or permits the vehicle or any trailer drawn thereby to remain at rest on any road in such position or in such condition or in such circumstances as to be likely to cause danger or obstruction to other persons using the road, he shall be guilty of an offence.

Leaving vehicles in dangerous positions

61. (1) It shall be the duty of the owner, driver or other person in control or in charge of any vehicle—

Removal of vehicles [7 of 1959 26 of 1961]

(a) when the vehicle has broken down on a road in such circumstances that the defects cannot be remedied within a reasonable time or the presence of the vehicle is likely unnecessarily to obstruct or to cause danger to other persons using the road; or

(b) when required to do so by a member of the police force on the ground that the vehicle has been permitted to remain at rest on a road in contravention of any statutory prohibition or restriction or in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road,

to remove or take all reasonable steps to secure the removal of such vehicle as soon as practicable.

(2) It shall be the duty of any member of the police force to take all reasonable steps to remove or to employ some other person to remove, and where necessary to provide for the safe custody of, any vehicle if he has reason to believe—

(a) that the owner or the driver or other person in control or in charge thereof has failed to take all reasonable steps to remove it or cause it to be removed in accordance with subsection (1); or

c. 7:01

(b) that the vehicle has been abandoned; or

(c) that the owner or the driver or other person in control or in charge thereof cannot be found and the vehicle has been permitted to remain at rest on a road in contravention of any statutory provision or restriction or in such a position or in such a condition or in such circumstances as to be likely to cause danger to other persons using the road.

(3) When any member of the police force removes or provides for the safe custody of any vehicle or employs any other person to remove it or provide for its safe custody in accordance with subsection (2) except upon proof of failure to exercise reasonable care neither the member of the police force nor any such other person shall be liable to any action or demand whatsoever for the recovery of any alleged damage to such vehicle or otherwise in respect of the removal thereof.

(4) For the purpose of this section the word “vehicle” shall include any load carried thereby.

(5) If any person fails to comply with any of the provisions of subsection (1) he shall be guilty of an offence.

(6) Expenses incurred in the execution of duties imposed by subsection (2) may be recovered and enforced in a summary manner before a magistrate under the Summary Jurisdiction (Petty Debt) Act

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by or on behalf of the Commissioner of Police as a civil debt from the owner or the driver or other person in control or in charge of the vehicle whatever may be the amount of such expenses.

62. If any person wilfully loiters or remains on any roadway in such a manner or in such circumstances as to be likely to cause danger or obstruction to persons driving or propelling vehicles on the road he shall be liable on summary conviction to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

Pedestrians, etc.,
causing
obstruction.
[12 of 1997
16 of 1998

63. (1) If in any case owing to the presence of a motor vehicle on a road an accident occurs resulting in injury or death to any person, other than the driver of such vehicle, or damage to property, or injury to any animal under control, the driver of any such vehicle shall—

Duty to stop in
case of accident.
[10 of 1975]

- (a) immediately stop his vehicle at the scene of the accident;
- (b) give his name, address and the registration number of his vehicle and exhibit his driver's licence to—

- (i) any person injured as a result of the accident if it is practicable to do so;

- (ii) the driver or other occupant of any vehicle collided with; and

- (iii) any person who was otherwise present on the scene of the accident and having reasonable grounds for requiring the driver of the vehicle to give the aforesaid information; and

- (c) render assistance to any person injured in the accident, including the carrying of such person to a duly registered medical practitioner for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

(2) In the case of any such accident as aforesaid if injury is caused to any person or if the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

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

(4) If any person fails to comply with this section he shall be guilty of an offence.

Registration of certain premises and reports of damage to motor vehicles. [10 of 1975]

64. (1) No premises shall be habitually used for the purpose of—

- (a) offering or exposing for sale used motor vehicles; or
- (b) effecting thereat repairs to motor vehicles, not being the property of the owner or the occupier of the premises,

unless such premises have been registered in accordance with this section.

(2) An application for the registration of premises for the purposes of subsection (1) shall be made by the owner or occupier of the premises in such form and manner, and subject to the payment of such fee, as may be prescribed.

(3) Any person who offers or exposes for sale used motor vehicles, or effects any repairs or permits such repairs to be effected to motor vehicles on premises not registered in accordance with this section shall be guilty of an offence.

(4) Where any motor vehicle which shows damage consistent with the vehicle having been involved in an accident or struck by a bullet is brought to any premises to which subsection (1) applies for the purpose of effecting repairs to such damage, the occupier of the premises shall, within twenty-four hours after such motor vehicle is received at the premises and prior to effecting such repairs, make a report—

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- (a) if such premises are situated in the City of Georgetown or the Town of New Amsterdam or any other town constituted under the Municipal and District Councils Act, to the police headquarters of the respective division; or
- (b) if situated elsewhere than as mentioned at paragraph (a),

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to the nearest police station,

giving the make, serial or engine number, registration number, and the name and address of the owner or driver of the motor vehicle and of the person who deposited it at the premises except that it shall not be necessary for a report to be made under this section—

(i) if the owner of the motor vehicle is also the occupier of the premises and the owner has made a report under section 63; and

(ii) if when the motor vehicle is left in the custody of the occupier of the premises a certificate as that mentioned in subsection (8) and relating to such vehicle is obtained, and kept, by him.

(5) The occupier of the premises to which motor vehicles are brought to be repaired or at which used motor vehicles are exposed for sale shall keep on the premises—

(a) exhibited thereon in a conspicuous place the prescribed certificate indicating that the premises have been registered in accordance with this section;

(b) a book in which shall be entered by him such particulars relating to the motor vehicles repaired or offered for sale, as may be prescribed, and the particulars of any certificate as is referred to in subsection (6).

(6) Everyone who makes a request of an occupier of the premises as is referred to in subsection (5), in circumstances that required the occupier to comply with that subsection shall at the time of making such request do all such things and give such particulars as are necessary to the occupier as would enable him to effect such compliance, including the surrender to such occupier of any certificate mentioned in subsection (8).

(7) Any person who—

- (a) fails to make a report as is required by this section;
- (b) fails to supply any particulars which he is required to supply in accordance with this section or of any regulations;
- (c) knowingly supplies any such particulars which are false in any material respect; or
- (d) fails to produce for inspection by a police constable, when requested by him, the book or the prescribed certificate mentioned in subsection (5),

is guilty of an offence.

(8) Upon completion of his enquiries at the scene of an accident at which a motor vehicle to which subsection (4) applies is present, the police constable shall issue to the owner or driver of that vehicle a certificate in such form and containing such particulars as may be prescribed for the purpose of evidencing the fact that the damage to that vehicle has been the subject matter of police enquiries.

(9) In this section, the reference to the occupier of the premises is a reference to the person carrying on the business, the nature of which involves the doing of the act mentioned at subsection (1)(a) or (b).

PART VIII

ROAD SERVICE, HIRE CAR AND GOODS
TRANSPORTATION LICENCES

Road service
licences.
[21 of 1946]

65. (1) No person shall operate a motor vehicle as a motor bus in any area or route in the county of Demerara, including the City of Georgetown, or in any area or route which may thereafter be defined in any order made by the Minister unless he is the holder of a road service licence.

(2) Every person who applies for a road service licence shall submit with his application to the Prescribed Authority—

- (a) particulars of the type or types of vehicle to be used; and
- (b) the route to be followed by the vehicle in proceeding from one terminus to the other; and
- (c) in the case of regular services, the time-tables and fare-

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tables of the services which it is proposed to provide under the licence; and

(d) in any case, such particulars as to the frequency of the services and the times to be taken on the journeys included in those services, as the Prescribed Authority may require.

66. (1) In exercising its discretion to grant or to refuse a road service licence in respect of any routes and its discretion to attach conditions to a road service licence the Prescribed Authority shall have regard to the following matters—

Considerations before grant or refusal of road service licence.

(a) the suitability of the routes on which a service may be provided under the licence;

(b) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(c) the extent to which the proposed service is necessary or desirable in the public interest;

(d) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services), and the co-ordination of all forms of passenger transport, including transport by rail,

and take into consideration any representations which may be made by persons who are already providing transport facilities along or near to the routes or any part thereof or by any local authority in whose area any of the routes or any part of any of the routes is situate:

Provided that nothing in this subsection shall operate to prejudice the grant of a first licence for a period not exceeding twelve months to any person who applies therefor and who proves to the satisfaction of the Prescribed Authority that he had been lawfully operating a motor bus for a period of not less than six months immediately prior to the date of the commencement of this Act.

(2) Subject to this section and to any regulations, the Prescribed Authority shall specify by endorsement on the licence the routes on which the motor bus may ply or stand for hire and may attach to a road service licence such conditions as it may think fit with respect to the matters to which it is required to have regard under the preceding subsection, and in particular for securing that—

- (a) fares shall not be unreasonable;
- (b) where desirable in the public interest, the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the route or any part thereof, or in proximity thereto;
- (c) copies of the time-table and fare-table shall be carried and be available for inspection in vehicles used on the service;
- (d) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;

and generally for securing the safety and convenience of the public; and the Prescribed Authority may from time to time vary in such manner as it thinks fit the conditions attached to a road service licence.

(3) If any person uses a motor bus or causes or permits it to be used in contravention of section 65 or wilfully or negligently fails to comply with any of the conditions attached to a road service licence, he shall be guilty of an offence.

Power to revoke licences for non-compliance with conditions.
[21 of 1946]

67. (1) A road service licence may be revoked by the Prescribed Authority on the ground that any condition subject to which the licence was granted has not been complied with:

Provided that the Prescribed Authority shall not revoke such a licence unless, owing to the frequency of the breach of conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Prescribed Authority is satisfied that the licence should be revoked.

(2) The power to revoke a road service licence under this section shall include a power to suspend a road service licence for such period of its duration as the Prescribed Authority may think fit.

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68. A road service licence shall, unless previously revoked, continue in force for such period, not exceeding two years, as may be stated in the licence.

Duration of licences.

69. Any person whose application for the grant of a road service licence is refused or whose road service licence has been revoked or suspended may appeal to the President against the decision of the Prescribed Authority and the President shall, after considering the matter, make such order as to him may seem just. The decision of the President shall be final.

Appeal.
[21 of 1946]

70. (1) Notwithstanding any of the provisions of this Act to the contrary, the Prescribed Authority may issue a special licence with respect to any hire car permitting such hire car to—

Power of Prescribed Authority to license hire cars to operate by stages at separate fares and to operate feeder services.
[28 of 1948]

- (a) ply for hire at separate fares stage by stage, and to stop to pick up or set down passengers along the line of route; or
- (b) to operate a feeder service.

(2) In this section “to operate a feeder service” means to convey passengers for reward from any steamer, railway or aircraft terminus to their respective destinations at separate fares.

71. (1) In exercising its discretion to grant or to refuse a licence under the last preceding section, the Prescribed Authority shall have regard to the following matters:

Considerations before grant or refusal of special licence.
[28 of 1948]

- (a) the suitability of the routes on which such a service is proposed to be run;
- (b) the extent to which the proposed service is necessary or desirable in the public interest;
- (c) the needs of the area as a whole, in relation to traffic:

Provided that no such licence shall be granted in respect of any area in respect of which an exclusive licence has been granted to any person or body of persons to operate a road service as hereinafter provided, or where in the opinion of the Prescribed Authority the needs of the area are sufficiently served by the holders of road service licences.

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(2) Subject to this section, the Prescribed Authority shall specify by endorsement on the special licence any conditions he may think fit subject to which the hire car may be operated.

(3) Any special licence granted under the last preceding section shall remain in force for a period not exceeding two years as may be stated in the licence, unless previously revoked as hereinafter provided.

(4) Any person who operates, or permits to be operated any hire car in a manner or for any of the purposes specified in the preceding section otherwise than in accordance with the conditions endorsed on a special licence issued with respect to the hire car shall be guilty of an offence.

Revocation of special licence. [28 of 1948]

72. A special licence may be revoked by the Prescribed Authority where any condition endorsed on such licence has not been complied with.

Appeal. [28 of 1948]

73. Any person whose special licence has been revoked may appeal to the President against the decision of the Prescribed Authority and the President shall after consideration of the matter, make such order as to him may seem just. The decision of the President shall be final.

Power to fix minimum or maximum fares.

74. (1) The Minister may, if he deems it necessary or desirable in the public interest so to do, fix the minimum or maximum fares that may be charged by any person operating a motor bus in any area or route to which section 65 (1) applies or along any specified part of a route within that area and shall cause notice thereof to be sent to the Prescribed Authority.

(2) Upon the receipt of such notice the Prescribed Authority shall by notice in writing call upon every holder of a road service licence operating a motor bus in that area or route to produce his licence and shall endorse thereon the minimum or maximum fares so fixed and thereupon such endorsement shall become a condition of the licence.

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(3) If upon the receipt of such notice the holder of any such licence fails within the time specified in the notice to produce his licence, the licence shall become void.

75. A local Government authority, with the approval of the Minister, may make orders for determining the roads maintained and managed by it which may or may not be used by motor buses or motor lorries in the area or in any part of the area of the authority.

Power of local authorities with respect to use of roads by motor buses.

76. The Commissioner of Police may make orders for fixing stands for motor buses and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places, and as to the places or parts of roads at which such vehicles may stop for the taking up and setting down of passengers.

Power to fix stands and stopping places for motor buses.
[26 of 1961]

77. It shall be lawful for the Prescribed Authority, on representations made to it in that behalf by the Georgetown City Council by order to declare that on and after a date to be specified in the order, a road service licence shall not be granted by it to operate any motor bus in the City of Georgetown unless the motor bus is of a special type and conforms to such special particulars (in addition to the requirements of this Act) as may be specified in the order.

Special provision for city of Georgetown.

78. (1) Notwithstanding anything contained in this Part, it shall be lawful for the Minister to grant to any person or to any body of persons an exclusive licence to operate a road service in any area or route to which section 65 (1) applies upon such terms and conditions as may be specified in the licence and subject to this Act.

Exclusive licence.
[6 of 1997
16 of 1998]

(2) Any such licence shall commence to operate on a day to be specified therein and after the day so specified it shall be unlawful for any person not authorised by virtue of the licence to operate a motor bus in any part of the said area, or route for the purpose of carrying passengers for reward:

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Provided that any motor bus operating outside the said area or route may traverse any part of the said area or route which may be prescribed solely for the purpose of setting down or taking up passengers at prescribed points who are brought from outside or who are to be carried outside the said area or route.

(3) If any person contravenes the provisions of the last preceding subsection he shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars.

Conductors'
licences.
[7 of 1959

79. (1) A person shall not act as a conductor of a motor bus on a road unless he pays the prescribed fee and obtains a licence for the purpose from a licensing officer and a person shall not employ any person who is not so licensed to act as conductor of a motor bus on a road.

(2) A person shall be disqualified from obtaining a licence to act as conductor of a motor bus unless he is over the age of eighteen and fulfils such other conditions as may be prescribed.

(3) A licence to act as conductor of a motor bus may at any time be suspended or revoked by the Licensing Authority upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence.

(4) A licence to act as conductor shall, unless previously revoked, continue in force for a period of twelve months.

(5) If a person acts in contravention of this section he shall be guilty of an offence.

(6) The Licensing Authority shall keep a register of all conductors' licences issued in which shall be entered the name and address of the holder, the date of issue of the licence and a record of any convictions against the holder of the licence.

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80. (1) It shall be lawful for the Prescribed Authority from time to time to license motor cars to operate as hire cars in Guyana subject to such conditions as he may deem necessary, having regard to the co-ordination of traffic, the interests of existing bus services and the needs of the public.

Licensing of motor cars as hire cars. [21 of 1946 28 of 1948 7 of 1959]

(2) Before any such licence to operate a hire car is granted the owner thereof shall make a requisition therefor to the Prescribed Authority in the prescribed form and the requisition shall be signed by the owner of the hire car in respect of which such licence is applied for.

(3) Every such licence shall remain in force for one year from the date thereof and there shall be specified therein such particulars as may be prescribed.

- (4) If the owner of a hire car uses it or permits it to be used—
- (a) without having first obtained a licence under this section;
 - or
 - (b) after the revocation or during the suspension of such a licence; or
 - (c) otherwise than in accordance with any conditions subject to which a licence has been issued under this section, he shall be guilty of an offence.

(5) Any person who drives or operates a hire car otherwise than in accordance with any conditions subject to which a licence has been issued under this section shall be guilty of an offence.

81. (1) For the purpose of driving a hire car licensed under this Part, the Prescribed Authority may, subject to such conditions as may be prescribed, grant to any fit and proper person a licence to drive a hire car if such person is the holder of a driver's licence under Part V.

Licensing competent drivers to drive hire cars. [21 of 1946 7 of 1959 32 of 1970 3 of 1988]

(2) No person shall act as the driver of a hire car without first obtaining from the Prescribed Authority a licence to drive a hire car and every such licence shall remain in force until the birthday of the licence holder in the third year following the year of issue, unless it is revoked or suspended under this Act.

- (3) If any person acts as the driver of a hire car—

- (a) without having first obtained such a licence; or
- (b) after the revocation or during the suspension of his licence,

he shall be guilty of an offence.

(4) If any person licensed to drive a hire car under this section lends or parts with his licence he shall be guilty of an offence.

(5) Subject to the provisions of the next succeeding section if the owner of a hire car permits it to be used by any person who is not licensed to drive a hire car under this section he shall be guilty of an offence.

Conditions under which a hire car may be driven by a person not licensed to drive a hire car. [52 of 1950 12 of 1997 16 of 1998]

82. (1) Anything in the provisions of the last preceding section to the contrary notwithstanding, but subject to this section, the owner of a hire car may hire such vehicle to any fit and proper person who is the holder of a licence under Part V for the purpose of being used and driven by such person for his private use.

(2) Every person who desires to use and drive a hire car as contemplated by the preceding subsection shall make application in the prescribed form to the licensing officer of the district in which the vehicle is licensed for a licence in that behalf. Every such application shall be signed by the applicant and the owner of the vehicle, and shall be accompanied by the prescribed fee.

(3) Upon the application of any person under the last preceding subsection the licensing officer if satisfied that—

- (a) the applicant is a fit and proper person to use a hire car as contemplated by subsection (1);
- (b) the applicant has taken out such a policy of insurance or such a security in respect of third party risks as complies with the requirements of the Motor Vehicles Insurance (Third Party Risks) Act;
- (c) the applicant is licensed under Part V,

c.51:03.

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Motor Vehicles and Road Traffic

shall issue to the hirer the prescribed licence and the prescribed identification mark upon the payment of the prescribed fees.

(4) Any person who—

(a) being the owner of a hire car, permits any other person to hire and drive such vehicle in the manner contemplated by subsection (1) without having obtained the prescribed licence;

or

(b) drives any hire car in the manner contemplated by subsection (1) without having obtained a licence under the provisions of subsections (2) and (3); or

(c) fails to return to the licensing officer the identification mark issued to him at the completion of the term in respect of which a licence has been issued to him under subsection (3),

shall be liable on summary conviction to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, and in the case of an offence under paragraph (a) of this subsection, the Licensing Authority may suspend or revoke the licence of the owner to operate such vehicle as a hire car.

83. (1) No owner of a hire car shall employ any person as the driver thereof unless such person first produces to him his licence under section 81 to drive a hire car, and every owner who contravenes this section shall be guilty of an offence. Employment of driver of hire car.
[21 of 1946]

(2) In all cases of complaint against the driver of a hire car to whom a licence has been granted under section 81 the court shall, if the driver is adjudged guilty or pleads guilty of the offence alleged against him, order him to produce his licence as aforesaid, within the time specified by the court and if no time is specified within seven days, for endorsement, and the court shall make an endorsement upon the licence of such driver, stating the nature of the offence and the particulars of the conviction therefor.

(3) Every driver of a hire car who neglects or refuses to produce a licence as required by subsection (2) shall be guilty of an offence.

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Power to suspend or revoke a licence to use, or to drive, a hire car [21 of 1946]

84. The Prescribed Authority may, upon the conviction for the second time of an owner or a driver of any hire car for any offence in connection with the operation or the driving of a hire car or for any other sufficient cause suspend or revoke, as he may deem right, the licence of such owner under section 80 to operate hire cars or the licence of such driver under section 81 to drive a hire car, as the case may be.

Appeal from Prescribed Authority. [21 of 1946 26 of 1950]

85. (1) Every refusal by the Prescribed Authority to grant a licence to operate a hire car or to drive a hire car, and every suspension or revocation of such a licence shall be subject to an appeal to the magistrate of the magisterial district in which the applicant for the licence or the person whose licence is revoked or suspended resides and the grounds and the form of the appeal shall be prescribed.

(2) The decision of the magistrate on every such appeal shall be subject to appeal to the Full Court of the High Court.

Obligation to carry all persons. [21 of 1946]

86. (1) Except as otherwise provided in this section, no driver or conductor shall refuse or neglect, without reasonable cause, to carry in any motor bus or hire car licensed under this Part any person who offers himself as a passenger, and any driver or conductor who so refuses or neglects shall be guilty of an offence.

(2) No driver or conductor shall carry as a passenger any person who is—

(a) under the influence of liquor to such a degree that he may become a nuisance to other persons in the motor bus or hire car; or

(b) to his knowledge suffering from any infectious, contagious or other communicable disease; or

(c) not decently clad; or

(d) in such other state or condition that he may become a nuisance to other persons in the motor bus or hire car,

and any driver or conductor who carries any such person as a passenger shall be guilty of an offence.

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(3) Where the motor bus or hire car licensed under this Part has a conductor, the obligation of the driver or conductor under this section shall rest wholly on such conductor.

87. (1) No person shall use a goods vehicle on a road in any area of Guyana for the carriage of goods—

Licensing of
goods vehicles.
[21 of 1946
34 of 1969]

- (a) for hire or reward; or
- (b) for or in connection with any trade or business carried on by him,

except under a goods transportation licence.

(2) Where a goods vehicle is being used on a road for the carriage of goods, the driver of the vehicle, if it belongs to him or is in his possession, under an agreement for hire, hire-purchase or loan, and in any other case the person whose agent or servant the driver is, shall, for the purposes of this Part be deemed to be the person by whom the vehicle is being used.

(3) Where at any time goods are carried in a goods vehicle, being a vehicle which has been let on hire by the person who at the time of the carriage of the goods is within the meaning of this Part the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

- (4) For the purposes of this Part—
- (a) the delivery or collection by a person of goods sold, used or let on hire or hire-purchase in the course of a trade or business carried on by him; or
 - (b) the delivery or collection by a person of goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by him; or
 - (c) the carriage of goods in a vehicle by a manufacturer, agent, or dealer, whilst the vehicle is being used by him for demonstration purposes,

shall not be deemed to constitute a carrying of the goods for hire or reward.

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(5) Every goods transportation licence shall be issued in favour of a person or body of persons, and shall specify the number of goods vehicles under subsection (1) (a) or (b) to which the licence relates.

(6) This section shall not apply—

- (a) to the use of a vehicle for the purposes of funerals; or
- (b) to the use of a vehicle for towing a disabled motor vehicle, or for removing goods from a disabled vehicle to a place of safety; or
- (c) to the use of a vehicle for any purpose prescribed or the use for any purpose of a vehicle of any class or description so prescribed.

(7) If any person uses a goods vehicle in contravention of this section, he shall be guilty of an offence.

Powers of Prescribed Authority. [21 of 1946 34 of 1969]

88. The Prescribed Authority under this Part shall have power and be charged with the duty of granting goods transportation licences in respect of goods vehicles used for the purposes referred to in section 87 (1).

Procedure on applications for licences. [34 of 1969]

89. A person applying for a goods transportation licence shall submit to the Prescribed Authority a statement in the prescribed form—

- (a) containing, as respects motor vehicles proposed to be used under the licence which belong to the applicant or are in his possession under a hire-purchase agreement or which, if the application is granted, he intends to acquire or to obtain possession of under such an agreement, such particulars as may be prescribed, so, however, that the particulars shall not require vehicles subject to hire-purchase agreements to be distinguished from vehicles belonging to the applicant, and
- (b) setting out the number and type of hired motor vehicles

LAWS OF GUYANA

and of trailers proposed to be so used.

90. (1) The Prescribed Authority shall have full power in his discretion either to grant or to refuse an application for a goods transportation licence.

Discretion of
Prescribed
Authority as to
grant or refusal
of licences

(2) The Prescribed Authority in exercising his discretion shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport.

{ 21 of 1946
34 of 1969 }

91. The period for which a goods transportation licence may be granted shall be for such period, not exceeding two years, as may be stated in the licence.

Duration of
licences
[21 of 1946
34 of 1969]

92. Every goods transportation licence shall be granted subject to the following conditions:

Conditions of
licences
[21 of 1946
34 of 1969]

(a) the licensed vehicles are maintained in a fit and serviceable condition;

(b) in relation to a goods vehicle licensed under the provisions of sections 87 to 96 (inclusive), the applicant has complied with all the provisions of this Act relating to the registration of motor vehicles, identification marks, and certificates of fitness, licence fees, licensing of drivers in respect of competence and otherwise;

(c) any provisions contained in any written law with respect to limits of speed and weight, laden or unladen, and the loading of goods vehicles, are complied with in relation to the licensed vehicles;

(d) freight rates shall not exceed such rates as may be prescribed, and if no rates are prescribed, the freight rates shall be reasonable; and

(e) any other prescribed condition shall be observed;

and all these conditions shall be endorsed on every goods transportation licence granted by the Prescribed Authority.

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Penalty for non-compliance with conditions of licence
[21 of 1946]

93. (1) Subject to this section, any person who fails to comply with any condition of a goods transportation licence held by him shall be guilty of an offence.

(2) Notwithstanding that a vehicle is a licensed goods vehicle, the conditions of the licence shall not apply while the vehicle is being used for any purpose for which it might lawfully be used without the authority of a goods transportation licence.

Application of sections 67 and 69
[21 of 1946
24 of 1969]

94. In relation to sections 87 to 96 (inclusive) the provisions of sections 67 and 69 shall take effect as if for the words “road service licence” therein there were substituted the words “goods transportation licence.”

Transfer of goods transportation licences
[21 of 1946]

95. A goods transportation licence shall not be capable of being transferred or assigned except with the approval of the Prescribed Authority.

Power to appoint Road Transport Advisory Board.
[26 of 1961
19 of 1963
12 of 1982]

96. (1) The Prescribed Authority shall appoint a Board to be called “The Road Transport Advisory Board” which shall consist of—

(a) the Licence Revenue Officer who shall be the Chairman of the Board;

(b) the Chief Road Officer, the General Manager of the Transport and Harbours Department and the Commissioner of Police, or their duly authorised representatives; and

(c) three other fit and proper persons appointed by the Prescribed Authority.

(2) The Minister shall designate a public officer as Secretary to the Board.

(3) The Board shall advise the Prescribed Authority on such matters connected with road service, hire car and goods transportation licences and other matters relating to this Part, as may be referred to the Board by the Prescribed Authority.

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(4) The Board may invite any person to attend at a meeting of the Board for the purpose of giving advice or information on any matter which is being considered by the Board, but such person shall not be entitled to vote thereat.

(5) The Board may regulate its own procedure in any matter not otherwise provided for by this Act.

97. For the avoidance of doubt, it is hereby declared that this Part shall apply to motor buses, hire cars and goods vehicles in the City of Georgetown and the Town of New Amsterdam, anything contained in the Municipal and District Councils Act.

Application of Part VIII to Georgetown and New Amsterdam [21 of 1946 24 of 1969] c. 28:01

98. The Prescribed Authority for the purposes of this Part shall be the Licensing Authority under this Act, and Part I shall, *mutatis mutandis*, apply to proceedings and licences under this Part.

Prescribed Authority for the purposes of Part VIII. [21 of 1946]

PART IX

GENERAL

99. (1) The fees specified in the First Schedule shall be payable to the Licensing Authority in respect of the several matters to which they are applicable.

Fees First Schedule

(2) All fees received by the Licensing Authority shall be paid to the Accountant General for the public use.

(3) Subject to affirmative resolution of the National Assembly, the Minister may by regulation amend, suspend or revoke any of the provisions of the First Schedule.

First Schedule

100. (1) The Minister may by order for the purpose of giving effect to any convention for facilitating the international circulation of motor vehicles provide—

International circulation of motor vehicles

LAWS OF GUYANA

(a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in Guyana when temporarily taking their motor vehicles abroad, or to drivers when proceeding abroad for the purpose of driving motor vehicles; and

(b) for modifying the provisions of this Act and regulations made thereunder relating to the registration of motor vehicles, the licensing of motor vehicles and the licensing of motor vehicle drivers in case of motor vehicles brought temporarily into Guyana by persons resident abroad, and intending to make only a temporary stay in Guyana, and of drivers entering Guyana for the purpose of driving any such vehicles.

(2) Any modifications of this Act, or the regulations made thereunder, made by an order under this section shall have effect as if they were contained in and formed part of this Act or the regulations.

(3) Any order made under this section may at any time be varied or revoked by a subsequent order.

Method of calculating weight

101. For the purposes of this Act, the weight unladen of any motor vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

Recovery of damage to road or bridge.

102. (1) If by reason of an offence against this Act any injury is caused to any road, or bridge, the road authority may cause such injury to be made good, and may, either before or after the injury is made good, recover the estimated or actual cost thereof from the owner of the motor vehicle by the use of which the offence was committed.

(2) A certificate under the hand of any person duly authorised by the authority in that behalf, of the amount of the cost of making good such injury, shall, without proof of his signature, be *prima facie* evidence of the amount payable by the owner of the vehicle.

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103. The Commissioner of Police with the approval of the Minister may by order declare that from and after a date to be fixed by such order no horn or other warning device shall be sounded during such hours, or at or within such place or area of any municipal area as may be specified in the order.

Silent zones
[26 of 1961
4 of 1972]

104. (1) Subject to negative resolution of the National Assembly, the Minister may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act, as to the use of motor and other vehicles and trailers on roads, their construction and equipment and the conditions under which they may be used and generally for the purpose of carrying this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following—

Power to make
regulations.
[21 of 1946
32 of 1970
12 of 1997
16 of 1998]

- (i) the forms of registers to be kept and other forms to be used and the particulars to be furnished under this Act;
- (ii) applications for registration, applications for and the issue of licences and certificates;
- (iii) for facilitating the identification of holders of licences and certificates;
- (iv) for the use of motor vehicles under a dealer's general licence and for the keeping by the dealer of records pertaining to the use of such vehicles;
- (v) the custody, production and cancellation on revocation or expiration of licences and certificates and the return to the Commissioner of Police or Prescribed Authority of licences and certificates which have become void, or have been revoked;
- (vi) the duties and powers of certifying officers in regard to the inspection of motor vehicles and trailers;
- (vii) the documents, plates and licence holders to be carried by motor vehicles and the manner in which they are to be carried;
- (viii) the particulars to be marked on motor vehicles and trailers;

(ix) the appliances to be fitted for signalling the approach of a motor or other vehicle, or enabling the person in charge of a vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a vehicle and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;

(x) the form of identification marks to be fixed on motor vehicles and trailers and the sizes and colour of the letters and numbers and the manner of displaying such marks;

(xi) the number, nature, and use of brakes on motor and other vehicles, and for securing that brakes and steering gear shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect either on a road or, subject to the consent of the owner of the premises on any premises where the vehicle is, any such brakes or steering gear;

(xii) for controlling the number, position, and kind of lights to be carried on motor and other vehicles and trailers and the hours during which they are to be kept alight, and regulating their use;

(xiii) the conditions under which reflectors in lieu of lights may be used and carried on the rear of vehicles;

(xiv) the towing of or drawing of vehicles by motor vehicles;

(xv) the overall width, height, and length of motor vehicles and trailers and the load carried thereon, the diameter of wheels and the size, nature and condition of tyres, of motor vehicles and trailers, either generally or in relation to any specified roads;

(xvi) for limiting the dimensions of vehicles, other than motor vehicles, for use on roads and for controlling the loads that may be carried thereon;

(xvii) the maximum load carried and the weight unladen of any motor or other vehicle or trailer and the maximum weight to be transmitted to the road or any specified area thereof by a motor or other vehicle or trailer or by any part

or parts of such a vehicle or trailer in contact with the road and the conditions under which such weights may be required to be tested;

(xviii) for prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried by road;

(xix) conditions governing the use on roads of special motor vehicles or trailers, or special types of motor vehicles or trailers;

(xx) for regulating the relative position in the roadway of traffic of differing speeds or types;

(xxi) the precedence of vehicles and pedestrians respectively and generally with respect to the movement of traffic at and in the vicinity of crossings and the erection of traffic signs in connection therewith;

(xxii) the emission of smoke or visible vapour;

(xxiii) excessive noise owing to the design or condition of motor and other vehicles, or the loading thereof; or unreasonable or unnecessary noise caused by the use of signalling appliances;

(xxiv) the determination of the number of passengers a hire car or motor bus is adapted to carry and the number who may be earned;

(xxv) the carriage of luggage or goods on hire cars or motor buses;

(xxvi) the safe custody and re-delivery or disposal of any property accidentally left in a hire car or motor bus and fixing the charges made in respect thereof;

(xxvii) the equipment to be carried by a hire car or motor bus;

(xxviii) authorising the removal from a hire car or motor bus of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any police constable;

(xxix) requiring a passenger on a hire car or motor bus who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a police constable or to the driver or conductor upon demand;

(xxx) requiring a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;

(xxxix) requiring, on demand being made for the purpose by the driver or conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(xxxix) requiring a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(xxxix) requiring the surrender by the holder thereof on expiry of the period for which it is issued of a ticket issued to him;

(xxxix) the badges and uniforms to be worn by drivers and conductors of motor buses and as to the custody, production and return of badges and plates;

(xxxix) the conduct, cleanliness and dress of persons licensed to act as drivers and conductors of motor buses and drivers of hire cars and the conduct of passengers carried in such vehicles;

(xxxix) the conditions under which motor buses may be used in any unauthorized area or route on special occasions for the conveyance of private parties;

(xxxix) for providing special facilities for granting certificates and licences to persons not resident in Guyana, and for dispensing in the case of any such persons with the requirements of this Act with respect to registration and driving licences;

(xxxix) requiring all or any specified class of motor vehicles when used on roads either generally or in any specified area or on any specified route to have affixed thereto a device known as a suppressor and intended to eliminate or reduce interference with broadcast receiving apparatus;

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(xxxix) the tariff of fares to be charged for the carrying of passengers in any motor bus or hire car licensed to operate under this Act and the provisions of penalties for the refusal to pay, or the evasion of payment, of any such fare;

(xl) the quantity of luggage which shall be carried in any motor bus or hire car licensed to operate under this Act without any additional charge and the scales of payment for luggage over and above that quantity:

(xli) the conduct of passengers in, and of drivers of, any motor bus or hire car operating under licence granted under this Act;

(xlii) the forms to be used, and the particulars to be furnished, for the purposes of sections 80 to 98 (inclusive);

(xliii) the procedure on applications for, and the determination of questions in connection with, the grant of goods transportation licences, for suspending or revoking the same and for making appeals to the President;

(xliv) the issue of licences under Part VIII and the issue of copies in the case of the loss or destruction thereof; and

(xlv) any other matter which may be necessary for the purpose of carrying sections 80 to 98 (inclusive) into effect.

(3) In any regulation made under this Act there may be attached thereto for any breach thereof a fine not exceeding thirty thousand dollars.

105. All orders made by the Licensing Authority, the Commissioner of Police or by a local Government authority shall be published in the *Gazette* and in one or more newspapers and may at any time be varied or revoked by a subsequent order.

Publication of
orders.
[26 of 1961]

106. Any authority or person having power to issue any certificate or licence under this Act shall, on proof to its or his satisfaction that such certificate or licence has been lost or destroyed, and on payment of the prescribed fee, issue a copy of the certificate or licence to the person entitled thereto.

Duplicate
licences and
certificates.

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107. Whoever fraudulently imitates, alters, mutilates, destroys, or uses, or fraudulently lends or allows to be used by any other person any identification mark, motor vehicle licence, certificate of fitness, certificate of registration, or any driver's or conductor's licence issued or deemed to have been issued under this Act shall be guilty of an offence.

Giving false information
[12 of 1997
16 of 1998]

108. If any person in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle, or a driving licence or the endorsement of such a licence or a conductor's licence, or any change or variation in a motor vehicle licence or the registration of a motor vehicle or in giving any information lawfully demanded or required under this Act or any regulations made thereunder makes any statement which to his knowledge is false, or in any material respect misleading, he shall be liable on summary conviction to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars and to imprisonment for six months.

Taking motor vehicle without owner's consent or other authority to be an offence
[7 of 1959
12 of 1997
16 of 1998]

109. (1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable—

(a) on summary conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for twelve months;

(b) on conviction on indictment to a fine of not than thirty thousand dollars nor more than sixty thousand dollars and to imprisonment for two years:

Provided that if in summary proceedings under this section the court is satisfied that the accused 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, the accused shall not be liable to be convicted of the offence.

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(2) If on the trial of any indictment for stealing a motor vehicle the jury are of opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Where a person is convicted under this section the court, in addition to any punishment inflicted, may order the person convicted to pay to the owner of the vehicle such sum as in the opinion of the court is fair compensation in respect of the use of and any damage done to the vehicle. Any sum ordered to be paid for compensation under this subsection shall be deemed to be a judgment debt and payment thereof shall be enforceable accordingly. An order for compensation shall be a bar to any action to recover damages in respect of the same transaction.

(4) The preceding provisions of this section shall apply to persons who take and ride away bicycles, not being motor vehicles, as they apply to persons taking and driving away motor vehicles, and references in those provisions to motor vehicles and driving shall be construed accordingly:

Provided that the maximum penalty which may be imposed on a summary conviction by virtue of this subsection for an offence under subsection (1) shall be not less than ten thousand dollars nor more than twenty thousand dollars or imprisonment for twelve months.

(5) For the purpose of the preceding subsection, subsection (2) shall have effect as if references in that subsection to the trial of an indictment and a jury included references to summary proceedings and a magistrate respectively.

110. (1) In all proceedings under the provisions of this Act every motor vehicle and trailer shall be deemed to be kept for use on a road until the contrary is proved by the owner of the vehicle.

Onus of proof
as to use of
motor vehicle.

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(2) In any proceedings under the provisions of this Act a certificate under the hand of a licensing officer or a certifying officer that on a specified date a person was not the holder of any specified licence or certificate under the provisions of this Act shall be sufficient evidence of the fact.

Power to convict for reckless or dangerous driving [16 of 1998]

111. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 37 to find him guilty of that offence, whether or not the requirements of section 46 have been satisfied as respects that offence, and any person so convicted shall be liable to imprisonment for two years.

Power to proceed on charge for careless driving on hearing of charge for reckless or dangerous driving.

112. (1) Where a person is charged before a court of summary jurisdiction with an offence under section 37 and the court is of the opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter, the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under section 38 to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

(2) A defendant in whose case the requirements of section 46 have been satisfied, or do not apply, as respects the alleged offence under section 37 may be convicted on a charge preferred under the preceding subsection, notwithstanding that those requirements have not been satisfied as respects the alleged offence under section 38.

Temporary suspension of driving licence. [26 of 1961]

113. (1) If any person is charged with manslaughter arising out of the use of a motor vehicle or with contravening section 36 or section 37, the Licensing Authority may, with the approval of the Director of Public Prosecutions, order the suspension of the driving licence of the person so charged pending the determination of the charge.

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(2) Any driving licence so suspended shall on demand by any police constable be surrendered to the police constable who shall forthwith forward the same to the clerk of the court before which the person so charged is to appear.

114. (1) All offences under this Act (except where otherwise provided) shall be prosecuted under the Summary Jurisdiction Acts.

Prosecutions and penalties for offences. [14 of 1962 32 of 1970 12 of 1997 16 of 1998]

(2) Any person who contravenes or fails to comply with any order made by the Licensing Authority, the Commissioner of Police or by a Local Government authority for which no special penalty is provided shall be liable on summary conviction, in the case of a first conviction, to a fine of not less than five thousand dollars nor more than ten thousand dollars and, in the case of a second or subsequent conviction, to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

(3) Any person who fails to comply with any of the provisions of this Act shall be guilty of an offence and a person guilty of an offence under this Act for which no special penalty is provided shall be liable on summary conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars.

(4) Notwithstanding anything to the contrary in any law, a reading taken of the speed or weight of a vehicle at a particular time or place by a machine designed for the respective purpose may, without prejudice to the admissibility or acceptance of such reading as evidence other than as provided herein, be given in evidence at the trial of an offence relating to the alleged excessive speed or weight of the vehicle by the oral testimony of a police constable who observed the reading, and such evidence shall be prima facie evidence of the speed or weight, as the case may be, of the vehicle.

\$ c.

1. For each motor cycle:—

(a) having 2 wheels and not exceeding 200 pounds 600.00

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115. The provisions of sections 35, 43, 58 and 103 shall not apply to any motor vehicle on any occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of that vehicle for the purpose for which it is being used on that occasion.

116. Nothing in this Act shall affect any liability of the driver or owner of a motor vehicle by virtue of any Act or Common Law at Common Law.

117. Whenever the provisions of this Act are in conflict with the provisions of any other Act relating to the control of vehicles and road traffic the provisions of this Act shall prevail.

118. The directions made under the Summary Jurisdiction (Offences) Ordinance (the section then numbered 160, repealed by this Act) as amended and in force at the commencement of this Act shall continue in operation in so far as they are not inconsistent with this Act subject to amendment or repeal by regulations or orders made under this Act.

FIRST SCHEDULE

A

LICENCE FEES IN RESPECT OF VEHICLES

Vehicles solely for private use in carrying persons or for broadcasting purposes.

- ss. 18, 99
[2 of 1968
34 of 1969
6 of 1970
Reg. 1/1962
Reg. 14/1966A
Reg. 12/1967
7 of 1978
5 of 1985
3 of 1988
14 of 1990
15 of 1993

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1. For each motor cycle:-		\$ c.	
(a) having 2 wheels and not exceeding 200 pounds		1000.00	4 of 1996 6 of 1998]
(b) having 3 wheels.....		1500.00	
(c) having 2 wheels and exceeding 200 pounds		2000.00	
2. For each motor vehicle other than a motor cycle:—			
(a) not exceeding 2,240 pounds		2000.00	
(b) exceeding 2,240 pounds and not exceeding 3,000 pounds		2500.00	
(c) exceeding 3,000 pounds and not exceeding 4,000 pounds.....		4000.00	
(d) exceeding 4,000 pounds and not exceeding 5,000 pounds		10,000.00	
(e) exceeding 5,000 pounds.....			

Passenger vehicle for hire or reward

3. For each hire car:—			
(a) not exceeding 2240 pounds		2000.00	
(b) exceeding 2240 pounds and not exceeding 3,000 pounds		4500.00	
(c) exceeding 3,000 pounds.....		5000.00	
4. (a) For each motor bus used solely in Georgetown or New Amsterdam and seating:—			
(i) not more than 14 passengers		4,950.00	
(ii) more than 14 passengers		9,360.00	
(b) For each motor bus used elsewhere and seating:—			
(i) not more than 14 passengers.....		5,760.00	
(ii) more than 14 passengers		12,600.00	

Goods Vehicles

LAWS OF GUYANA

\$ c.

5. For each goods vehicle:—	
(a) not exceeding 1120 pounds unladen weight	2,500.00
(b) exceeding 1120 pounds but not exceeding 2240 pounds unladen weight	4,500.00
(c) exceeding 2240 pounds but not exceeding 4800 pounds unladen weight	9,000.00
(d) exceeding 4,480 pounds but not exceeding 8,960 pounds unladen weight	1,100.00
(e) exceeding 8,960 pounds but not exceeding 13,440 pounds unladen weight	2,500.00
(f) exceeding 13,440 pounds unladen weight	30,000.00
Provided that:	
(i) for a motor lorry exceeding four tons, but not exceeding six tons payload, the licence fee shall be	25,000.00
(ii) for a motor lorry exceeding six tons payload, the licence fee shall be	30,000.00
(iii) for an articulated vehicle* the unladen weight of which exceeds 11,200 pounds the licence	35,000.00

OTHER MOTOR VEHICLES

(a) For any agricultural motor tractor and trailer which are used for the sole purpose of carrying agricultural machinery, appliances and produce or any of them to or from, or to and from, any cultivated plantation, lot or farm within a radius of 6 miles thereof but not in Georgetown or New Amsterdam	3,600.00
(b) For any agricultural motor tractor used alone for the said purpose	600.00
7 For each motor hearse 1,200.00.....	1,200.00

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8. For each motor vehicle used solely for the servicing of equipment or machinery	3,000.00
9. For each mechanically propelled crane, hoist, compressor, bulldozer or similar vehicle used in connection with construction, which is not in itself designed or constructed to carry any load other than loose tools and equipment	1,200.00
10. (a) For each trailer used in connection with a motor car:—	
(i) having two wheels	360.00
(ii) having more than two wheels	600.00
(b) For each trailer capable of being attached to any vehicle, other than a motor tractor or motor car and not constructed as a permanent attachment to that vehicle	720.00

Provided that:

(f) no licence fee shall be payable for any motor vehicle or trailer kept for use exclusively on roads and trails, or any of them, in any district defined by the Minister by order, which shall come, or be deemed to have come into operation on such day, being the first day of any quarter not earlier than the commencement of the year in which the order is made, as shall be specified therein. Where there has been payment for any motor vehicle or trailer of a licence fee from which the motor vehicle or trailer is, upon the application of the licence holder shown to the satisfaction of the licensing officer to have, by virtue of any such order published in the *Gazette* after the payment in question, been exempted to the extent of any amount so paid in respect of any period commencing on or after the coming into operation of the order, such amount shall pursuant to the said application, and upon surrender of the licence if such period is unexpired, be refunded by or on the authority of the Licensing Authority; and any

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and any decision of the licensing officer with which the applicant is dissatisfied shall be subject to appeal, which shall lie in the like manner as an appeal under the proviso to section 19(3) against refusal to issue a licence.

\$ c.

B—OTHER FEES

SECTIONS

5. For registration:-

of motor cycle.....	500.00
of other motor vehicles.....	1,000.00
of trialer	300.00
For copy of entry in motor vehicles register.....	500.00

10. For transfer of registration:-

SECTIONS

of motor cycle.....	500.00
of other motor vehicles.....	1,000.00
of trailer.....	300.00

15. For certificate of fitness:—

for examination of two-wheeled motor cycle	2,000.00
for examination of motor car or three-wheeled motor cycle	500.00
for examination of motor lorry or motor bus.....	
for examination of hire car	2,000.00
for examination of articulated vehicles*	
for examination of any other goods vehicle	
for examination of other motor vehicle or trailer...	1,000.00

22. For dealer's general licence

for each dealer's general identification mark

26. For learner's provisional licence

27. For driver's test of competence

1,000.00

r's licence

2,000.00

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500.00	79. For conductor's licence
2,000.00	81. For licence to drive a hire car
1,000.00	81. For licence to drive a hire car (for any period not exceeding seven days)
1,000.00	82. For the issue of an identification mark for a hire car being used in the manner contemplated by section 82(1). This fee shall be refunded upon the return of the identification mark to the Licensing Officer
240.00	106. For duplicate licence or certificate

For the purpose of this Schedule-

“articulated vehicle” means any motor vehicle with a trailer drawn thereby which is so constructed and by partial super-imposition attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle;

“the payload” of a motor lorry is the gross weight thereof as specified by the manufacturer less the unladen weight.

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Motor Vehicles and Road Traffic

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SECOND SCHEDULE

s.35

LIMIT OF SPEEDS

[Reg. 14/1971

Class or description of vehicle	Miles per hour	Maximum speed
1. Motor cars, hire cars, motor cycles and other vehicles the unladen weight whereof is not in excess of 25 cwt.:—		
(a) on restricted roads		30
(b) the Timehri Field/Linden Highway		60
(c) elsewhere		40
2. Motor buses, goods vehicles and other vehicles the unladen weight whereof is in excess of 25 cwt.:—		
(a) on restricted roads		30
(b) elsewhere		40
3. Motor tractors		15

LAWS OF GUYANA

Provided that:—

- (a) the maximum speed per hour for a vehicle under the control of holder of a provisional licence, being a vehicle of a class mentioned in the foregoing items shall be 25 miles; and
- (b) A motor vehicle, other than a motor tractor, drawing a trailer or other vehicle shall not be driven at a speed in excess of the maximum speed for a vehicle of its particular class less 5 miles per hour.

4. For the purposes of this Schedule restricted roads shall be:—

- (a) Roads in the city of Georgetown.
- (b) The main public road on the East Bank, Demerara, in and between Plantations Ruimveldt and Grove, and between Plantation Coverden to the intersection of that road with the Madewinni Creek.
- (c) Roads in the Timehri International Airport area.
- (d) The main public road on the East Coast, Demerara, from the city of Georgetown to the eastern boundary of Plantation Hope.
- (e) Roads in the town of New Amsterdam.
- (f) Roads in any town constituted under the Municipal and District Councils Act.
- (g) Roads in the Bartica Village District.
- (h) The main public road on the Aroabisci Coast, Essequibo extending from its junction with the branch road at Adventure leading to the Transport and Harbours Department stelling to the common boundary between Plantation Zorg and Plantation Golden Fleece.
- (i) That portion of the main public road on the West Coast of Berbice as is within the Rosignol/Zee Lust Local Government District.
- (j) That portion of the main public road on the West Coast, Demerara as is respectively within the Klien Pouderoyen/Best Local Government District and the Parika/Salem Village District.

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- (k) That portion of the main public road on the Corentyne Coast, Berbice, as is within the Sheet Anchor/Cumberland Local Government District.
 - (1) Any road declared by the Licensing Authority to be a restricted road for the purposes of this Schedule by the publication of a notice to that effect in the *Gazette* and in a newspaper circulating in Guyana.
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