

CHAPTER 295**ROAD TRAFFIC**

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CHAPTER 295

ROAD TRAFFIC

An Act to revise and consolidate the law relating to road traffic.

1981-40.	1990-35.
1983-30.	1992-2.
1984-4.	1994-8.
1984-16.	1998-34.
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1985-17.	
1985/95.	
1989-12.	

[1st June, 1981] Commence-
ment.
1981/103.

PART I

Preliminary

1. This Act may be cited as the *Road Traffic Act*. Citation.
 2. (1) For the purposes of this Act Definitions.
"at night" means
 - (a) between the hours of 18.30 hours of one day and 5.00 hours of the following day in the months of January to April inclusive;
 - (b) between the hours of 19.00 hours of one day and 5.00 hours of the following day in the months of May to August inclusive; and
 - (c) between the hours of 18.00 hours of one day and 5.00 hours of the following day in the months of September to December inclusive;
- "Commissioner" means the Commissioner of Police;
- "Consul" means a Consul-General, Consul or Vice Consul representing a foreign sovereign power and holding a valid exequatur or other authority to act in Barbados in that capacity; but does not include an honorary Consul;

"contract carriage", "hired car", "self-driven car" means a motor vehicle kept for hire or reward under a contract where

- (a) that motor vehicle is used for the conveyance of not more than 6 persons;
- (b) payment for the use of that motor vehicle is at or for a fixed rate or amount; and
- (c) that motor vehicle does not stand or ply for hire on any road or place in public view or to which the public have access;

"demerit point" means a point recorded pursuant to section 79 against the name of a driver of a motor vehicle as part of a penalty on his conviction of an offence under this Act;

"diplomat" means a head of mission or any member of the staff of a head of mission certified to the Licensing Authority, by or on behalf of the Minister responsible for Foreign Affairs, to be a diplomat;

"driver" means a person driving a motor vehicle, and includes

- (a) a person in charge of a motor vehicle for the purpose of driving, where that vehicle is stationary on a road; and
- (b) a person acting as steersman of a motor vehicle;

"examiner"

- (a) in relation to a motor vehicle, means a person authorised by the Licensing Authority to be an examiner under section 3;
- (b) in relation to driving tests, means a person authorised by the Licensing Authority to be an examiner under section 65;

"fixed penalty" means a penalty fixed under section 121;

"goods vehicle" means a motor vehicle constructed or adapted for the carriage of goods;

1992-2. "hackney carriage", "motor cab" or "taxi" means a vehicle, other than a van, constructed to convey not more than 5 passengers for hire or reward;

"head of mission" means an Ambassador, High Commissioner or other person, by whatever title called, accredited by a sovereign

power or by an inter-governmental institution and recognised as such in Barbados by the Government of Barbados;

"hearse" means a motor vehicle constructed or adapted for the purpose of conveying a dead body;

"heavy goods vehicle" means a goods vehicle the licensed maximum gross weight of which exceeds 3 600 kilograms, and includes a motor lorry, van or trailer;

"heavy motor cycle" means a motor vehicle having not more than 3 wheels, the cylinder capacity of the engine of which exceeds 250 c.c.;

"inspector" means any person authorized by the Licensing Authority under this Act to inspect vehicles;

"insurer" means

(a) a company or association of underwriters under the *Insurance Act*; or

(b) any person or body of persons carrying on in Barbados the business of giving security of the nature of insurance and has deposited and keeps deposited with the Accountant-General an amount prescribed by order by the Minister or approved securities to that amount in respect of that business and approved by the Minister;

"land tractor" means a motor tractor that

(a) is designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging or other similar operations;

(b) is driven on a road only when proceeding to or from the site of such work; and

(c) hauls nothing other than implements to be used on the land;

"Licensing Authority" means the Licensing Authority within the meaning of subsection (2);

"light goods vehicle" means a goods vehicle the licensed maximum gross weight of which does not exceed 3 600 kilograms, and includes a motor lorry, van or trailer;

"light motor cycle" means a motor vehicle having not more than 3 wheels, the cylinder capacity of the engine of which does not exceed 250 c.c.;

"limited trade licence" means a licence issued under section 6;

"limited trade number plate" means a number plate referred to in section 7;

1990-35. "limousine" means a motor vehicle that is

- (a) constructed or adapted to carry not less than 4 and not more than 7 passengers;
- (b) kept at an establishment for hire or reward: and
- (c) when driven for hire or reward, driven by a chauffeur in uniform for the exclusive use of the hirer.

"maximum gross weight" means

- (a) in relation to a goods vehicle, the weight of that vehicle and the weight of its load;
- (b) in relation to a trailer, the weight of that vehicle and weight of the load as specified in the *Third Schedule*; and
- (c) in relation to a motor omnibus, minibus, hackney carriage, motor cab or taxi, the weight unladen of such motor vehicle together with the weight of the persons to be carried, the weight of each person to be carried being taken as 60 kilograms;

Third
Schedule.

1984-4.
1992-2. "maxi-taxi" means a motor vehicle

- (a) constructed or adapted to carry not less than 5 passengers and not more than 10 passengers;
- (b) kept for hire or reward;
- (c) kept at an establishment or at the airport or seaport to convey passengers to their destinations;

Cap. 371. "medical practitioner" has the meaning assigned to it by section 2 of the *Medical Registration Act* ,

1990-35. "minibus" means a motor vehicle that is adapted or constructed to carry 11 to 24 sitting passengers and such number of standing passengers, not exceeding 7, as the Licensing Authority permits

under regulations made under this Act;

"Minister" means the Minister responsible for Transport;

"motor bicycle" means a motor vehicle having 2 wheels and equipped with

- (a) an engine, the cylinder capacity of which does not exceed 175 c.c.; and
- (b) pedals, by means of which such vehicle is capable of being propelled;

"motor omnibus" means a motor vehicle that is adapted or constructed ^{1990-35.} to carry 25 or more sitting passengers and such number of standing passengers as the Licensing Authority permits under regulations made under this Act;

"motor tractor" means a mechanically propelled vehicle

- (a) that is not constructed to carry a load other than
 - (i) water, fuel, accumulators,
 - (ii) other equipment used for the purpose of propulsion, and
 - (iii) loose tools and equipment;
- (b) the weight of which unladen does not exceed 6 100 kilograms; and
- (c) the primary purpose of which is the haulage of trailers;

"motor vehicle" means any mechanically propelled vehicle manufactured or adapted for use on roads;

"official weigher" means a person appointed for the purpose of weighing vehicles under section 4;

"overtaking" means passing or attempting to pass any other vehicle that

- (a) is proceeding in the same direction; or
- (b) is stationary on the same side of the road;

"owner" means, in the case of a registered motor vehicle,

- (a) the person in whose name the vehicle is registered;

- (b) the person in charge or in possession of the motor vehicle where the registered owner is absent from Barbados; or
- (c) the person in possession of the vehicle under a hire purchase agreement;

and for the purposes for Part IV includes a person in possession of a motor vehicle under a contract of hire;

"parking place" means

- (a) a place designated as such by the Minister; or
- (b) a place where motor vehicles, of any particular class or description, may wait;

"passenger" means any person other than the driver conveyed in or on a motor vehicle;

"policy of insurance" includes a covering note;

"private motor car" means a motor vehicle (other than a heavy motor motor cycle, light motor cycle, minibus, motor bicycle or omnibus) constructed or adapted solely for the conveyance of not more than 10 persons and their effects; and used exclusively for private purposes and not for hire or reward;

"provisional licence" means a licence issued for use in respect of a motor vehicle during the completion of requirements for registration of that vehicle; and "provisional licence plate" has a corresponding meaning;

"public service vehicle" means a motor vehicle used for the purpose of conveying passengers for hire or reward and

- (a) is carrying passengers at separate fares; or
- (b) is not carrying passengers at separate fares but is adapted to carry 5 or more passengers;

"registration number" means the number referred to in section 5 assigned by the Licensing Authority to an owner for use on a motor vehicle, and includes a letter indicating the parish in which the motor vehicle is registered or the trade in which or for which the vehicle is used;

- "road" or "public road" means any street, road or other place to which the public have access, and any bridge over which a road passes, and includes any privately owned street, road or other place to which the public have access, either generally or conditionally;
- "road licence" means a licence issued by the Licensing Authority pursuant to section 16;
- "route taxi" means a motor vehicle that is constructed or adapted to carry not less than 5 and not more than 15 passengers and is used for hire or reward to transport passengers on a specified route; 1992-2.
- "testing officer" means a person authorised by the Licensing Authority to conduct tests and examine applicants for driving licences; 1992-2.
- "tour coach" means a motor vehicle adapted or constructed to carry from 11 to 30 passengers and used for the purpose of conveying passengers to and from airports and seaports and on contract tours of Barbados;
- "tractor" means land tractor or motor tractor;
- "traffic" means vehicles of every description, pedestrians and all animals being ridden, driven or led;
- "traffic warden" has the meaning assigned to it by section 2 of the *Police Act* ; 1989-12.
Cap. 167
- "trailer" means a vehicle not having independent motive power that is designed to be drawn by a motor vehicle; but does not include a side-car attached to a motor cycle;
- "transport inspector" shall be construed in accordance with section 3(2); 1992-2.
- "vehicle" means a carriage, wagon, cart, motor vehicle, bicycle, tricycle, van, handcart, sledge, truck, barrow or any other machine for the carriage on land of goods or persons;
- "vehicle examiner" shall be construed in accordance with section 3(1); 1992-2.
- "weight unladen" means the weight of a motor vehicle inclusive of the body, accumulators, loose tools, spare wheels and other

usual equipment, and a supply of water and fuel for the purpose of propulsion.

(2) A reference in this Act to "Licensing Authority" is a reference to such person or authority as the Minister appoints by order to be the Licensing Authority for the purposes of this Act; and different persons or authorities may be so appointed for different classes of vehicles.

Appointment and duties of inspectors or examiners in respect of motor vehicles.
1992-2.

3. (1) The Licensing Authority may authorise such public officers as it thinks necessary to be vehicle examiners for the purpose of inspecting and examining motor vehicles in order to determine the roadworthiness of the vehicles and to issue certificates in accordance with this Act.

1992-2.

(2) The Licensing Authority may authorise such public officers as it thinks necessary to be transport inspectors to monitor and report on ground transportation systems to ensure that owners and drivers of motor vehicles conform to the provisions of the Act and regulations made thereunder with respect to the operation and licensing of motor vehicles.

1992-2.

(3) A person appointed or authorised by the Licensing Authority to be a vehicle examiner shall inspect any motor vehicle or trailer at the request of a member of the Police Force or a transport inspector.

Appointment of weighers.

4. The Licensing Authority may assign such number of persons to be official weighers as it considers necessary to weigh vehicles for the purposes of this Act.

PART II

Registration

Registration of motor vehicles.

5. (1) No person shall use or keep a motor vehicle for use on a road unless it is registered under this section.

(2) An owner of a motor vehicle is, on application to the Licensing Authority in such form as the Licensing Authority approves and on payment to the Licensing Authority of such fee as the Minister of Finance, by order, prescribes, entitled to have that motor vehicle registered in the parish in which it is usually kept or the use for which the vehicle is kept.

(3) A person must, upon making an application for registration of a vehicle, furnish the Licensing Authority with the particulars specified in the *First Schedule*, and the Licensing Authority shall enter those particulars in a register kept by it for the purpose.

First
Schedule.

(4) The Licensing Authority shall, upon receiving the fee referred to in subsection (2), assign to the owner of a motor vehicle, for his use, a special number, to be known as the registration number, and such registration number shall, in addition to the number of the road licence, be set out in the motor vehicle road licence.

(5) Every registration number assigned to an owner of a motor vehicle is valid for a period of 1 year from the date it is so assigned, and remains the registration number of such owner; but the Licensing Authority may re-assign that registration number to any other person if the person to whom it was issued

- (a) fails, within 12 months after the date of its expiry to apply for a renewal thereof; or

(b) fails to indicate that it should be retained for his use, and to pay such fee as may be prescribed for its retention.

6. (1) Any importer, dealer or repairer of mechanically propelled vehicles may, on application to the Licensing Authority, obtain a limited trade licence upon payment of such fee as the Minister of Finance, by order, prescribes.

Limited
trade
licence.

(2) The Licensing Authority may issue a limited trade licence to an applicant

- (a) on being satisfied that the applicant is a *bona fide* importer, dealer, or repairer of mechanically propelled vehicles; and
- (b) on receiving the fee referred to in subsection (1).

(3) Any dealer, importer or repairer of mechanically propelled vehicles of the classes liable to registration and taxation under Parts II and III who desires to obtain a limited trade licence in respect of such vehicles shall apply to the Licensing Authority in the parish in which his business premises are situate and make the prescribed declaration.

(4) A limited trade licence must contain

- (a) the name and address of the person to whom it is issued;
- (b) the number of the limited trade number plate referred to in section 7;
- (c) the date of expiry of such licence;
- (d) the amount of fees paid in respect of such licence;
- (e) the date stamp of the office of issue; and
- (f) the serial number of such licence.

(5) The Licensing Authority shall not issue more than 6 limited trade licences to an applicant.

7. (1) The Licensing Authority shall, upon receiving the appropriate fee referred to in section 6, supply with each limited trade licence a registration number which the licensee shall use on his limited trade number plates as required by subsection (2).

Limited
trade
number
plates.

(2) A person to whom a limited trade licence is issued shall affix in a conspicuous manner a pair of limited trade number plates, 1 to the front and 1 to the rear of the vehicle upon which they are being used.

Second
Schedule.

(3) A limited trade number plate must be designed in accordance with the manner prescribed in the Second Schedule, except that the background of the number plate must be white and the letters and figures thereon red.

(4) No person shall use a limited trade number plate or permit a limited trade number plate to be used on a vehicle unless such number plate is submitted to the Licensing Authority and stamped in a manner approved by it and such a number plate shall only be used between 6.00 hours and 18.00 hours on any day.

(5) The Licensing Authority shall, on receiving the fees set out in section 6, issue to an importer, a repairer or dealer, a registration card containing the information set out in paragraph (b) of section 16(1).

(6) A registration card issued pursuant to subsection (5) shall be properly fixed in a holder attached to the limited trade number plate that is attached to the front of the motor vehicle in respect of which it is being used, so as to be clearly visible from in front of the vehicle.

Purposes
for which
limited
trade
licence to
be used.

8. (1) Subject to section 5, the holder of a limited trade licence may use that licence in respect of any mechanically propelled vehicle for which that licence is appropriate, whether or not a trailer is attached thereto, if the vehicle is being

- (a) tested or taken for trial in the ordinary course of construction or repair;
- (b) returned to its garage or depot immediately after being tested, taken for trial or being repaired;
- (c) driven to or from a public weigh-bridge for ascertaining its weight;
- (d) driven to or from any place for its inspection or registration by the Licensing Authority;
- (e) tested or taken for trial for the benefit of a prospective purchaser;

- (f) delivered to the place where a purchaser intends to keep it;
- (g) taken from the premises of an importer or repairer of, or dealer in, mechanically propelled vehicles, direct to other premises;
- (h) driven to or from a workshop where
 - (i) a body is to be fitted to it,
 - (ii) a body has been fitted to it, or
 - (iii) the vehicle has been painted or repaired;
- (i) used for the purpose of carrying another vehicle that has broken down;
- (j) driven to or from any garage, auction room or other place
 - (i) at which vehicles are usually stored, or
 - (ii) at which vehicles are usually or periodically offered for sale,

and at which that vehicle is to be, or has been, stored, or is to be, or has been, offered for sale; or

- (k) removed from 1 place of storage to another, it having been laid up by its owner.

(2) No vehicle shall, with or without a trailer, be used on a road under a limited trade licence for any purpose other than a purpose specified in subsection (1).

(3) The Licensing Authority shall revoke any limited trade licence issued to a dealer, importer or repairer of a mechanically propelled vehicle where the dealer, importer or repairer has been convicted of 2 or more offences in contravention of section 6,7,8 or 9. 1992-2.

9. (1) The Licensing Authority shall, upon the issue of a limited trade licence, supply to the person to whom it is issued a limited trade licence book, in this section referred to as "the book", in a form approved by the Commissioner.

Limited
trade licence
book.

(2) The holder of a limited trade licence shall, on every occasion before he uses the licence, make an entry in duplicate in the book setting forth

- (a) the purpose for which the licence is being used; and
- (b) the proposed route of the vehicle in respect of which the licence is being used.

(3) One copy of the entry referred to in subsection (2) shall be kept in the book, and the other copy shall be removed therefrom and carried with the vehicle throughout the entire journey to which that entry relates, and shall be produced by the driver of the vehicle for inspection at any time during the journey, upon demand being made by any member of the Police Force, the Licensing Authority, or a person acting under the authority of the Licensing Authority.

(4) The book shall be kept for inspection for a period of not less than 18 months, commencing on the date on which the last entry was made, at such place as the Licensing Authority approves.

(5) No person shall

- (a) damage, deface or mutilate the book;
- (b) make an entry therein that he knows to be false;
- (c) alter or obliterate any entry made therein;
- (d) make an entry therein that is not authorised by this Act to be made; or
- (e) alter or obliterate any copy of an entry after it has been removed from the book by virtue of subsection (3).

(6) Any person who

- (a) uses a vehicle on a road in contravention of this Part;
- (b) permits a vehicle to be used on a road in contravention of this Part;
- (c) aids or abets any person in contravening this Part; or

- (d) fails to produce the book when required to do so in accordance with this section,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

(6) Where the book is lost, damaged, mutilated, defaced or rendered illegible, the owner thereof is entitled, on payment to the Licensing Authority of such fee as the Minister of Finance by order prescribes, to be issued with a duplicate book.

10. (1) Every motor vehicle shall be fitted with 2 registration number plates, each bearing the registration number of that motor vehicle and the letter referred to in subsection (5) that indicates the parish in respect of which the motor vehicle is registered or the purpose for which the motor vehicle is used, as follows

Registration
number
plates.

- (a) one in a conspicuous position at the front; and
(b) the other in a conspicuous position at the rear,

of the motor vehicle, so that every letter and figure on the number plates is upright and may be easily read from a position behind or in front of the motor vehicle, as the case may be.

- (2) Where a vehicle is being drawn by a motor vehicle,
(a) a registration number plate shall be affixed to the rear of the vehicle being drawn; and
(b) in the case of a vehicle being drawn by a tractor or a motor vehicle used specially for the purpose of towing vehicles, the registration number plate on the vehicle being drawn shall be identical with that on the tractor or motor vehicle drawing the vehicle.

(3) In the case of a motor cycle or a motor bicycle, the front registration number plate shall be so affixed as to be easily read from a position on either side of the motor cycle or motor bicycle; and the rear registration number plate shall be affixed in an upright position in the manner described in subsection (1).

(4) Registration number plates shall be of the description specified in the *Second Schedule*.

Second
Schedule.

(5) The parish mentioned in column 1 of Part I of the *Fourth Schedule* in which the motor vehicle is registered shall be represented on the registration number plates of the motor vehicle by the letter mentioned in column 2 opposite that parish, except that

1990-35.
Fourth
Schedule.

(a) in the case of a public service vehicle, the use for which that vehicle is kept as specified in column 1 of Part II of the *Fourth Schedule*; and

Fourth
Schedule

(b) in the case of a vehicle owned by the Government of Barbados or by a Statutory Board, the use for which that vehicle is kept as specified in column 1 of Part III of the *Fourth Schedule*

shall be represented on the registration number plates of that vehicle by the letter mentioned in column 2 opposite that use.

10A. Notwithstanding section 10, registration number plates to be affixed to a limousine shall be in accordance with the *Second Schedule* except that the background of the number plates shall be of a dark red reflective nature with the borders, letters and figures thereon, white.

Number
plates for
limousines.
Second
Schedule.
1990-35.

10B. The registration number plates of vehicles owned by the Government of Barbados or by a Statutory Board shall be of the description specified in the *Second Schedule* except that

Number
plates for
vehicles of
Government
and
of
Statutory
Boards.
1990-35.

(a) in the case of vehicles used by the Defence Force, the background of such number plates shall be black in colour and the borders, letters and figures thereon, white; and

(b) in all other cases the background of the number plates shall be dark green in colour and the borders, letters and figures thereon, white.

10C. (1) Without limiting section 10 or 10A all registration number plates for public service vehicles shall be issued by the Licensing Authority.

Registra-
tion
number
plates for
public
service
vehicles.
1992-2.

(2) All registration number plates issued under subsection (1) shall remain the property of the Licensing Authority.

10D. Notwithstanding section 10, the registration number plates to be affixed to a route-taxi shall be in accordance with the *Second Schedule* except that the background of the number plates shall be white and the letters and figures thereon, blue.

Registration number plates for route taxis. *Second Schedule.* 1992-2.

11. (1) Notwithstanding sections 5 and 10, the Licensing Authority shall, on application made to it by

Diplomatic and consular representatives. 1990-35.

- (a) a consul;
- (b) a head of mission on behalf of the head of mission or any other diplomat of that mission;
- (c) a head of a regional or international organisation on behalf of the head or a member of staff of the regional or international organisation,

for the registration of a vehicle without payment of a fee in accordance with the relevant provisions of the *Diplomatic Immunities and Privileges Act*, or an agreement between the regional or international organisation and the Government of Barbados, register the vehicle without payment of a fee.

Cap. 18.

(2) A vehicle that is registered under subsection (1) shall receive a registration number plate in accordance with the *Second Schedule* except that the background of the number plates shall be dark blue in colour and the borders, letters and figures thereon, yellow.

Second Schedule.

- (3) Where a vehicle that is registered under subsection (1) is that of
- (a) a consul, the registration number plates must bear the letters "FC";
 - (b) a diplomat or a head of a regional or international organisation, the registration number plates must bear the letters "CD"; or
 - (c) a member of a staff of a regional or international organisation, the registration number plates must bear the letters "IM".

- (4) Where a vehicle that is registered under subsection (1) is
- (a) the vehicle of a diplomatic mission or the official vehicle of a regional or international organisation, the registration number plates must bear the letters "CD"; or
 - (b) a vehicle other than the official vehicle of a regional or international organisation, the registration number plates must bear the letters "IM".

Number
plates for
special
purposes
etc.

12. (1) Notwithstanding section 10, registration number plates to be affixed to a motor vehicle to which this section applies may be of such a nature, or may bear such alternative identification marks, as the Minister designates.

- (2) This section applies to a motor vehicle that is being used
- (a) on a special occasion;
 - (b) for a special purpose; or
 - (c) during a special period,

that the Minister by order declares to be a special occasion or a special purpose for the purposes of this section.

Provisional
Licence.
1992-2.

12A. (1) Notwithstanding sections 5, 10 and 12, the Licensing Authority may, on application made to the Department, and upon payment of such fee as the Minister responsible for Finance by order prescribes, issue to an applicant a provisional licence and a registration number in accordance with subsection (2).

(2) The Licensing Authority may issue a provisional licence and registration number to an applicant

- (a) on being satisfied that the licence is required to facilitate the completion of requirements for registration of a motor vehicle; and
 - (b) on receiving the fee referred to in subsection (1).
- (3) A provisional licence is valid

- (a) on any day except Saturdays, Sundays and public holidays;
- (b) from 7:00 hours to 17:00 hours.
- (4) A provisional licence must contain
 - (a) the name and address of the person to whom it is issued;
 - (b) the number of the provisional licence plate referred to in subsection (5);
 - (c) the period for which the licence is valid;
 - (d) the fee paid in respect of the licence;
 - (e) the date-stamp of the office of issue; and
 - (f) the serial number of such licence.

(5) The Licensing Authority may, upon receiving the fee referred to in subsection (1), issue with each provisional licence and registration number provisional licence plates bearing that number.

(6) A person to whom a provisional licence is issued shall affix the provisional licence plates, in a conspicuous manner, one to the front and one to the rear of the vehicle, upon which they are being used.

(7) Provisional licence plates must be in accordance with the *Second Schedule*, except that the background of the licence plates must be white, the border thereof and the figures and letters thereon must be red and the licence plates must bear the letters "LA".

Second
Schedule.

(8) Provisional licence plates remain the property of the Crown and the person to whom the licence is issued shall return the licence plates to the Licensing Authority on the expiration of the period for which the licence was issued.

- (9) Any person who
 - (a) uses provisional licence plates or permits such plates to be used on a vehicle in contravention of subsection (3);

- (b) fails to return provisional licence plates to the Licensing Authority in accordance with subsection (8); or
- (c) mutilates, damages or otherwise defaces any provisional licence plate,

is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months or to both.

Driving of
unregis-
tered
motor
vehicle etc.

13. (1) Subject to this section, any person who drives, or, being the owner, permits any other person to drive, on a road, any motor vehicle

- (a) that does not bear any registration number plate, limited trade number plate, provisional licence plate or other identification mark in the manner required by this Act or the regulations; or
- (b) that bears a registration number plate, limited trade number plate, provisional licence plate or another identification mark that is so affixed or obscured that it cannot be easily read,

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

(2) It is a defence to a charge brought under paragraph (b) of subsection (1) if the accused establishes that he was unaware that the registration number plate, limited trade number plate or other identification mark was obscured or could not be easily read.

PART III

Licensing and Taxation

Definition
of motor
vehicle in
this Part.

14. For the purposes of this Part, "motor vehicle" includes "trailer".

Payment of
tax.

15. Every person who is the owner of a motor vehicle shall, on the day of the anniversary of the date on which that vehicle was first registered, pay as tax to the Licensing Authority such amount as the Minister of Finance by order prescribes.

Refund of
taxes.

15A. Where, pursuant to section 15, the owner of a motor vehicle pays the tax in respect of that motor vehicle and the Licensing Authority is subsequently satisfied that the motor vehicle was not used, kept for

use or allowed to be kept for use by the owner during the period in respect of which the tax was paid, the Minister of Finance shall refund the owner of the motor vehicle, the amount paid as tax.

15B. Where the Licensing Authority is satisfied that a motor vehicle was not used, kept for use or allowed to be kept for use by its owner for a period of not less than 3 months, the Minister of Finance shall where the tax was paid, refund that proportionate part of the tax which was paid for the period during which the motor vehicle was not used, kept for use or allowed to be kept for use by the owner.

Refund and waiver of taxes.

16. (1) The Licensing Authority shall in respect of every motor vehicle in respect of which tax is paid, issue to the owner of that motor vehicle

Road licence and registration card.

- (a) a road licence; and
- (b) a registration card specifying
 - (i) the registered number of the motor vehicle,
 - (ii) the appropriate letter contained in the *Fourth Schedule* representing the parish in which the motor vehicle is registered, or the use for which the vehicle is kept, and
 - (iii) the period for the duration of which the registration card is issued.

Fourth Schedule.

(2) Every person who uses a motor vehicle on a road shall have the registration card referred to in paragraph (b) of subsection (1) affixed in a conspicuous position

- (a) on the left hand side of the windshield, if such motor vehicle is of a right hand drive make;
- (b) on the right hand side of the windshield, if such motor vehicle is of a left hand drive make;
- (c) on the upper section of the left front fork, if the motor vehicle is a motor cycle; or
- (d) on the uppermost section of the left front side, in the case of any other vehicle not referred to in paragraphs (a) to (c).

1990-35.

1990-35.

(3) Any person who uses a motor vehicle in contravention of subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$200 or to imprisonment for a term of 3 months, or both.

Payment of tax by new owner of motor vehicle.

17. Every person who becomes the owner of a motor vehicle in respect of which no valid road licence is in existence shall, upon so becoming, pay as tax to the Licensing Authority for the parish in which the motor vehicle is usually kept such amount as the Minister of Finance by order prescribes.

Change of ownership of motor vehicle.

18. (1) Where the ownership of a motor vehicle in respect of which a valid road licence is in existence is transferred to another person,

(a) the transferor of the motor vehicle shall, upon the transfer thereof,

- (i) give notice of the change of ownership of the vehicle in writing to the Licensing Authority for the parish in respect of which the motor vehicle is licensed,
- (ii) inform the Licensing Authority of the name and address of the new owner of the vehicle, and
- (iii) return to the Licensing Authority the registration card issued in respect of such motor vehicle;

(b) the new owner of the motor vehicle shall, upon the transfer of the vehicle,

- (i) give notice of the change of ownership of the vehicle in writing to the Licensing Authority for the parish in respect of which the motor vehicle is licensed,
- (ii) inform the Licensing Authority of the name and address of the person from whom the motor vehicle was obtained, and

- (iii) produce to the Licensing Authority an insurance certificate, issued in respect of such motor vehicle, together with any evidence required by the Licensing Authority to establish the validity of the change of ownership.
- (2) The Licensing Authority for the parish in respect of which a motor vehicle is licensed shall,
- (a) upon receipt of the notice and particulars required to be given to him under subsection (1); and
 - (b) upon being satisfied as to the validity of the change of ownership of the motor vehicle,
- adopt the procedure set out in subsections (3) and (4).
- (3) If the motor vehicle in respect of which there is a change of ownership is to be kept in the parish in which it is at present registered, the Licensing Authority shall
- (a) re-register the motor vehicle and assign to the new owner thereof a new registration number on his payment to the Licensing Authority of such fee as the Minister of Finance, by order, prescribes; and
 - (b) issue to the new owner of the motor vehicle a new registration card.
- (4) If the motor vehicle in respect of which there is a change of ownership is registered in a parish other than that in which it is at present registered, the Licensing Authority shall
- (a) assign to the new owner of the motor vehicle a new registration number on payment of such fee as the Minister of Finance, by order, prescribes;
 - (b) issue to the new owner of the motor vehicle a new registration card; and
 - (c) enter in the register kept under section 5(3) the particulars required to be recorded.
- (5) A road licence is not to be treated as being transferred to a new owner of a motor vehicle and the new owner is not entitled to use such motor vehicle in accordance with the terms and conditions of that road licence.

(6) Any person who

(a) is required by this Act to furnish particulars in connection with a change of the registration of any vehicle and fails to do so; or

(b) furnishes any particulars which to his knowledge are false, is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

Exemption from payment of tax by person staying temporarily in Barbados.

19. (1) Notwithstanding anything contained in this Act, where a person visits Barbados for a period not exceeding 6 months and brings a motor vehicle into Barbados for his own use during such visit, he may, on application to the Licensing Authority, obtain a road licence under section 16(1).

(2) Subject to subsection (3), where the person referred to in subsection (1) is the holder of a valid road licence issued outside Barbados, the Licensing Authority may issue to him a free road licence for the period covered by the road licence issued outside Barbados; but in no case shall a free road licence be issued for a greater period than 90 days.

(3) Subsection (1) does not operate in favour of a visitor to Barbados if the country in which his road licence is issued does not accord reciprocal treatment in respect of a road licence issued in Barbados.

Exemption from tax of motor vehicles used for agricultural purposes and the use on the road of such vehicles.

20. (1) All motor vehicles used exclusively for the purposes of agriculture are exempt from taxation under this Act, but a vehicle so exempt shall not be used on any road except for the purpose of crossing from one part of a property to another part of such property or from one property to another property.

(2) Motor vehicles referred to in subsection (1) shall not be driven or towed across a road unless they are being used in connection with a crossing specified in that subsection and are at the time of such crossing equipped with rubber or other belting for the protection of the surface of the road and such warning lights or signals as the Chief Technical Officer approves.

(3) Any person who uses, causes or permits a motor vehicle to be used in contravention of this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or both.

21. (1) No tax is chargeable under this Act in respect of any motor vehicle that is the property of

Exemption
of other
vehicles
from
taxation.

- (a) the Crown;
- (b) a member of the Diplomatic or Consular Community or a Regional or International Organisation; or
- (c) any other authority or organisation that is prescribed by order by the Minister of Finance.

(2) Paragraph (b) of subsection (1) does not operate in favour of a member of the Diplomatic or Consular Community unless the country which that member represents or of which he is a citizen, as the case may be, accords reciprocal treatment to persons of a similar status who represent Barbados.

22. (1) Notwithstanding the provisions of sections 15A and 15B, and subject to subsection (2), any owner of a motor vehicle who keeps it or allows it to be kept for use, without paying the tax that is payable pursuant to section 15 is guilty of an offence and in addition to the right of the Licensing Authority to recover the tax under section 25 is, in respect of every motor vehicle so kept or allowed to be kept for use, liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

Penalty for
non-
payment of
tax.
1994-8.

(2) A vehicle shall be deemed to be kept for use until the contrary is proved. 1994-8.

23. (1) Every person who uses a vehicle in respect of which tax is payable under this Act shall, on being required by a person authorised by the Licensing Authority or by a member of the Police Force, give the name and address of the owner of that vehicle.

Penalty on
driver for
refusal to
disclose
name of
owner of
vehicle in
case of non-
payment of
tax.

(2) Any user of a vehicle who fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months, or both.

Use of a vehicle for purpose other than that for which registered and licensed.

24. (1) Where

- (a) a road licence has been issued in respect of a mechanically propelled vehicle in respect of which the required tax has been paid; and
- (b) that vehicle is used in a manner or for a purpose that brings it within a class or description of a vehicle for which a higher tax is payable,

the person who so uses that vehicle, and every person who permits it to be so used, is guilty of an offence.

(2) Subject to subsection (3), a motor vehicle that is registered in accordance with Part II and licensed under this Part shall not be used for any purpose other than that for which it is registered and licensed, except in accordance with the terms of a permit granted by the Licensing Authority.

(3) Subsection (2) does not apply where a motor vehicle that is registered and licensed for a purpose other than private purposes is used for private purposes.

(4) Any person who desires to obtain a permit to use a motor vehicle for a purpose other than that for which it is registered and licensed may apply in writing to the Licensing Authority specifying

- (a) the purpose for which such permit is desired;
- (b) the type of motor vehicle in respect of which the application relates; and
- (c) the route and date on which, and the time during which, the vehicle is to be used.

(5) The Licensing Authority may, on application being made to him under paragraph (1),

- (a) grant to the applicant a permit subject to such conditions as he thinks fit; or
- (b) refuse the application.

(6) There shall be paid by the person to whom a permit is granted under subsection (5) such fees and taxes as the Minister of Finance by order prescribes.

(7) Every owner of a motor vehicle who uses it or causes or permits it to be used in contravention of this section or in contravention of the terms of a permit granted under this section is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or both; and in addition thereto is liable to cancellation of the permit. 1998-34.

25. Any tax imposed pursuant to this Part is recoverable in summary proceedings or process on the complaint of the Licensing Authority. Recovery of tax.

26. Where 2 or more persons jointly own a motor vehicle, it is sufficient in any complaint, summons, order, conviction, warrant or other proceedings under this Part, to name one of the owners without reference to any other of them and proceed as if he were the sole owner. Proceedings against joint owners.

27. (1) All payments of tax made to the Licensing Authority in respect of a motor vehicle shall, where such tax is computed on the weight of such vehicle while it is unladen, be accompanied by a certificate, in the form set out in the *Third Schedule*, of the weight of the vehicle unladen issued by an official weigher. Weight certificate. Third Schedule.

(2) Every person to whom a certificate referred to in subsection (1) is issued shall pay to the Licensing Authority in respect of the issue of that certificate such fee as the Minister of Finance may by order prescribe. 1998-34.

(3) Subsection (1) does not apply to any payment made in respect of a motor vehicle by a person visiting Barbados for a period not exceeding 3 months who has brought the motor vehicle with him for his own use during his visit, if that person produces to the Licensing Authority the manufacturer's weight certificate of the motor vehicle in respect of which the payment is made. 1998-34.

28. (1) The maximum gross weight of any vehicle must not exceed Maximum gross weight.

(a) 7 tonnes in the case of a four-wheeled vehicle with 2 axles equipped for purposes of propulsion with 4 pneumatic tyres; 1984-16.

1984-16. (b) 12 tonnes in the case of a vehicle with 2 axles equipped for purposes of propulsion with dual pneumatic tyres at each end of the rear axle; or

1984-16. (c) 24 tonnes in the case of any other vehicle or trailer.

1984-16. (2) Any person who uses, causes or permits to be used on any road a vehicle the weight of which is in excess of the maximum gross weight specified in subsection (1) is guilty of an offence and liable on summary conviction to a fine of \$5 000 or imprisonment for 12 months or both.

Power of Licensing Authority to grant special permit to exceed maximum gross weight. 1984-16. **29.** (1) Notwithstanding section 28, the Licensing Authority may, in any special case, issue a special permit for any article to be carried by a vehicle in excess of the limits set out in section 28(1).

(2) Every owner of a vehicle who desires to obtain a special permit referred to in subsection (1) shall, at least 2 clear days before the day in respect of which he intends to use such permit, apply in writing to the Licensing Authority giving the particulars specified in section 24(4), and the Licensing Authority may, after considering the application, grant to the applicant a permit subject to such terms and conditions as he thinks fit, or refuse the application.

1984-16. (3) Subject to any variations ordered by the Licensing Authority, the owner or driver of the vehicle shall, upon being granted a permit under this section, follow the route specified by him in the application for the special permit.

(4) The owner of a vehicle in respect of which a special permit is issued under this section shall pay to the Licensing Authority such appropriate tax as the Minister of Finance by order prescribes.

Issue of special permit for type of motor vehicle or tractor. **30.** (1) Notwithstanding any other provision of this Act, the regulations or any other enactment, the Licensing Authority may issue a special permit, subject to such restrictions and conditions as he may specify therein, authorising the use on roads of

- (a) a particular motor vehicle, trailer or tractor;
 - (b) a particular type of motor vehicle, trailer or tractor constructed for a special purpose; or
 - (c) a motor vehicle, trailer or tractor to be used for or in connection with work of a particular nature.
- (2) The Licensing Authority may at any time revoke, vary or amend a special permit issued under this section, and shall

revoke that permit if the person to whom it is issued fails to comply with any of the restrictions or conditions set out in the permit.

(3) Any person who uses, or causes or permits to be used, on a road any motor vehicle, trailer or tractor in contravention of any of the restrictions or conditions specified in a special permit issued under this section is guilty of any offence and is, in addition to having the special permit revoked, liable on summary conviction to a fine of \$5 000, or to imprisonment for a term of 12 months, or both, unless the court is satisfied that the accused did not know that he was acting in contravention of the restrictions or conditions specified in the permit.

(4) The owner of any vehicle in respect of which a special permit is issued under this section shall pay to the Licensing Authority such tax as the Minister responsible for Finance by order prescribes.

31. (1) The owner of every goods vehicle, except a hearse, omnibus, tractor or trailer, shall paint Weights to be painted on goods vehicles.

(a) the weight unladen; and

(b) the maximum gross weight,

in white figures and letters not less than 65 millimetres in height upon a black background in a conspicuous place on its right or offside, the weights so required to be painted being expressed in kilograms.

(2) Subject to subsection (3), any person who uses or permits a vehicle referred to in subsection (1) to be used on a road without its weight being painted as specified in that subsection is guilty of an offence and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 6 months, or both.

(3) This section does not apply to a vehicle in respect of which a valid temporary licence is being used.

Cancellation of road licence in respect of improperly constructed motor vehicle.

32. The Licensing Authority may cancel or refuse to renew a road licence or special permit issued in respect of a motor vehicle if an inspector or examiner certifies in writing that such motor vehicle is so constructed or is in such condition as

- (a) to be a source of danger to any person in the vehicle or any user of the road;
- (b) to be likely to cause damage to the road; or
- (c) to be in contravention of this Act or the regulations.

Appeals against decision of Licensing Authority.

33. (1) The owner of a motor vehicle in respect of which

- (a) a road licence or special permit has been cancelled; or
- (b) the issue or renewal of a licence has been refused,

may appeal to the Minister against the decision, and the Minister may assign a public officer to hear the appeal.

(2) After an appeal under this section has been heard, the decision appealed may be confirmed, or the decision may be altered or reversed.

Fraudulent imitation.

34. Any person who

- (a) makes a fraudulent imitation of;
- (b) fraudulently alters or uses;
- (c) fraudulently lends to another person; or
- (d) permits to be used by any other person,

any registration card issued to him is guilty of an offence and is liable on summary conviction to a fine of \$500, or to imprisonment for a term of 12 months, or both.

Exemption from Parts II and III.

35. The Cabinet may, by order, prescribe vehicles or categories of vehicles belonging to the Crown to which Part II and this Part do not apply.

36. Any vehicle to which section 35 refers shall, when being used on a road, have affixed thereon a crown, or other distinguishing mark approved by the Cabinet, in place of the registration number plate referred to in section 10.

Distinguishing mark on exempted vehicle.

PART IIIA

Seat Belts in Motor Cars and certain other Vehicles

36A. In this Part

"child safety seat" means a seat that

- (a) is of such shape, quality, construction, assembly or standard as may be approved by the Barbados National Standards Institution;
- (b) is designed to diminish the risk of injury to a child in the event of a collision or abrupt deceleration of a motor vehicle by limiting the mobility of the body of the child; and
- (c) is to be used in conjunction with a seat belt and is held in place by the restraining anchor of that seat belt;

Interpretation.
2001-11.

"seat belt" means any arrangement or assembly of straps with a securing buckle, adjusting device and an attachment which is anchored at a point to the structure of the seat of a motor vehicle by appropriate means and is designed

- (a) to provide restraint for both the upper and lower parts of the trunk of the wearer; and
- (b) to diminish the risk of injury to the wearer,

in the event of a collision or of an abrupt deceleration of a motor vehicle, by limiting the mobility of the body of the wearer.

36B. (1) Every private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, hackney carriage, motor cab or taxi driven in Barbados on or after 1st October, 2001, shall be fitted with a seat belt for

Position of seat belts.
2001-11.

- (a) the driver's seat;
- (b) the front passenger seat; and
- (c) the rear passenger seats.

(2) Every public service vehicle driven in Barbados on or after 1st October, 2001 shall be fitted with a seat belt for

- (a) the driver's seat; and
- (b) the front passenger seats.

(3) Every motor omnibus, tour coach and motor tractor shall be fitted with a seat belt for the driver's seat.

(4) The seat belts referred to in subsections (1), (2) and (3) shall

- (a) form an integral and not an optional part of the respective motor vehicle;
- (b) be so designed as to provide restraint for both upper and lower parts of the trunk of the wearer, and shall be of the type prescribed
 - (i) by reference to design, construction or quality;
 - (ii) by reference to different classes of vehicles, different descriptions of persons and different circumstances,

except that, in a motor vehicle authorised to carry 2 passengers in the front, the seat belt affixed to the middle front seat need not provide restraint for the upper part of the trunk of the wearer.

(5) The Licensing Authority shall, before registering any private motor car, contract carriage, self-driven car, hired car, limousine, hackney carriage, motor cab, taxi, goods or public service vehicle referred to in subsection (1), (2) or (3), satisfy itself that the provisions of those subsections and of any regulations made in pursuance of subsection (4) have been complied with, and may refuse to register any motor vehicle that in the opinion of the Licensing Authority fails to satisfy all or any of those requirements.

36C. (1) Every person who ownsOwner's
duty.
2001-11.

- (a) a private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, hackney carriage, motor cab or taxi specified in subsection (1) of section 36B;
- (b) a public service vehicle specified in subsection (2) of section 36B; or
- (c) a motor omnibus, tour coach or motor tractor specified in subsection (3) of section 36B

shall ensure that the motor vehicle is fitted with seat belts of the type referred to in subsection (4) of section 36B.

(2) Every person who owns a private motor car, contract carriage, self-driven car, hired car, limousine, goods vehicle, hackney carriage, motor cab, taxi or public service vehicle which was manufactured without the required number of seat belts as set out in subsections (1), (2) and (3) of section 36B, shall install the required seat belts on or before the 30th day of September, 2001.

(3) The seat belts installed pursuant to subsection (2) shall be in accordance with the description given in subsection (4) of section 36B and shall be of the type approved by the Barbados National Standards Institution.

(4) A person who owns a motor vehicle described in subsection (1) and who contravenes that subsection is guilty of an offence and is liable on summary conviction for a first offence to a fine of \$500 and on any subsequent conviction to a fine of \$1 000.

36D. (1) Every person travelling in a motor vehicle referred to in section 36B(1) shall wear a seat belt whilst that motor vehicle is in motion, or the engine of the motor vehicle is turned on.

Wearing of
seat belts
compulsory.
2001-11.

(2) Every driver and front seat passenger of a public service vehicle shall wear a seat belt whilst the public service vehicle is in motion or the engine is turned on.

(3) Every driver of a motor omnibus, tour coach or motor tractor shall wear a seat belt whilst the motor omnibus, tour coach or motor tractor is in motion or the engine is turned on.

(4) A seat belt shall not be worn by more than one person at a time.

(5) Any person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months or to both.

Exception.
2001-11.

36E. (1) A driver and any person travelling in any motor vehicle referred to in section 36D(1), (2) or (3) shall not be convicted of an offence under this Part if that person is the holder of a valid certificate signed by a qualified medical practitioner registered to practise in Barbados to the effect that it is inadvisable on medical grounds for that person to wear a seat belt.

(2) Where the holder of a certificate referred to in subsection (1) is informed by a member of the Police Force in uniform or by a transport inspector in uniform that he may be prosecuted for an offence under section 36D, he is not in proceedings for that offence entitled to rely on the exception afforded to him by the certificate unless the certificate is produced to the member of the Police Force or to the transport inspector

(a) at the time he is so informed; or

(b) within 7 days of the date on which he was so informed, at such police station as he may have specified to the member of the Police Force or at the Licensing Authority.

(3) A driver of a motor vehicle referred to in section 36D shall not be convicted of an offence under section 36D(5) if he was at the material time reversing the motor vehicle.

Child safety
seat.
2001-11.

36F. (1) No child shall travel in a private motor car, private goods vehicle, hired car or self-driven car unless that child

- (a) if under the age of 4 years, is seated in a child safety seat that is positioned in a back seat of the motor vehicle and is secured by a seat belt; or
- (b) if 4 years of age or older, is wearing a seat belt which is securely fastened.

(2) Where a child safety seat referred to in subsection (1) is a rear facing seat, it may be placed in the front passenger seat of the motor vehicle, if that motor vehicle is not equipped with an air bag on the front passenger side of the motor vehicle.

36G. A driver of a motor vehicle who contravenes section 36F is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months or to both. Offence. 2001-11.

36H. (1) Where the driver of a motor vehicle permits a child to travel in a motor vehicle in contravention of the provisions of section 36F, that driver shall not be convicted of an offence if he can produce a valid certificate signed by a qualified medical practitioner registered to practise in Barbados to the effect that it is inadvisable on medical grounds for that child to wear a seat belt. Exception. 2001-11.

(2) Where the driver of the motor vehicle referred to in subsection (1) is informed by a member of the Police Force in uniform or by a transport inspector in uniform that he may be prosecuted for an offence under section 36D, he is not in proceedings for that offence entitled to rely on the exception afforded to the child by the certificate unless the certificate is produced to the member of the Police Force or transport inspector

- (a) at the time he is so informed; or
- (b) within 7 days of the date on which he was so informed, at such police station as he may have specified to the member of the Police Force or at the Licensing Authority.

PART IV

Motor Vehicle Insurance

37. (1) No person shall use or cause or permit any other person to use a motor vehicle on a public road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, a policy of insurance or such security in respect of third-party risks as complies with the requirements of this Act.

Users of motor vehicles to be insured against third-party risks.

(2) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 6 months, or both; and, in addition thereto, (unless the court for special reason thinks fit to order otherwise, and without limiting or affecting the power of the court to order a longer period of disqualification), is liable to be disqualified from holding or obtaining a driving licence under this Act for a period of 12 months from the date of the conviction.

(2A) It is defence to a charge under this section if the person charged proves 1983-30.

- (a) that he is not the owner of the motor vehicle; and
- (b) that he neither knew nor had reason to believe that the motor vehicle was not insured in accordance with this Part.

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

- (a) within a period of 6 months from the date of the commission of the offence; or
- (b) within a period that exceeds neither 3 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 offence, 1983-30.

whichever period is the longer.

(4) This section does not apply to any motor vehicle owned by the Crown or by any statutory board that the Minister may, by order, specify, if the vehicle is used exclusively in the service of the Crown or of the statutory board, as the case may be.

Duty to notify change in policy of insurance. 1983-30.

37A. (1) A person to whom a road licence is issued shall notify the Licensing Authority of any change in respect of the insurance of that vehicle, within 7 days of that change, if the change relates to any of the legal requirements in respect of a policy of insurance under this Part.

(2) A person who without reasonable excuse fails or refuses to comply with subsection (1) is guilty of an offence.

Requirements in respect of policies.

38. (1) For the purposes of this Act, a policy of insurance is a policy that is issued by a vehicle insurer and, subject to subsection (2), insures the persons or categories of persons specified in the policy against

1998-34.

(a) liability in respect of any sum to a maximum of \$10 000 000 which such persons or categories of persons shall become liable to pay in respect of death of, or bodily injury to, any person; and

1983-30.
1985/95.

(b) any sum not exceeding \$50 000 which such persons or categories of persons shall become liable to pay in respect of damage to property,

arising out of the use of a motor vehicle on a public road.

(2) Notwithstanding subsection (1), a policy of insurance is not required to cover

(a) liability for the death of or bodily injury to a person that arises out of and in the course of his employment by the persons or categories of persons insured;

(b) any contractual liability; or

(c) damage to

- (i) the motor vehicle or any part thereof or property in or on the motor vehicle of the person insured;
- (ii) property owned by or in the control of the persons or categories of persons insured; and
- (iii) any bridge, weighbridge, road or anything in or below the surface of the road due to the weight of or vibration caused by a motor vehicle.

(3) Where

(a) payment is made

- (i) by an insurer under a policy of insurance, or
- (ii) by the owner of a motor vehicle in relation to the use of which a security under this Act is in force,

in respect of death of, or bodily injury to, any person, arising out of the use of a motor vehicle on a public road; and

(b) the person who has died or has suffered bodily injury has to the knowledge of the insurer or the owner received treatment in a hospital in respect of the fatal or other bodily injury,

there shall, subject to subsection (5), also be paid by the insurer or the owner to the hospital, the expenses reasonably incurred by the hospital in affording treatment, up to an amount not exceeding such amount as the Minister may by order prescribe for each person so treated.

(4) For the purposes of subsection (3),

“expenses reasonably incurred” means, in relation to a person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital, representing the average daily cost per patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the patients therein;

“hospital” means an institution which provides medical or surgical treatment for inpatients.

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(5) Subsection (3) does not apply where a charge has been made by the hospital in respect of treatment.

(6) Notwithstanding anything in any enactment, a person issuing a policy of insurance is liable to indemnify the persons or categories of persons specified in the policy in respect of any liability that the policy purports to cover in respect of those persons or classes of persons.

(7) A policy of insurance is of no effect for the purposes of this Act unless there is issued by the insurer in favour of the person by whom the policy is effected a certificate, in this Act referred to as a certificate of insurance, in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed; and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Unlimited liability respecting all passengers. 1983-30.

38A. Notwithstanding any agreement, enactment or rule of law to the contrary but subject to sections 38(2), (3) and (4), liability under a policy of insurance for the purposes of this Part where that liability arises out of the use of a motor vehicle on a public road shall be in respect of all passengers carried in that vehicle, whether for reward or otherwise.

Requirements in respect of securities.

39. (1) For the purposes of this Act, a security

- (a) must be given by an insurer; and
- (b) must consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to such amount as the Minister may by order prescribe, any failure by the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under section 38 which may be incurred by him or them.

(2) A security is of no effect for the purposes of this Act unless there is issued by the person giving the security in favour of the person to whom it is given a certificate, in this Act referred to as a "certificate of security", in the prescribed form and

containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed; and different forms and different particulars may be prescribed in relation to different cases or circumstances.

40. (1) Any condition in a policy or security issued or given for the purposes of this Act providing that no liability arises under the policy or security or that any liability so arising ceases in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security is of no effect in connection with a claim mentioned in section 38(1).

Certain conditions to policies or securities to be of no effect.

1998-34.

(2) Nothing in this section operates to render void any provision in a policy or security requiring a person insured or secured to repay to the insurer or the giver of the security any sums that the latter is liable to pay under the policy or security and have been applied to the satisfaction of the claims of third parties.

41. (1) A person shall, at the time of registration of a motor vehicle under section 5 and on every occasion that he is paying tax under section 15, produce to the Licensing Authority evidence of the expiry date of the policy of insurance in relation to that vehicle and evidence that

Production of evidence of insurance before registration.

(a) on the date on which the licence comes into operation there will be in force a policy of insurance or security as required by this Act in relation to the user of the motor vehicle by the applicant or by other persons on his order or with his permission; and

(b) the motor vehicle is not a motor vehicle to which section 37(4) applies.

(2) A record of the information required by subsection (1) must be kept by the Licensing Authority and shall be available at all times to any member of the Police Force.

(3) A road licence must not be issued under section 16(1) to any person who fails to comply with subsection (1).

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Require-
ments as to
production
of certificate
of insurance
or of
security.

42. (1) Any person driving a motor vehicle on a public road shall, on being required by a member of the Police Force, give his name and address and the name and address of the owner of the motor vehicle, and produce his certificate of insurance.

1998-34.

(2) A driver of a motor vehicle who does not have with him his certificate of insurance at the time he is required to produce it shall name to the member of the Police Force who requires its production a police station at which he elects to produce it, and he shall produce the certificate at that police station within 24 hours from the date on which he is required to produce it.

1998-34.

(3) Where, owing to the presence of a motor vehicle on a public road, an accident occurs involving personal injury to another person and the driver of the motor vehicle does not at the time produce his certificate of insurance to a member of the Police Force or to a person who, having reasonable grounds for so doing, has required its production, the driver shall as soon as possible, and in any case within 24 hours of the occurrence of the accident, report the accident at a police station or to a member of the Police Force, and thereupon produce his certificate.

1998-34.

(4) Notwithstanding subsection (3), a person is not to be convicted of an offence under this section by reason only of failure to produce his certificate of insurance if, within 5 days after the occurrence of the accident, he produces it in person at a police station specified by him at the time the accident was reported.

(5) The owner of a motor vehicle shall give such information as he may be required by or on behalf of any police officer not below the rank of Superintendent to give, for the purpose of determining whether the motor vehicle was or was not being driven in contravention of section 37 on any occasion when the driver was required under this section to produce his certificate.

(6) For the purposes of this section, "produce his certificate of insurance" means produce for examination the relevant certificate of insurance or certificate of security or such other evidence as may be prescribed that the motor vehicle is not or was not being driven in contravention of section 37.

43. (1) Where, after a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected, judgment in respect of any liability required to be covered by a policy under section 38(1), (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to this section and to any limitations on the total amount payable under the policy in consequence of that subsection, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

Duty of insurers to satisfy judgments against persons insured in respect of third-party risks.

(1A) Where a third party obtains judgment against a person who is insured under a policy of insurance that is required by virtue of section 37(1) and that third party is not a party to the contract and the liability covered by the policy is not required to be covered under the Act, then, notwithstanding any enactment or rule of law to the contrary, the third party may recover the full amount of the judgment from the insurer. 1983-30.

(2) No amount is payable by an insurer under subsection (1) or (1A) 1983-30.

- (a) in respect of any judgment, unless before or within 7 days from the commencement of the proceedings in which the judgment was given, or such other period as the court thinks fit, the insurer had notice of the bringing of the proceedings; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if before the happening of the event that was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and

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- (i) before the happening of the event, the certificate was surrendered to the insurer, or the person to whom the certificate was issued made and delivered to the insurer an affidavit sworn before a Justice of the Peace stating that the certificate had been lost or destroyed,
 - (ii) after the happening of the said event but before the expiration of a period of 14 days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or the person to whom the certificate was issued made an affidavit as referred to in sub-paragraph (i), or
 - (iii) either before or after the happening of the event, but within a period of 14 days, the insurer has commenced proceedings under this Act in respect of the failure to surrender the certificate.

1983-30.

(3) No sum is payable by an insurer under subsection (1) or (1A) if, in an action commenced before, or within 3 months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact that was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it.

(4) Notwithstanding subsection (3), an insurer who has obtained a declaration in an action does not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of the action, unless before or within 7 days from the commencement of that action he has given notice thereof to the person who is the plaintiff in the proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of an action is so given may be made a party thereto.

(5) Where the amount that an insurer becomes liable under this section to pay to any person exceeds the amount for which he would, apart from this section, be liable under the policy in respect of that liability, he is entitled to recover the excess from that person.

(6) For the purposes of this section,

- (a) "liability covered by the terms of the policy" means a liability covered by the policy of insurance or which would be covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy;
- (b) "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions; and
- (c) a reference in this Act to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance must, in relation to policies under which more than 1 certificate is issued, be construed as a reference to all the certificates and must, where any copy has been issued of any certificate, be construed as including a reference to that copy.

44. (1) Where under any contract of insurance a person (in this Act referred to as "the insured") is insured against liabilities to third parties,

Rights of third parties against insurers on bankruptcy, etc., of the insured.

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the case of the insured being a company, in the event of
 - (i) a winding-up order being made,
 - (ii) a resolution for a voluntary winding-up being passed,
 - (iii) a receiver or manager of the company's business or undertaking being duly appointed, or
 - (iv) possession being taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

then, if either before or after either of those events, any liability is incurred by the insured, his rights against the insurer under the contract in respect of the liability are, notwithstanding anything in any Act or rule of law to the contrary, transferred to and vested in the third party in respect of whom the liability was so incurred.

Cap. 303. (2) Where an order is made under section 118 of the *Bankruptcy Act* for the administration of the estate of a deceased debtor according to the law of bankruptcy, then, if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a contract of insurance as being a liability to a third party, the deceased debtor's rights against the insurer under the contract in respect of that liability shall, notwithstanding anything in that Act, be transferred to and shall vest in, the person to whom the debt is owing.

Cap. 303. (3) A contract of insurance respecting the liability of an insured to third parties that purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the happening to the insured of any of the events specified in paragraph (a) or paragraph (b) of subsection (1) or upon the making of an order under section 118 of the *Bankruptcy Act* in respect of his estate is void.

(4) Upon a transfer under subsection (1) or subsection (2), an insurer is, subject to section 46, under the same liability to a third party as he would have been under to the insured, but

- (a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act affects the right of the insured against the insurer in respect of the excess; and
- (b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act affects the right of the third party against the insured in respect of the balance.

(5) For the purposes of this Act, the expression "liabilities to third parties", in relation to a person insured under any contract of insurance, does not include any liability of that

person in the capacity of insurer under some other contract of insurance.

(6) This Act does not apply

(a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or

(b) to any case to which subsections (1) and (2) of section 43, of the *Workmen's Compensation Act, 1963*, applies.

1964-3.

45. (1) In the event of

(a) a person becoming bankrupt or making a composition or arrangement with his creditors;

(b) an order being made under section 118 of the *Bankruptcy Act* in respect of the estate of any person; or

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

Duty to give information to third parties.

Cap. 303.

the bankrupt, debtor, personal representative of the deceased debtor or company and, as the case may be, of the trustee in bankruptcy, trustee, liquidator, receiver or manager or person in possession of the property shall give, at the request of any person claiming that the bankrupt, debtor, deceased debtor or company is under liability to him, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by this Act, and for the purpose of enforcing those rights, if any.

(2) A contract of insurance is void in so far as it purports, whether directly or indirectly, to avoid the contract or to alter the rights of the parties thereunder upon the giving of information in the events specified in subsection (1) or to prohibit or prevent the giving thereof in those events.

(3) Where the information given to any person in pursuance of subsection (1) discloses reasonable ground for supposing that there

have or may have been transferred to him under this Act rights against any particular insurer, that insurer is subject to the same duty as is imposed by subsection (1) on the persons mentioned in that subsection.

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

Settlement
between in-
surers and
insured
persons.

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

Bank-
ruptcy of
insured per-
sons not
to affect
certain
claims by
third
parties.

47. Notwithstanding anything contained in sections 44, 45 and 46, where a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected, the happening in relation to the person insured by the policy of an event specified in subsections (1) and (2) of section 44, does not affect the liability of that person as is required to be covered by a policy under section 38, but nothing in this section affects any right against the insurer conferred by this Act on the person to whom the liability was incurred.

Avoidance
of restric-
tion on
scope of
policies
covering
third party
risks.
1983-30.

48. (1) Where a certificate of insurance has been issued under section 38(7) in favour of the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters: