



ST. HELENA

CHAPTER 101

ROAD TRAFFIC ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
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Gazette notice: No. 156 - 15/11/06

Gazette Notice: No. 63 of 1 July 2011

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

Amended by Legal Notice 26 of 2009

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CHAPTER 101

ROAD TRAFFIC ORDINANCE

(Ordinances 3 of 1985, 8 of 1987, 10 of 1987, 19 of 1987, 23 of 1987, 2 of 1989, 5 of 1990, 6 of 1990, 15 of 1994, 3 of 1995, 6 of 1997, 18 of 1997, 12 of 2007, 14 of 2007, 13 of 2008, 4 of 2011, 7 of 2016 and 9 of 2016 and Legal Notice 26 of 2009)

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO ROAD TRAFFIC.

Commencement

[1 October 1985]

PART I PRELIMINARY

Short title

1. This Ordinance may be cited as the Road Traffic Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
 - “**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;
 - “**Highway Authority**”² means the authority appointed by the Governor in accordance with section 55 of this Ordinance and includes any person authorised by the authority to act on its behalf;
 - “**motor cycle**” means a motor vehicle with less than four wheels, the weight of which unladen does not exceed eight hundredweight;
 - “**motor vehicle**” means any mechanically propelled vehicle intended or adapted for use on roads;
 - “**owner**” in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;
 - “**parking place**” means a place prescribed by regulations as a station for motor or other vehicles;
 - “**prescribed**” means prescribed by regulations made under this Ordinance;
 - “**private motor car**”³ means a motor vehicle (other than a quadricycle or motor cycle) constructed and used for the carriage of persons other than for hire or reward;
 - “**private motor lorry**” means a motor vehicle constructed and used for the carriage of goods other than for hire or reward;
 - “**public service vehicle**” means a motor vehicle licensed to carry goods or passengers for hire or reward;

² Definition of “Highway Authority” substituted by Ord. 18 of 1997

³ Definition of “private motor car” amended by Ord. 12 of 29007

“quadricycle”⁴ means a motor vehicle with four wheels and having an unladen mass (excluding the mass of the batteries in the case of an electric vehicle) not exceeding 550 kg.

“road” means any highway and any other road to which the public has access, and includes bridges over which the road passes and the quay at Jamestown;

“sign” includes markings painted on the surfaces of roads, and references to the erection of signs shall be construed accordingly;

“trailer” means any vehicle other than a side car attached to and drawn by a motor vehicle;

“vehicle” means and includes every type of machine or implement of any kind which is drawn or propelled along any road.

Appointment of officers

3. For the purpose of this Ordinance the Governor may appoint—
- (a) a Registrar and Licensing Officer; and
 - (b) inspectors and examiners.

PART II REGULATION OF MOTOR VEHICLES

Construction and Use Regulations

4. The Governor in Council may make regulations generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be used, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the width, height and length of motor vehicles and trailers, the diameter of wheels, and the width, nature and condition of tyres of motor vehicles and trailers;
- (b) the maximum weight unladen and laden of motor vehicles and trailers, and the conditions under which the weights may be required to be tested;
- (c) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering persons appointed by the Governor to test and inspect any such brakes, silencers or steering gear;
- (d) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, and for securing that they shall be efficient and kept in proper working order;
- (e) the plates to be affixed to or particulars to be marked on motor vehicles and trailers;
- (f) the exclusion of any class of motor vehicle, or attachment;
- (g) the determination of the number of passengers a public service vehicle is adapted to carry and the number who may be carried;
- (h) the maximum speed at which a motor vehicle may be driven on any section of a road or as to the gear to be employed for reducing and checking the speed of a motor vehicle when approaching and descending gradients or as to other safety measures;
- (i) the training of drivers;

⁴ Definition of “quadricycle” inserted by Ord. 12 of 2007

(j)⁵ the wearing of helmets by persons on motor cycles and quadricycles for protection from injury in the event of accident, and the types of helmet to be so worn, and different regulations may be made as respects different classes or description of vehicles or as respects the same class or description of vehicles in different circumstances.

Offences relating to Construction and Use regulations

5. (1) If a motor vehicle or trailer does not comply with any regulations applicable to the class or description of vehicles to which the vehicle belongs, as to the construction and equipment thereof, any person who so uses the vehicle on any road or causes or permits the vehicle to be so used shall be guilty of an offence:

Provided that the use on any road of a motor vehicle which has been duly licensed before the operation of this Ordinance shall not, in so far as such vehicle may not comply with the regulations applicable to the construction of the class or description of vehicles to which it belongs, be deemed to be a contravention under this subsection.

(2) If a load, in excess of the maximum weight applicable to the class or description of vehicles to which the vehicle belongs, as fixed by regulations, is carried by a motor vehicle or trailer on any road, or if any passenger is carried in a motor vehicle on any road in excess of the number which it is permitted to carry by the regulations applicable to the class or description of vehicles to which the vehicle belongs, the driver of the vehicle and any person who causes or permits the vehicle to be so used shall be guilty of an offence.

PART III

REGISTRATION AND LICENSING OF MOTOR VEHICLES AND TRAILERS

Registration of motor vehicles and trailers

6. An application for registration of a motor vehicle or trailer shall be made to the Registrar to whom shall be furnished by the owner, in the prescribed form, such information respecting the motor vehicle or trailer as may be required.

Particulars entered in form of application

7. (1) Before registering any motor vehicle or trailer, the Registrar shall verify all particulars entered in the form of application, and may, if he deems it necessary, cause the vehicle to be examined by an Inspector to ensure that it conforms with the requirements of any regulation.

(2) The prescribed fee for the inspection of any motor vehicle or trailer under subsection (1) shall be paid by the owner thereof.

Notification of change of ownership

8. (1) In the event of any change in ownership of a motor vehicle or trailer, otherwise than by death of the owner or part owner, such change in ownership, whether in whole or in part, shall be notified by the new owner or part owner to the Registrar in the prescribed form within seven days of such change in ownership.

⁵ Section 4(j) amended by Ord. 12 of 2007

(2) On the death of the registered owner or part owner of a motor vehicle or trailer, the person entitled to the custody or use of such motor vehicle or trailer shall within seven days give notice in writing to the Registrar to that effect, and the new owner or part owner shall effect registration within seven days of obtaining possession or of the right of exercising ownership.

(3) Any person who wilfully refuses or without lawful excuse neglects to notify the change in ownership of a motor vehicle within the prescribed period shall be guilty of an offence.

Amendment of register and licence

9. On transfer of ownership of a motor vehicle or trailer the Registrar and Licensing Officer shall, on payment of the prescribed fee, duly amend the register and the licence, and it shall not be necessary to issue a new licence.

Prohibition of use of motor vehicles and trailers without licences

10. (1)⁶ A motor vehicle or trailer shall not be used on any road unless it is licensed under this Ordinance:

Provided that where in the opinion of the Licensing Officer it is necessary for an unlicensed motor vehicle or trailer to be used on a road for the purpose of being examined by an Inspector in accordance with the provisions of section 11(2) of this Ordinance or for the purposes of being prepared for, or driven to or from such an inspection, the Licensing Officer may grant a permit authorising such motor vehicle to be used on a road for the purpose of such examination at such time and subject to such conditions as the Licensing Officer may prescribe.

(2) If a motor vehicle or trailer is used in contravention of this section the driver of the vehicle and any person who causes or permits the vehicle to be so used shall be guilty of an offence.

Application for and issue of motor vehicle or trailer licence

11. (1) An application for a motor vehicle or trailer licence shall be made to the Licensing Officer.

(2) A motor vehicle or trailer licence shall not be granted or renewed unless—

- (a) the motor vehicle or trailer has been registered; and
- (b) the motor vehicle or trailer has, within the preceding three months, been examined by an Inspector and certified by him in the prescribed form that it complies with any regulations made under this Ordinance relating to the construction, equipment or use of motor vehicles or trailers and that its condition is not such as to cause danger to any person travelling in it or being upon any road:

Provided that in the case of a new motor vehicle or trailer being licensed for the first time such examination and certificate may, at the discretion of the Licensing Officer, be dispensed with.

(3) The prescribed fee for the examination of a motor vehicle or trailer under subsection (2) shall be paid by the owner thereof.

(4) Every motor vehicle and trailer licence shall be issued in the prescribed form.

⁶ Section 10(1) amended by Ord. 2 of 1989

(5) The owner of a motor vehicle or trailer for which the grant or renewal of a licence is refused under this section may appeal against the decision of the Licensing Officer to the Governor in Council.

Duration of licence

12. A motor vehicle or trailer licence shall be taken out annually and shall be valid for twelve calendar months from the date of issue.

Refund of licence fees

13. In the event of any motor vehicle being permanently condemned for further use under section 14 or in the event of a motor vehicle being exported from St. Helena, or in the event of a motor vehicle being disused in the absence of the owner from the Island, or in the event of the motor vehicle being disused for any reason approved by the Governor, a refund of one-twelfth of the annual licence shall be made to the owner in respect of each full month of the unexpired period of the licence, subject to the prior surrender of the licence to the Licensing Officer.

Suspension of motor vehicle licences for defects

14. (1) The Licensing Officer shall, if he has reason to believe that a motor vehicle or trailer is in such a condition as to be a source of danger to any person travelling in the vehicle or to other users of the road or to be injurious to the roads, require examination of the motor vehicle or trailer by an Inspector.

(2) Whenever in the opinion of an Inspector any defect is such as to be a source of danger to any person travelling in the vehicle or to other users of the road or to be injurious to the roads, the Licensing Officer shall suspend the licence:

Provided that, where in the opinion of the Inspector the defect is such as can be remedied and the licensee furnishes evidence to the satisfaction of the Inspector that the defect is in the course of being remedied the licence shall not be suspended.

(3) The owner of a motor vehicle or trailer in respect of which the licence is suspended, may appeal against the decision of the Licensing Officer to the Governor in Council.

Duplicate licences

15. If a motor vehicle or trailer licence is lost, destroyed or rendered illegible, the Licensing Officer shall issue a duplicate licence on payment of the prescribed fee.

PART IV

LICENSING OF DRIVERS OF MOTOR VEHICLES

Licensing of drivers, etc

16. (1) A person shall not drive a motor vehicle on a road unless he is the holder of a 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 licence, and if any person acts in contravention of this provision he shall be guilty of an offence.

(2) Application for a licence shall be made to the Licensing Officer, and subject to the provisions of this Ordinance as to the fitness of applicants for licences, 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, under the provisions of this Ordinance, disqualified by reason of age or otherwise from obtaining the licence for which he is applying.

(3) Licences shall be in the prescribed form, and where under the provisions of this Ordinance the applicant is subject to any restrictions with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the licence.

Recognition of foreign licences

17.⁷ Notwithstanding anything contained in section 16, it shall be lawful for a person to drive a motor vehicle in St. Helena, without being the holder of such a licence as is therein mentioned, if that person—

- (a) has been in St. Helena for less than three months in the preceding twelve months; and
- (b) is the holder of a current valid foreign driving licence, and between the ages of eighteen and seventy years:

Provided that a person producing a foreign driving licence other than such a licence as is described in section 18(1)(a) to the Licensing Officer or to a police officer, shall at the same time produce his passport for the purpose of verification of his signature.

Meaning of foreign driving licence

18.⁸ (1) For the purposes of this Ordinance “**foreign driving licence**” means a document of any of the following types, namely—

- (a) a driving licence issued in Ascension Island or in Tristan da Cunha; or
- (b) a driving licence issued in any other country or territory; or
- (c) an International Driving Permit:

Provided that such licence or permit was issued to authorise the holder thereof to drive a vehicle or vehicles of a class including the vehicle driven by him in St. Helena; and provided also that any conditions subject to which any such licence or permit was issued have been and are complied with.

(2) A foreign driving licence shall not be recognised for the purposes of this Ordinance unless any writing or printing appearing thereon is in English or is accompanied (either within the document or as a separate document) by a translation into English.

International Driving Permit

19.⁹ In this Ordinance “**International Driving Permit**” means a driving permit or licence, issued pursuant to any international treaty or arrangement, being a treaty or arrangement designed or intended to enable the holder of such a permit or licence to drive motor vehicles in any of the countries or territories which are parties to the treaty or arrangement.

⁷ Section 17 amended by Ord. 10 of 1987

⁸ Section 18 amended by Ord. 10 of 1987

⁹ Section 19 inserted by Ord. 10 of 1987

Duration of licence

20. A licence to drive a motor vehicle shall be taken out annually and shall be valid for twelve calendar months from the date of issue.

Provisions as to physical fitness of applicants for licences

21. (1) On an application for the grant or renewal of a 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 class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) If it appears to the Licensing Officer that there is reason to believe that any person who holds a licence granted by him 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 enquiry into the matter the Licensing Officer is satisfied that the licence holder is suffering from such a disease or disability as aforesaid, the licence shall be revoked by the Licensing Officer and the licence holder shall, on the request of the Licensing Officer, deliver the licence to him for cancellation.

(3) If any person is aggrieved by the refusal of the Licensing Officer to grant a licence or by the revocation of a licence under this section he may within 14 days of such decision appeal to the Governor in Council in writing.

Provisions as to competence to drive and control a motor vehicle

22. (1) A driver's licence shall not be granted unless the applicant satisfies an examining officer and obtains from him a certificate of competence testifying to his knowledge of the Highway Code and to his competence to drive and control a motor vehicle of the class in respect of which he desires to obtain a driver's licence:

Provided that this subsection shall not apply to any application for the renewal of a licence previously granted unless—

- (a)** the Licensing Officer has reason to doubt the continued competence of the applicant to drive and control a motor vehicle of the class in respect of which he desires to obtain a driver's licence; or
- (b)** the applicant has attained the age of 70 and has failed to satisfy the Licensing Officer by medical evidence of his continued competence to drive and control a motor vehicle of the class in respect of which he desires to obtain a driver's licence.

(2) 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 a test under this section, the Licensing Officer may, if so requested by him and on payment of the prescribed fee grant him a provisional licence to be in force for a period of three months, which licence shall be in the prescribed form and granted subject to the prescribed conditions.

(3) 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, and the court may order the withdrawal of the provisional licence.

(4) If any person is aggrieved by the refusal of the Licensing Officer to renew a licence under this section he may within 14 days of such decision appeal to the Governor in Council in writing.

Disqualification for offences

23.¹⁰ (1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle may, and shall when so required by this or any other Ordinance, order that he be disqualified from holding or obtaining a driving licence for such period as the court thinks fit.

(2) A person against whom an order is made under this section may appeal against the order in the same manner as against any other sentence or order; and the court may, if it thinks fit, suspend the operation of the order pending determination of the appeal.

Provisions as to disqualifications and suspensions

24.¹¹ (1) Where a person who is disqualified by virtue of a conviction or order under this Ordinance is the holder of a licence, the licence shall be suspended so long as the disqualification continues in force, and the licence so suspended shall during the time of suspension be of no effect.

(2) A person who, while disqualified from holding or obtaining a driving licence (whether by reason of an order of a court, or by age or other incapacity), drives or attempts to drive a motor vehicle on a road or other public place is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 18 months, or to a fine not exceeding £2,500, or to both such fine and imprisonment; and the court shall make an order under section 23(1).

(3) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (2) 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.

Surrender of licences

25.¹² Where a licence granted under section 16 of this Ordinance is revoked, the holder thereof shall, if so required by the Licensing Officer by notice in writing, surrender the licence to the Licensing Officer within the period of seven days beginning with that on which the notice is given, and if he fails to do so, he shall be guilty of an offence.

Production of licences to police officers

¹⁰ Section 23 substituted by Ord. 4 of 2011

¹¹ Section 24 amended by Ord. 3 of 1995, Ord 1 of 2001, Ord. 4 of 2011 and Ord. 7 of 2016

¹² Section 25 inserted by Ord. 10 of 1987

26.¹³ (1) A person driving or being in charge of a motor vehicle on a road or other public place shall, on being so required by a police officer, produce for examination his licence issued under section 16 or his foreign driving licence.

(2) Where a licence granted under section 16 of this Ordinance expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by section 25 of this Ordinance, a police officer may require him to produce the licence, and upon its being produced may take possession of it and deliver it to the Licensing Officer.

(3) If a person who is required under subsection (1) or (2) to produce a licence, fails to do so within five days, beginning with the day next after that on which the production of the licence was so required, he shall be guilty of an offence.

(4) A person shall not be convicted of an offence of failing to surrender or to produce a licence if it appears to the court, on the balance of probabilities, that such failure was due to that licence having been lost or to some other reasonable cause.

PART V DRIVING OF MOTOR VEHICLES AND OFFENCES IN CONNECTION THEREWITH

Restriction on driving by young persons

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

(2)¹⁴ A person under 21 years of age shall not drive a motor vehicle on a road if the vehicle—

(a) exceeds a net weight of 5,000 lbs; or

(b) is designed or adapted to carry more than eight persons (including the driver):

Provided that a vehicle being an agricultural tractor shall be deemed not 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 a farm.

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

(4) 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 licence other than a licence to drive such motor vehicle, if any, as he is not by this section forbidden to drive.

Safety measures for control of speed

28. (1) If any person drives a motor vehicle on a road in disregard of any regulation as to the maximum speed at which a motor vehicle may be driven on any section of a road or as to any other safety measures to be observed when approaching and descending gradients he shall be guilty of an offence.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the court to order a longer period of disqualification, be liable to be disqualified for a period of twelve months from the date of conviction 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 in excess of the maximum permitted speed shall not be liable to be

¹³ Section 26 amended by Ord. 10 of 1987

¹⁴ Section 27(2) substituted by Ord. 14 of 2007

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.

Evidence of speed

29.¹⁵ (1) If in any criminal proceedings the speed at which a motor vehicle travelled on any occasion is relevant, evidence of the speed of the vehicle as indicated or determined on that occasion by a prescribed measuring device when tested, sealed and used in the prescribed manner is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of speed of the motor vehicle on that occasion.

(2) A certificate in the prescribed form to the effect that a device referred to in subsection (1) has been tested or sealed in the prescribed manner, signed or purporting to be signed by a person authorised to do so by regulations is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof that the device has been so tested or sealed.

Causing death by reckless or dangerous driving

30. (1)¹⁶ A person who causes the death of another person by driving 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 on conviction on indictment to a fine not exceeding £5,000 or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the court to order a longer period of disqualification, be liable to be disqualified for a period of two years from the date of conviction from holding or obtaining a licence.

(3) A charge under this section shall be deemed to include a charge under section 32.

Reckless or dangerous driving

31. (1)¹⁷ If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

- (a) on conviction on indictment, to a fine not exceeding £500 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment;
- (b) on summary conviction, to a fine not exceeding £250 or to imprisonment for a term not exceeding four months or to both such fine and imprisonment or in the case of a second or subsequent conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) On a second or subsequent conviction under this section the convicting court shall order 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 preceding 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.

¹⁵ Section 29 amended by Ord. 15 of 1994

¹⁶ Section 30(1) amended by Ord 1 of 2001

¹⁷ Section 31(1) amended by Ord 1 of 2001

(3) A charge under this section shall be deemed to include a charge under section 32.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and if 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 Ordinance relating to disqualifications for holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

(5) If upon the trial of a person for an offence against section 30 of this Ordinance 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), it shall be lawful for them to convict him of an offence under this section.

(6) 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 he is guilty of an offence under this section, to find him guilty of that offence.

Careless driving

32. (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.

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

Mobile telephones, hand-held radios and any other hand-held communication devices

32A.¹⁸ (1) No person shall drive a vehicle on a road while holding a telephone, a hand-held radio or any other hand-held communication device in any way while the vehicle is in motion.

(2) A person does not contravene a provision of this section if, at the time of the alleged contravention—

- (a) he is executing his duties as a member of the Police Service, the Fire Service or any other emergency service; or
- (b) he is using the telephone or radio to call the police, fire, ambulance or other emergency service;
- (c) he is acting in response to a genuine emergency; and
- (d) it is unsafe or impracticable for him to cease driving in order to make the call.

(3) A person who fails to comply with this section is guilty of an offence for which the maximum penalty on conviction is a fine of £1000.

Driving whilst unfit through drink or drugs

33.¹⁹ (1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs, shall be guilty of an offence.

(2) A person who, when in charge of a motor vehicle which is on a road or other public place (but not driving the vehicle), is unfit to drive through drink or drugs shall be guilty of an offence.

¹⁸ Section 32A inserted by Ord. 9 of 2016

¹⁹ Section 33 amended by Ord. 8 of 1987

(3) A person guilty of an offence under this section shall be liable on summary conviction—

- (a) to a fine not exceeding £500, or to imprisonment not exceeding eighteen months, or both, if the offence is against subsection (1);
- (b) to a fine not exceeding £250, or to imprisonment not exceeding twelve months, or both, if the offence is against subsection (2),

and, in either case, the court shall make an order of disqualification (that is, an order of the type described in section 23 of this Ordinance) for a period of at least twelve months; unless, for special reasons established by evidence upon oath in any particular case, the court considers that it would be appropriate to order disqualification for a shorter period or to refrain from making an order of disqualification (but no fact or circumstance shall be held to be a ‘special reason’ unless such fact or circumstance relates to the commission of the offence, as distinct from a fact or circumstance concerning the offender.

(4) A police constable may arrest without warrant a person committing an offence under this section.

(5) Where a person convicted of an offence under subsection (2) has been previously convicted of an offence under subsection (1), he shall be treated for the purposes of subsection (2) as having previously been convicted under that subsection.

(6) In this section “**unfit to drive through drink or drugs**” means under the influence of drink or drugs to such an extent as to be incapable of having proper control of a motor vehicle.

Pillion riding

34.²⁰ (1) Subject to subsections (2) and (3), it shall be lawful for not more than one person, in addition to the driver, to be carried on any motor cycle or quadricycle.

(2) In the case of a motor bicycle, subsection (1) shall apply only if the motor cycle is fitted with a carrier to be approved by an Examiner appointed under this Ordinance.

(3) In the case of a motor cycle to which a sidecar is attached, it shall be lawful for one person to be carried in the sidecar in addition to any other person allowed to be carried on that motor cycle *under this section*.

Requirements as to employment of attendants

35. (1) Where a motor vehicle is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.

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

Duty to give name and address and to stop, and power of arrest in certain cases

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

(2) Any police constable may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Ordinance as to reckless

²⁰ Section 34 substituted by Ord. 12 of 2007

or dangerous driving or careless driving, unless the driver is known to the police constable or gives his name and address or produces his licence.

(3) Any person driving a motor vehicle on a road and a person riding on a road a bicycle or tricycle not being a motor vehicle shall stop the same on being so required by a police constable in uniform, and if he fails so to do shall be liable to a fine not exceeding £50.

Restriction on prosecutions under the preceding sections

37.²¹ (1) Where a person is prosecuted for an offence under any of the provisions of this Part of this Ordinance relating respectively to the maximum speed at which motor vehicles may be driven, to the checking of speed and other safety measures to be taken, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either—

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on him or the person registered as the owner of the vehicle at the time of the commission of the offence.

(2) The requirement of subsection (1) does not apply if, at the time of the offence, or immediately afterwards, an accident occurs by reason of the offence.

(3) Failure to comply with the requirement of subsection (1) shall not be a bar to the conviction of an accused person where the court is satisfied—

- (a) that neither the name and address of the accused nor the name and address of the registered owner, if any, could with reasonable diligence have been ascertained in time for a summons or a notice to be served or sent in compliance with the requirement; or
- (b) that the accused by his own conduct caused or contributed to the failure.

(4) Where a person is prosecuted on indictment—

- (a) for an offence to which subsection (1) does not apply; or
- (b) for an offence to which that section does apply, but as respects which the requirement of that section has been satisfied,

that subsection does not prejudice any power of a court on the charge for that offence, if he is found not guilty of it, to find him guilty of an offence under section 31 or 32 of this.

Duty to stop in case of accident

38. (1)²² If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, or whereby any damage is caused to any property not belonging to the driver or person in control of such vehicle, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of any such accident as aforesaid 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

²¹ Section 37 amended by Ord. 6 of 1997

²² Section 38(1) amended by Ord. 23 of 1987

the accident to 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.

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

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

PART VI²³

ALCOHOL OFFENCES AND TESTING

Interpretation

38A.²⁴ For purposes of this Part—

“**approved device**” means either an approved screening device or an approved measuring device;

“**approved measuring device**” means a device approved as a measuring device under section 42(1);

“**approved screening device**” means a device approved as a screening device under section 42(1);

“**prescribed limit**” has the meaning provided in section 43.

Alcohol offences

39.²⁵ (1) A person who, on any road or other public place, drives or attempts to drive any motor vehicle, having consumed so much alcohol that the proportion thereof in his breath, blood or urine exceeds the prescribed limit, is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 18 months, or to a fine not exceeding £2,500, or to both such fine and imprisonment.

(2) A person who, on any road or other public place, is in charge of any motor vehicle, having consumed so much alcohol that the proportion thereof in his breath, blood or urine exceeds the prescribed limit, is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 12 months, or to a fine not exceeding £2,000, or to both such fine and imprisonment.

(3) Without prejudice to subsection (1), a person who drives or attempts to drive a motor vehicle on a road or other public place, when he is unfit to drive through drink or drugs is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding £5,000, or to both such fine and imprisonment.

(4) Without prejudice to subsection (2), a person who is in charge of a motor vehicle on a road or other public place, when he is unfit to drive through drink or drugs is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 12 months, or to a fine not exceeding £2,000, or to both such fine and imprisonment.

(5) A person shall be deemed for the purposes of this section not to have been in charge of a motor vehicle if he proves—

(a) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle while the level of alcohol in his body exceeded the prescribed limit; and

²³ Part VI substituted by Ord. 4 of 2011. Notwithstanding the repeal and replacement of Part VI, the devices and analysts approved under this Part prior to its repeal shall be approved devices and analysts for the purposes of the new Part VI.

²⁴ Section 38A inserted by Ord. 4 of 2011

²⁵ Section 39 substituted by Ord. 4 of 2011

(b) that he had not driven the vehicle on a road or public place between the time of his consumption of the alcohol and the material time, and, in this subsection, “**the material time**” means the time of the alleged offence.

(6) In this section “**unfit to drive through drink or drugs**” means under the influence of drink or drugs to such an extent as to be incapable of having proper control of a motor vehicle.

Breath tests and other specimens

40.²⁶ (1) If a police officer has reasonable cause (other than the mere fact that a person has been observed to leave premises wherein it is known that alcohol has been consumed by persons therein) to suspect that any person—

- (a) has committed or is committing an offence under this Ordinance; or
- (b) was driving or in charge of a motor vehicle at a time when such vehicle was involved in a road traffic accident,

such police officer may require that person to supply a specimen of breath for analysis using an approved screening device.

(2) If an approved screening device is not readily available to a police officer who is entitled to make such a requirement as is mentioned in subsection (1), such officer may require the person of whom he is entitled to make the requirement to accompany such officer to a police station or other place where an approved screening device or an approved measuring device is available for use.

(3) If the result of an analysis of breath under subsection (1) leads a police officer to suspect that the person who supplied the specimen might be guilty of an offence against this Part of this Ordinance, such officer may arrest that person; and whether or not he arrests that person, may require such person to supply a further two specimens of breath for analysis using an approved measuring device.

(4) A police officer who is entitled to require a person to provide a specimen of breath for analysis using an approved screening device may, if an approved measuring device is available for use at the location where that requirement would otherwise be made, instead of making that requirement, require the person to supply two specimens of breath for analysis using an approved measuring device.

(5) If it appears to any police officer who is entitled to require any person to supply a specimen of breath for the purposes of this section that, by reason of—

- (a) the inability of the person to comply with such a requirement; or
- (b) the unavailability of an approved device or a reliable approved device; or
- (c) any other cause,

it is not practicable to require such a specimen to be provided, such officer may require such person to accompany the officer to a police station or hospital, and there to provide either a specimen of blood or a specimen of urine (the decision as to which type of specimen to require being made by the officer) for analysis.

(6) A specimen of blood shall not be taken for the purposes of this section except by or under the direct supervision of a public officer employed at the General Hospital in Jamestown who is qualified to take blood samples.

(7) Where it appears to a police officer of the rank of Inspector or above (in this subsection called “**the senior officer**”) that a person whom a police officer has power to require to provide a specimen of breath under subsection (1)(b), arising out of an accident in

²⁶ Section 40 amended by Ord. 2 of 1989 and Ord. 13 of 2008 and substituted by Ord. 4 of 2011

which injury was caused to any person other than the suspect, is in any building, vehicle or other closed place, and that access to that place cannot be gained by any other means without allowing an opportunity for the ends of justice to be defeated, the senior officer may order the use of such force as is reasonably necessary in order to gain access to such closed place, and the use of such force shall be a lawful use of force.

Failure to provide specimen

41.²⁷ (1) Any person who without reasonable cause fails to supply any specimen of breath, blood or urine which he has been required to provide under section 40, or fails to accompany a police officer to a police station, hospital, or other place when required so to do under that section, is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 18 months, or to a fine not exceeding £2,500, or to both such fine and imprisonment.

(2) In this section “fails” includes “refuses”.

(3) A person fails to provide a specimen if he fails to supply it in a manner and quantity suitable for the purpose for which it is required.

Approved devices

42.²⁸ (1) The Governor may make Rules for the purpose of declaring any device to be an approved screening device or an approved measuring device for the purposes of this Ordinance.

(2) No court shall entertain any argument relating to the suitability or reliability of any approved device.

(3) A device shall be sufficiently described, in any Rules made under this section, if it is described by a trade or other name by which it is known or marketed.

(4) Rules made under this section may contain provisions regulating the manner in which any approved device is to be operated.

Prescribed limit

43.²⁹ The prescribed limit referred to in section 39 is whichever is appropriate of the following limits, namely—

- (a)** 50 microgrammes of alcohol per hundred millilitres of breath; or
- (b)** 115 milligrammes of alcohol per hundred millilitres of blood; or
- (c)** 153 milligrammes of alcohol per hundred millilitres of urine.

Evidence

44.³⁰ (1) In every case of an offence alleged to have been committed against section 39, evidence of the result of any analysis of any specimen of breath, blood or urine taken under section 40 shall be admissible in evidence, and the court shall presume that the proportion of alcohol in the defendants breath, blood or urine at the time of the alleged offence was not less than the proportion revealed by such analysis:

²⁷ Section 41 amended by Ord. 2 of 1989 and substituted by Ord. 4 of 2011

²⁸ Section 42 amended by Ord. 13 of 2008 and substituted by Ord. 4 of 2011

²⁹ Section 43 substituted by Ord. 4 of 2011

³⁰ Section 44 amended by Ords 23 of 1987, 9 of 1989 and 13 of 2008 and substituted by Ord. 4 of 2011

Provided that the said presumption shall not be made if the court is satisfied (by evidence on oath) that the defendant consumed such an amount of alcohol, after he ceased to drive or be in charge of the vehicle, as would be likely to account for the amount by which the result of such analysis exceeded the prescribed limit.

(2) Evidence of the proportion of alcohol in a specimen of breath may be given by the police officer who operated the approved device by which the specimen was analysed or by the production of a certificate of the kind described in subsection (3)(a), but a person shall not be convicted unless it is proved—

- (a) that two separate specimens of breath were analysed by an approved measuring device; and
- (b) that the lower of the two results disclosed a proportion of alcohol in the specimen which exceeded the prescribed limit.

(3) Evidence of the proportion of alcohol or drug in a specimen of breath, blood or urine may, subject to subsections (5) and (6), be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say—

- (a) a statement automatically produced by the approved measuring device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement; or
- (b) a certificate signed by an approved analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(4) Subject to subsections (5) and (6), evidence that a specimen of blood was taken from the accused by a public officer referred to in section 40(6) may be given by the production of a document purporting to certify that fact and to be signed by such public officer.

(5) Subject to subsection (6)—

- (a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (3)(a) is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing; and
- (b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.

(6) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(7) In this section “**approved analyst**” means a person appointed by the Governor by notice in the *Gazette* to be an approved analyst for the purposes of this section.

Further provisions as to specimens

45.³¹ (1) Every specimen of blood or urine provided by a person under this Part shall be divided into two approximately equal parts, and—

- (a) subject to paragraph (b), only one part thereof shall be analysed, and the other part (“the retained part”) shall be preserved until the conclusion of all proceedings for any offence in connection with which the specimen was provided;

³¹ Section 45 amended by Ord. 13 of 2008 and substituted by Ord. 4 of 2011

- (b) the court which tries any alleged offence upon the trial of which the prosecutor relies upon evidence of the result of the analysis of a specimen of blood or urine provided under this Part, may (if it appears to be in the interest of justice so to do) order that the retained part shall be analysed, and adjourn the hearing to enable such analysis to be carried out;
 - (c) a court which makes an order under paragraph (b) may order that the analysis be carried out by or under the supervision of such medical officer as the court may think fit, and a medical officer to whom such an order is addressed shall comply therewith and send a report of the result of the analysis, as soon as practicable, to the clerk of the court.
- (2) A specimen of urine shall be provided within one hour of being required, and after the provision of a previous specimen of urine (such previous specimen being discarded).

Hospital patients

46.³² Where a person is at a hospital as a patient, it shall not be lawful for a police officer to require such a person to provide any specimen of breath, blood or urine for the purposes of this Part unless the medical officer in charge of the patient's treatment has been notified of the officer's intention to require the specimen and has confirmed that such a requirement would not be prejudicial to the health or treatment of the patient.

Power of Arrest

46A.³³ A police constable may arrest without warrant a person who he reasonably suspects of committing an offence against section 39(3), 39(4), or 41(1).

Mandatory Disqualification

47.³⁴ (1) Subject to subsection (2), on convicting any person for an offence under this Part, the court shall (in addition to any other sentence or order) make an order of disqualification (that is, an order of the type described in section 23) for a period of at least 12 months:

Provided that, if the offender has, within the period of five years preceding the date of the offence, been convicted for such an offence, the period of disqualification shall be at least three years.

(2) If, for special reasons established by evidence upon oath in any particular case, the court considers that it would be inappropriate to make such an order as is mentioned in subsection (1), the court may order disqualification for a shorter period than that otherwise required, or refrain from making an order of disqualification:

Provided that no fact or circumstances shall be held to be a 'special reason' unless such fact or circumstance relates to the commission of the offence, as distinct from a fact or circumstance concerning the offender.

PART VII

RIDING OF PEDAL CYCLES AND OFFENCES CONNECTED THEREWITH

³² Section 46 substituted by Ord. 4 of 2011

³³ Section 46A inserted by Ord. 4 of 2011

³⁴ Section 47 substituted by Ord. 4 of 2011

Reckless and dangerous cycling

48. If a person rides a bicycle or tricycle, not being 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, he shall be liable on summary conviction to a fine not exceeding £50, or in the case of a second or subsequent conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months.

Careless or inconsiderate cycling

49. If a person rides a bicycle or tricycle, not being a motor vehicle, on a road without due care and attention or without reasonable consideration for other persons using the road, he shall be liable on summary conviction to a fine not exceeding £20, or in the case of a second or subsequent conviction to a fine not exceeding £50.

Cycling when under the influence of drink or drugs

50. (1) A person who, when riding a bicycle or tricycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink or drugs shall be liable on summary conviction to a fine not exceeding £25, or in the case of a second or subsequent conviction to a fine not exceeding £50 and or to imprisonment for a term not exceeding three months.

(2) A police constable may arrest without warrant a person committing an offence under this section.

(3) In this section “**unfit to ride through drink or drugs**” means, as regards a person riding a bicycle or tricycle, under the influence of drink or drugs to such an extent as to be incapable of having proper control of it.

Restriction on carriage of persons on bicycles

51. (1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) If a person is carried on a bicycle in contravention of subsection (1), each of the persons carried shall be liable on summary conviction to a fine not exceeding £10, or in the case of a second or subsequent conviction to a fine not exceed £20.

PART VIII MISCELLANEOUS

Restrictions on towing and tampering with motor vehicles

52. (1)³⁵ If any person otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a motor vehicle 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 not

³⁵ Section 52(1) amended by Ord. 1 of 2001

exceeding £50, and in the case of a second or subsequent conviction to a fine not exceeding £100.

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

Taking motor vehicle without owner's consent

53. 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 on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding eighteen months or to both such fine and imprisonment:

Provided that, if 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 an offence.

Highway code

54. (1) The Governor in Council shall as soon as may be practicable after the commencement of this Ordinance prepare a code (in this section referred to as the "Highway Code") 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.

(2) 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 Ordinance) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.

Highway Authority

55.³⁶ (1) There shall be a Highway Authority for the purposes of this Ordinance.

(2) The Authority shall consist of such person or persons as the Governor may appoint and if no such person is appointed the Council Committee for the time being having responsibility for highways shall be the Authority.

Powers and duties of Highway Authority

56.³⁷ (1) (a) The Highway Authority may at any time by notice restrict or prohibit the use of any road or any part of any road by vehicles or by vehicles of any particular class or description where owing to the likelihood of danger to the public it appears necessary that such restriction or prohibition should come into force without delay.

(b) So long as the restriction or prohibition is in force, a notice shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road.

(c) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be liable in the case of a first

³⁶ Section 55 substituted by Ord. 18 of 1997 and amended by L.N. 26 of 2009

³⁷ Section 56 substituted by Ord. 18 of 1997

conviction to a fine not exceeding £10 and in the case of a second or subsequent conviction to a fine not exceeding £20.

(d) Any person aggrieved by any restriction or prohibition imposed under this section may appeal to the Governor in Council whose decision shall be final.

(2) Subject to and in conformity with such general or other directions as may be given by the Governor in Council, the Highway Authority may cause traffic signs to be placed on or near any road.

(3) The Highway Authority may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of its powers and duties under this section.

(4) In this section the expression “**traffic signs**” includes warning sign-posts, direction posts, signs, road markings or other devices for the guidance or direction of persons using roads.

Penalties for neglect of traffic signs

57. Where a police constable is for the time being engaged in the regulation of traffic on a road, or where a traffic sign has been lawfully placed on or near any road in accordance with the provisions of section 61 of this Ordinance, a person driving or propelling a vehicle who—

- (a) neglects to stop the vehicle or to make it proceed in or keep to, a particular line of traffic when directed so to do by the police constable in the execution of his duty; or
- (b) fails to comply with the indications of the sign,

shall be guilty of an offence.

Leaving vehicles in dangerous positions

58. 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 a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

Provisions with respect to stretching of ropes, etc across highway

59. Any person who for any purpose places or causes to be placed any rope, wire or other apparatus across a highway or any part thereof in such a manner as to be likely to cause danger to persons using the highway shall, unless he proves that he had taken all necessary steps to give adequate warning of the danger, be guilty of an offence.

Governor in Council may make regulations

60.³⁸ The Governor in Council may make regulations—

- (a) prescribing the number, nature and use of brakes, including skid pans and locking chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads, and for securing that such brakes shall be efficient and kept in proper working order and for empowering persons

³⁸ Section 60 amended by Ord. 6 of 1990

- authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere;
- (b) prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles;
 - (c) respecting the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road;
 - (d) prescribing the fees payable for a licence and provisional licence to drive a motor vehicle;
 - (e) to revise the provisions of the highway code by adding varying or amending the provisions;
 - (f) prescribing the maximum and minimum fares that may be charged by public service vehicles plying for hire;
 - (g) prescribing the fees payable on registration of a motor vehicle or trailer;
 - (h) prescribing the fees payable for a licence for a motor vehicle or trailer;
 - (i) prescribing the fees generally;
 - (j) prescribing the signs which may be used for the purposes of section 61, and the meaning of each sign so prescribed; and
 - (k) generally for carrying into effect the provisions of this Ordinance.

Regulation of traffic by signs

61.³⁹ (1) The Highway Authority may, after consulting the Chief of Police⁴⁰, cause prescribed signs to be erected on or near any road, for the purpose of regulating the use of roads by vehicles, and (without prejudice to the generality of the foregoing) such signs may prescribe—

- (a) the maximum speed at which vehicles may be driven;
 - (b) the direction in which vehicles may or may not travel;
 - (c) the classes of vehicle which may or may not use the road or part of the road;
 - (d) the priority or precedence of vehicles at road junctions;
 - (e) the parts of roads on which vehicles may or may not be parked or allowed to stand, or the maximum period of time for which vehicles may be parked or allowed to stand.
- (2) Section 56(3) applies to the erection of signs under this section.

(3) Any person who drives or uses any vehicle in contravention of any instruction, prohibition, or restriction conveyed by means of a sign erected under this section shall be guilty of an offence and liable on conviction to a fine of £100.

Provisions as to regulations

62.⁴¹ If any person acts in contravention of, or fails to comply with, any regulation made by the Governor in Council under this Ordinance, contravention of or failure to comply with which it is not made an offence under any other provision of this Ordinance, he shall for each offence, be liable on summary conviction to a maximum penalty not exceeding a fine of £150.

Forgery, etc of licences and certificates

³⁹ Section 61 substituted by Ord. 6 of 1990

⁴⁰ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

⁴¹ Section 62 amended by Ord. 1 of 2001

63. If any person for the purpose of obtaining the grant of any licence to himself or other person knowingly makes any false statement, or for the purpose of obtaining the issue of a certificate of competence makes any false statement or withholds any material information, he shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.

Prosecution and penalties for offences

64. (1) Save as otherwise expressly provided, all offences under this Ordinance shall be prosecuted in the Magistrates' Court.

(2)⁴² A person guilty of an offence under this Ordinance for which no special penalty is provided shall be liable in the case of a first conviction to a fine not exceeding £100, and in the case of a second or subsequent conviction, to a fine not exceeding £300, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under this Ordinance—

- (a)** the owner of the vehicle shall give such information as he may be required, by or on behalf of the Chief of Police⁴³, 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
- (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.

Provisions applicable to vehicles and persons in Crown service

65. (1) Subject to the provisions of subsection (2), this Ordinance shall apply to vehicles and persons in the public service of the Crown, and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person responsible unless it is shown to the satisfaction of the court that the driver only was responsible.

(2) The Governor may by order direct that the provisions of this Ordinance shall not apply to members of the armed forces of the Crown or to vehicles used for naval military or air force purposes or to any class of such members or vehicles.

⁴² Section 64(2) amended by Ord. 1 of 2001

⁴³ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

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(Legal Notices 20/1985, 2/1988, 9/1993, 12/1994, 23/1994, 14/1997, 14/1998, 19/1998, Ordinance 1 of 2001, Legal Notice 6/2003 and 4 of 2005, Ordinance 12 of 2007, Legal Notices 6 of 2007, 2 of 2008, 9 of 2008, 11 of 2009, and 9 of 2010, 22 of 2011, 38 of 2012 and 2 of 2013)

PART I
PRELIMINARY

Short title

- 1. These regulations may be cited as the Road Traffic Regulations.

Interpretation

- 2.⁴⁴ In these regulations—
“**agricultural trailer**” means a trailer owned by a person engaged in agriculture or forestry and not used on the road to convey burden other than agricultural or forestry produce or articles required for agriculture or forestry;

⁴⁴ Regulation 2 amended by L.N. 19 of 1998

“approved type of protective helmet” means a helmet which conforms as respects its shape, construction and other qualities to the requirements of one of the following specifications, that is to say—

- (a) British Standard 2001 as amended to 1964; or
- (b) British Standard 1869: 1960 as amended by Amendment No. 1. Published 29th May, 1963;

“bus” means any passenger-carrying vehicle other than a motor car;

“field testing officer” means a police officer who is trained and qualified in the use of a radar device;

“hours of darkness” means the period from half an hour after sunset to half an hour before sunrise;

“industrial tractor” means a motor tractor (not being a Land Tractor) of unladen weight not exceeding 7370 Kg and designed and used primarily for work off roads or on roads only in connection with road construction or maintenance and so constructed as to be incapable of a speed of 20 mph on the level;

“invalid carriage” means a motor vehicle the weight of which unladen does not exceed five hundredweights and which is specially designed for and used solely by persons suffering from some physical defect or disability;

“land implement” means any implement or machinery used with a land tractor for purposes of agriculture, forestry, grass cutting, land levelling, dredging or similar operations including any trailer carrying only necessary gear or equipment of the towing vehicle;

“land tractor” means a tractor of unladen weight not exceeding 7370 Kg, designed and used primarily for work on land in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations which is—

- (a) the property of a person engaged in agriculture or forestry or a contractor engaged in the business of carrying out such operations on farms or forestry estates; and
- (b) not constructed or adapted to carry a load other than—
 - (i) water, fuel, accumulators and other equipment used for propulsion and loose tools and equipment;
 - (ii) a fixed implement used for farm or forestry estates in connection with such operation;

“motor car”⁴⁵ means a motor vehicle (not being a motor cycle, quadricycle or invalid carriage) which is constructed to carry a load or not more than six passengers and the weight of which unladen does not exceed thirty-five hundredweights;

“pedal cycle” means a pedal bicycle or pedal tricycle not being in either case equipped for propulsion by mechanical power;

“radar device” means a speed measuring device prescribed by regulation 8;

“taxi” means a mechanically propelled vehicle, licenced as a Public Service Vehicle, designed for the carriage of not more than six persons including the driver, standing or plying for hire;

“testing officer” means the manufacturer of a radar device, his duly appointed agent or a suitably qualified technician offering appropriate evidence of technical and professional competence in the testing of radar devices;

“the Ordinance” means the Road Traffic Ordinance.

Exemptions

⁴⁵ Definition of “motor car” amended by Ord. 12 of 2007

This e-version of the text is not authoritative for use in court.

3. (1)⁴⁶ The provisions of these regulations relating to the construction and equipment of vehicles shall not apply to any private motor car, quadricycle or motor cycle brought into St. Helena by a person resident abroad which is not intended to remain and does not remain in St. Helena for a period exceeding six months if the Licensing Officer has given to such person written permission for the use of such motor car, quadricycle or motor cycle.

(2) If the Licensing Officer certifies that any vehicle is of such an exceptional kind that it is proper to permit its use on a road without compliance with all such provisions of these regulations as would otherwise apply to its use, the Governor may notwithstanding the provisions of these regulations permit its use subject to such conditions as may to him seem fit.

PART II GENERAL

Speed limits

4.⁴⁷ (1) No vehicle shall be driven on any road at a speed exceeding thirty miles an hour.

(2) No vehicle other than a private motor car, a public service vehicle of which the net weight does not exceed thirty-five hundred weights, a quadricycle or a motor cycle shall be driven on any road at a speed exceeding twenty miles an hour.)

(3) No vehicle shall be driven at a speed exceeding twenty miles an hour—

- (a) on any road in Jamestown;
- (b) on the road between the Salvation Army Hall at Half Tree Hollow and the top of Jacob's Ladder;
- (c) on the road between Longwood Gate and the water tank approximately four hundred yards from Hutt's Gate Corner;
- (d) on the road between Longwood Gate and the entrance to the Diplomatic Wireless Service residential area;
- (e) on the road between Two Gun Saddle and the Community Centre, Jamestown;
- (f) on the road between Mount Pleasant and the Chapel;
- (g) on the road between the top of Jacob's Ladder and China Lane, Jamestown.

(4) No vehicle shall be driven at a speed exceeding fifteen miles an hour—

- (a)⁴⁸ ...
- (b) on the road between Rupert's Bay and the junction with Side path;
- (c) on the road between the Chapel and Blarney Bridge;
- (d) on the road between Thompsons Wood Hill and Thompsons Wood;
- (e) on the road between Thompsons Wood Hill junction and Redgate;
- (f) on the road between Rosemary Plain and Thompsons Hill;
- (g) on the Constitution Hill Road between Briars corner of the wall and the junction with Drummonds Point Road.

Power of police to stop, test, etc

5. (1) Any police officer in uniform may test and inspect on any road, or, subject to the consent of the owner of the premises and of the owner of the vehicle, on any premises where the vehicle is, any brakes, silencers or steering gear fitted to a motor vehicle or trailer.

⁴⁶ Regulation 3(1) substituted by Ord. 12 of 2007

⁴⁷ Regulation 4 amended by LN 4 of 2005 and Ord. 12 of 2007

⁴⁸ Paragraph 4(a) repealed by LN 4 of 2005

(2) Any police officer in uniform who has reasonable cause to believe that a motor vehicle is being used in contravention of the Ordinance or these regulations or has been concerned in an accident may order that the motor vehicle shall be stopped until it has been examined by an Inspector of motor vehicles appointed in pursuance of section 3 of the Ordinance or shall be produced to such an examiner for inspection.

Travelling on running board

6. No person shall be carried on the running board of a motor vehicle.

Towing of cycles

7. No person riding a motor cycle or pedal cycle shall permit himself to be drawn by a motor vehicle.

PART III SPEED MEASURING DEVICES

Radar devices

8. The following radar device is prescribed as a speed measuring device for the purpose of section 29(1) of the Ordinance—

The Muniquip T3.

Testing of radar devices

9. (1) A radar device shall be submitted to a testing officer at least once in every twelve month period for the purpose of inspection and calibration.

(2) The testing of a radar device must be such as will ascertain with respect to the speed computing components of the radar device that—

- (a) the circuit is in accordance with the manufacturer's circuit design, including any modification to that design by the manufacturer or the testing officer; and
- (b) the radar device is in a satisfactory electrical condition and, in particular, that any maintenance which has been carried out has been carried out satisfactorily.

(3) The testing of a radar device must be such as will indicate that the device is properly calibrated. A visible sticker showing the date of calibration must be attached to the radar device by the person who carried out such calibration.

(4) The testing officer shall, after completing the testing of a radar device in accordance with the provisions of this regulation, complete a test certificate in the form set out in regulation 13 to the effect that the device has been properly tested and is in a satisfactory operational condition.

Sealing of radar device

10. If a radar device is found to be in a satisfactory condition after being tested, the testing officer shall seal the device by placing an appropriate security seal across such part of the device that if opened will cause the breaking of such seal.

Field testing of radar device

11. Before using a radar device to determine the speed of any particular vehicle a field testing officer should perform the following tests—

- (a) the radar device should be tested against a vehicle fitted with a suitably calibrated speedometer;
- (b) the area, in which the radar device is to be used, should be tested for possible sources of radio interference; and
- (c) a tuning fork should be struck and vibrated in front of the aerial of the radar device. The reading on the device should correspond with the reading on the fork.

Use of radar device

12. (1) The prescribed manner of use of the radar device for the purpose of section 29(1) of the Ordinance is, in the case of the Muniquip T3 radar device, as follows—

- (a) if in the opinion of a police officer, a vehicle is considered to be exceeding the speed limit, the radar device should be pointed at the vehicle and a reading taken;
- (b) the reading should be observed for at least three seconds and during that period the reading should be steady. An erratic series of numbers would indicate that an erroneous reading has been taken, and that the measurement was invalid;
- (c) if the reading is considered correct, the trigger in the handle of the radar device should be squeezed, and the speed reading fixed on the display.

(2) A radar device shall not be used unless it has been tested in accordance with regulation 9 within twelve months before the occasion of its use and a satisfactory test certificate issued.

Certificate as to testing and sealing of radar device

13. (1) A certificate referred to in section 29(2) of the Ordinance shall be in the prescribed form if it states—

“The radar device bearing number (number of device) has been tested in accordance with regulation 9 of the Road Traffic Regulations, on (date of test) and has been found to operate correctly in accordance with the provisions of the said Regulations. The device has also been properly sealed in accordance with regulation 10.

Dated:

(Signature)

Testing Officer”.

(2) In accordance with the provisions of section 29(2) of the Ordinance, a testing officer shall be deemed to be an authorised person for the purpose of these regulations.

Interference with radar devices

14.⁴⁹ A person must not, without proper authority, wilfully interfere with the time measuring or speed computing components of a radar device or any seal affixed to such a device.

PART IV DRIVING LICENCES

⁴⁹ Regulation 14 inserted by L.N.19 of 1998

Definition of “driving licence”

15. In this Part of these regulations “driving licence” means a licence granted in pursuance of the provisions of Part V of the Ordinance.

Signature of driving licence

16. Every person to whom a driving licence is granted shall forthwith sign it with his usual signature and if he fails to do so, or if on production of the driving licence to any person entitled to demand production thereof it does not bear his usual signature, he shall be guilty of an offence and liable to a fine not exceeding £10.

Duplicate driving licence

17. (1) If the Licensing Officer is satisfied that any original driving licence has been lost or defaced, he shall on the payment of the prescribed fee issue to the person to whom the original licence was granted a duplicate thereof containing any endorsements of the original licence, and such duplicate shall have the same effect as the original licence.

(2) If a person to whom a duplicate driving licence has been issued by reason that an original driving licence has been lost finds the original licence during the currency thereof he shall return the original licence to the Licensing Officer.

Provisional licence

18.⁵⁰ A provisional licence shall only be granted subject to the conditions that until the holder thereof has passed the appropriate test—

- (a) he shall, in the case of a vehicle which is constructed or adapted to carry more than one person (other than a motor cycle without a sidecar or a quadricycle), use it only under the supervision of a person who is present in the vehicle with him and who holds, and has held for at least two years, a driving licence (not being a provisional driving licence) authorising him to drive a vehicle of the same class as the vehicle being driven by the holder of the provisional licence:

Provided that this paragraph shall not apply when the provisional licence holder is undergoing a test;

- (b) he shall not, in the case of a motor cycle without a sidecar or a quadricycle, carry a passenger unless that passenger holds, and has held for at least two years, a driving licence (not being a provisional licence) authorising him to drive either a motor cycle or a quadricycle;
- (c) he shall comply with such further requirements relating to the driving of motor vehicles as may be expressed in the provisional licence;
- (d) the vehicle while being driven by him shall clearly display in a conspicuous position on the front and on the back of the vehicle a distinguishing mark in the form of a letter L in red on a white ground, which letter shall be not less than four inches high.

PART V**REGISTRATION AND LICENSING OF MOTOR VEHICLES AND TRAILERS**

⁵⁰ Regulation 18 amended by Ord. 12 of 2007

Definition of “licence”

19. In this Part of these regulations “licence” means a licence for a motor vehicle or trailer issued in pursuance of section 16 of the Ordinance.

Number of passengers in public service vehicle

20. The maximum number of passengers permitted to be carried in a public service vehicle shall not exceed the number exclusive of the driver specified by the manufacturer of the vehicle, or, if no such number was specified or if the vehicle was not constructed by the manufacturer for the carriage of passengers, such number as the Licensing Officer may determine. In this regulation “passenger” includes two persons not being less than two nor more than twelve years of age, and does not include any infant or infants of less than two years of age.

Indication on public service vehicle of maximum number of passengers

21. At the rear of every public service vehicle licensed to carry passengers there shall be clearly marked with letters not less than three inches high the number of passengers that the vehicle is licensed to carry.

Registration mark

22.⁵¹ (1) To every motor vehicle for which a licence is granted the Licensing Officer shall assign a registration mark, and no motor vehicle other than a vehicle which is the property or is provided for the use of the Governor shall be used on any road unless the registration mark of the vehicle is exhibited in conformity with the provisions of this regulation.

(2) The registration mark shall be exhibited on a flat plate or on a flat unbroken surface forming part of the vehicle, and save in the case of a motor cycle, quadricycle or invalid carriage the plate or surface shall be rectangular.

(3) The registration mark shall be exhibited on the front and on the back of the vehicle.

(4) (a) Save as provided in subparagraph (ii) the registration mark of every motor vehicle shall be exhibited so that in normal daylight the characters of the front and rear registration marks shall be easily distinguishable by an observer directly in front of or behind the vehicle as the case may be who is not less than ten feet and in the case of a motor cycle, quadricycle or invalid carriage not more than sixty feet and in every other case not more than seventy-five feet from the registration mark observed.

(b) Notwithstanding the other provisions of this regulation it shall not be necessary for a motor cycle, quadricycle or invalid carriage to display a front registration mark and in no case shall such a vehicle carry a number plate which could cause injury to any person by reason of its projection.

(c) Subject to the provisions of regulation 70 of these regulations, whenever during the hours of darkness a motor vehicle is upon a road, a lamp shall be kept burning so contrived as to illuminate, by means of reflection, transparency or otherwise, every letter and figure of the registration mark exhibited on the back of the motor vehicle or on the rearmost vehicle attached to the back of the motor vehicle as the case may be, and to render them easily distinguishable in the absence of fog by an observer directly behind the vehicle who is not less

⁵¹ Regulation 22 amended by Ord. 12 of 2007

than ten feet and in the case of a motor cycle, quadricycle or invalid carriage not more than fifty feet and in every other case not more than sixty feet from the registration mark, and such lamp shall be on the motor vehicle or such rearmost vehicle as the case may be.

(5) (a) Unless the registration mark is so constructed that it can be illuminated by transparency or translucency, it shall be formed of white, silver or light grey letters and figures upon a black surface and every letter or figure shall be indelibly inscribed or so attached to such surface that it cannot readily be detached therefrom. If the letters and figures are exhibited on a flat plate, the plate may be constructed of cast or pressed metal having raised letters and figures.

(b) If the registration mark is so constructed and used that it is illuminated by transparency or translucency, the letters and figures shall all, when so illuminated during the hours of darkness, appear white against a black background.

(c) Notwithstanding the provisions of paragraphs (i) and (ii) of this sub-regulation, a registration mark may lawfully be exhibited in accordance with the provisions of this paragraph, in which case it shall be exhibited on a plate which is constructed of reflex reflecting material, being a plate which complies with the requirements laid down by the British Standard Specification for Reflex Reflecting Number Plates published on 11th September 1972 under the number B.S. AU 145a and is of a type in respect of which there has been issued by the Secretary of State a certificate that a plate of that type complies with those requirements, and in such a case—

- (i) the registration mark, where it is displayed on the front of the vehicle, shall be formed of black letters and figures upon a white background and where it is displayed on the back of the vehicle shall be formed of black letters and figures upon a yellow background;
- (ii) that part of the plate which comprises the said background shall be constructed of reflex reflecting material which shall at all times be maintained in a clean and efficient condition;
- (iii) no reflex reflecting material shall be applied to any part of the said letters or figures; and
- (iv) there shall be legibly and permanently marked on the plate the specification number B.S. AU 145a to indicate that it complies with the British Standards Specification mentioned above.

(d) Subject to the provisions of subparagraph (e) of this paragraph, the letters and figures shall be $3\frac{1}{2}$ inches high, every part of every letter and figure shall be $\frac{5}{8}$ inch broad, the total width of the space taken by every letter or figure except the figure 1 shall be $2\frac{1}{2}$ inches and the space between adjacent letters or figures shall be half an inch.

(e) In the case of a motor cycle, quadricycle or invalid carriage the dimensions prescribed in subparagraph (d) of this paragraph may be halved.

(f) In the event of a motor vehicle not being licensed for a continuous period of three years from the date of first issue or the renewal of its licence whichever is the later, then the Licensing Officer may at his discretion reallocate the registration mark assigned to such motor vehicle upon giving the owner thereof seven days prior notice in writing.

PART VI CONSTRUCTION AND USE

Speed indicator

23. To every motor vehicle there shall be fitted an instrument so constructed and in such a position as at all times readily to indicate to the driver of the vehicle within a margin of

accuracy of ten per cent whether he is driving at a speed in excess of that permitted by these regulations:

Provided that this regulation shall not apply to—

- (a) a land tractor;
- (b) an invalid carriage;
- (c) a motor cycle the cylinder capacity of the engine of which does not exceed 100 cubic centimetres;
- (d) a vehicle which is incapable by reason of its construction of exceeding a speed of twelve miles an hour on a level road under its own power.

Provision of reverse gear

24. Every motor vehicle of which the weight unladen exceeds eight hundredweights shall be capable of being so worked that it may travel either forwards or backwards.

Driver's view

25. Every motor vehicle shall be so designed and constructed that the driver thereof while controlling the vehicle can at all times have a full view of the road and traffic ahead of the vehicle.

Driving mirror

26. Every motor vehicle other than a motor cycle shall be equipped with a mirror so constructed and fitted to the vehicle as to assist the driver if he so desires to become aware of traffic to the rear of the vehicle.

Safety glass

27. The glass of windscreens and windows facing to the front on the outside of any motor vehicle shall be of safety glass.

Windscreen wiper

28. An efficient automatic windscreen wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot, by opening the windscreen or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen.

Instrument for warning of approach

29. Every motor vehicle shall be fitted with an instrument capable of giving audible and sufficient warning of its approach or position:

Provided that no such instrument shall consist of a siren, gong or bell, except in the case of a motor vehicle used for fire-brigade, ambulance or police purposes.

Silencer

30. (1) Every vehicle propelled by an internal-combustion engine shall be fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing so far as may be reasonable the noise caused by the escape of the exhaust gases from the engine.

(2) With the approval of the Governor the Licensing Officer may appoint a method of measuring the noise caused by the escape of the exhaust gases from an internal-combustion engine, and a level of noise above which such noise so measured shall not be deemed to be reduced as far as may be reasonable.

Smoke and visible vapour, construction

31. Every motor vehicle shall be so constructed that no avoidable smoke or visible vapour is emitted therefrom.

Stop light

32. (1) Every stop light fitted to a motor vehicle or trailer shall be fitted at the rear of the vehicle and when in operation shall show a red or amber light.

(2) Every light shown by a stop light shall be diffused by means of frosted glass or other adequate means and shall be a steady light.

Maximum dimensions

33.⁵² (1) The dimensions of a motor vehicle shall not exceed those set out in this paragraph:

Provided that the Licensing Officer may give permission in writing, subject to such conditions as he may impose, for the use of a motor vehicle of greater dimensions.

Overall width 8 feet 6 inches.

Overall length 25 feet.

Wheelbase 13 feet 7 inches.

Height, exclusive of hood or covering 11 feet 6 inches.

(2) In this regulation—

“overall length” means the length exclusive of any starting handle and of any hood when lowered;

“overall width” means the width measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof, exclusive of any mirror conforming with the provisions of regulation 26 of these regulations.

Maximum overhang

34. (1) The overhang of a motor vehicle shall not exceed seven twenty-fourths of the overall length.

(2) In this regulation—

“overhang” means that part of the overall length of a vehicle measured by a line from the centre of the rear axle along the longitudinal axis of the vehicle to the rear of the vehicle exclusive of any hood when lowered.

Brakes of certain types of motor vehicle

⁵² Regulation 33 amended by L.N. 2/1988

35. (1) Every motor vehicle other than a land tractor, and industrial tractor, motor cycle or invalid carriage shall be equipped with an efficient braking system or efficient braking systems, in either case having two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake-shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted there shall be available for application by the driver to not less than half the number of the wheels of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance:

Provided that in the event of such failure as aforesaid it shall not be necessary for brakes to be available for application by the driver in the case of a vehicle having less than four wheels to more than one wheel.

(2) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

(3) No braking system shall be rendered ineffective by the nonrotation of the engine.

(4) All the brakes of a motor vehicle other than a motor cycle or invalid carriage which are operated by one of the means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(5)⁵³ In the case of a motor vehicle (other than a land tractor, industrial tractor, motor cycle, quadricycle or invalid carriage) where any brake is capable of being applied by more than one means of operation all the wheels shall be fitted with brakes all of which are operated by one of the means of operation:

Provided that where means of operation are provided in addition to those prescribed by this regulation such additional means of operation may be disregarded for the purpose of this paragraph.

(6) One at least of the means of operation shall be capable of causing brakes to be applied directly and not through the transmission gear to not less than half the number of the wheels of the vehicle.

Brakes of motor cycle

36. (1) Every motor cycle shall be equipped with an efficient braking system or efficient braking systems, in either case having two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake-shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted there shall be available for application by the driver to at least one wheel of the vehicle brakes sufficient under the most adverse conditions to bring the vehicle to rest within a reasonable distance.

(2) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

Brakes of invalid carriage

37. Every land tractor, industrial tractor, invalid carriage shall be equipped with an efficient braking system, the brakes of which act on at least two wheels of the vehicle, so designed and constructed that the application of the brakes will bring the vehicle to rest within a reasonable distance.

⁵³ Regulation 35(5) amended by Ord. 12 of 2007

This e-version of the text is not authoritative for use in court.

Brakes of trailer

38. (1) Save as provided in subregulation (2), every trailer exceeding two hundredweights in weight unladen shall have an efficient braking system, the brakes of which are capable of being applied when it is being drawn—

- (a) to at least two wheels in the case of a trailer having not more than four wheels;
- (b) to at least four wheels in the case of a trailer having more than four wheels; and
- (c) to at least half the number of wheels of the trailer, so constructed that—
 - (i) the brakes can be applied either by the driver of the drawing vehicle or by some other person on that vehicle or the trailer, unless the trailer does not exceed one ton in weight unladen or is a living van not exceeding two tons in weight unladen and in either case the brakes of the trailer automatically come into operation on the overrun of the trailer;
 - (ii) the brakes are capable of being set so as effectively to prevent two at least of the wheels from revolving when the trailer, whether it is attached to the drawing vehicle or not, is not being drawn.

(2) Subregulation (1) shall not apply to any broken-down vehicle which is being drawn by a motor vehicle in consequence of the breakdown or to any land implement, land implement conveyor, agricultural trailer, wheeled cement mixer or mobile air compressor that is being towed to or from a site of work by a land tractor or industrial tractor at a speed of not exceeding 10mph or by a motor lorry or land rover at a speed not exceeding 15mph.

(3) Every agricultural trailer not being a land implement, or land implement conveyor, shall be provided with an efficient system of brakes that either automatically come into operation on the overrun of the trailer or is capable of being actuated by the driver of the drawing vehicle.

(4) Every agricultural trailer shall be provided with brakes that are capable of preventing at least two of the wheels from revolving whether it is attached to the drawing vehicle or not.

Mudguards

39. Every motor vehicle and trailer shall be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels unless adequate protection is afforded by the body of the vehicle.

Pneumatic tyres

40. Every wheel of a motor vehicle or trailer shall be equipped with a pneumatic tyre.

Indication on vehicle of speed limit

41. On every motor vehicle of which the speed is restricted by regulation 4(2) there shall be exhibited in a conspicuous position at the rear thereof a disc not less than eight inches in diameter which complies in all respects with the following requirements—

- (a) it shall be fixed in a vertical position facing squarely to the rear and shall be kept clean and unobscured so as to be plainly visible from behind the vehicle;
- (b) the surface facing the rear shall be either black or white, and if black shall display thereon the number 20 in white and if white shall display thereon the number 20 in

black, and for the purpose of this requirement “**white**” shall include silver and light grey;

- (c) each figure of the said number shall be 3½ inches in height and 2½ inches in total width and every part of each figure shall be 5/8inch broad.

Maximum weight of motor vehicle

42. (1)⁵⁴ No motor vehicle having a gross weight laden in excess of fourteen tons shall be used on any road.

(2) In this regulation “**gross weight laden**” means the net weight of a motor vehicle together with the weight of goods or passengers carried by the vehicle.

Maximum weight of trailer

43. No trailer, agricultural trailer or land implement with a net weight in excess of 5 tons and/or a gross laden weight of 10 tons shall be used on any roads.

Danger from condition of vehicle, distribution of passengers and load, etc

44. (1) Every vehicle and all parts and accessories of any vehicle shall at all times while the vehicle is used on a road be in such a condition, and the number of passengers carried by, and the weight, distribution, packing, and adjustment of the load of, the vehicle shall at all times be such that no danger is caused or is likely to be caused to any person on the vehicle or on a road:

Provided that in the case of a public service vehicle the provisions of this regulation with regard to the number of passengers carried shall be deemed to be complied with if the number does not exceed that for the time being permitted by these regulations.

(2) The load carried by any vehicle shall be so secured that danger is not likely to be caused to any person on a road by reason that the load or any part thereof may fall from the vehicle.

(3) No vehicle shall be used for any purpose for which it is so unsuitable as to cause or be likely to cause danger to any person on the vehicle or on a road.

Maintenance of speed indicator

45. Every instrument for indicating speed provided in compliance with the requirements of these regulations shall—

- (a) at all material times be maintained in good working order; and
(b) be kept free from any obstruction which might interfere with the observation of any indication given by the instrument:

Provided that it shall be a good defence to proceedings taken in respect of the maintenance of the instrument to prove that—

- (i) the defect occurred in the course of the journey during which the contravention was detected; or
(ii) at the time when the contravention was detected steps had already been taken to have the defect remedied with all reasonable expedition.

⁵⁴ Regulation 42(1) amended by L.N. 2 of 1988

Maintenance of transparent material

46. All glass or other transparent material fitted to a motor vehicle shall be maintained in such condition that it does not obscure the vision of the driver while the vehicle is being driven on a road.

Maintenance of brakes and steering

47. Every windscreen wiper required by these regulations to be fitted to a motor vehicle, every part of every braking system and of the means of operation thereof fitted to a motor vehicle or trailer and all steering gear fitted to a motor vehicle shall at all times, while the motor vehicle or trailer is used on a road, be maintained in good and efficient working order and shall be properly adjusted.

Cut-out and maintenance of silencer

48. (1) No person shall use or cause or permit to be used on a road any vehicle propelled by an internal-combustion engine so that the exhaust gases from the engine escape into the atmosphere without first passing through the silencer, expansion chamber or other contrivance required by these regulations to be fitted.

(2) Every such silencer, expansion chamber or other contrivance shall at all times while the vehicle is used on a road be maintained in good and efficient working order, and shall not have been altered in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration.

Maintenance of tyres

49. (1) Save as provided in subregulation (2), no person shall use or cause or permit to be used on a road any motor vehicle or trailer a wheel of which is fitted with a pneumatic tyre, if—

- (a)** the tyre is unsuitable having regard to the use to which the motor vehicle or trailer is being put or to the types of tyres fitted to its other wheels;
- (b)** the tyre is not so inflated as to make it fit for the use to which the motor vehicle or trailer is being put;
- (c)** the tyre has a break in its fabric, or has a cut in excess of one inch or 10 *per cent* of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the body cords;
- (d)** the tyre has any lump or bulge caused by separation or partial failure of its structure;
- (e)** the tyre has any portion of the ply or cord structure exposed;
- (f)** where the tyre is fitted to a wheel of a motor vehicle, being a motor cycle whereof the cylinder capacity of the engine does not exceed 50 cubic centimetres, the tread of the tyre does not show throughout at least three quarters of the breadth of the tread and round the entire outer circumference of the tyre a pattern the relief of which is clearly visible, or where the tyre is fitted to the wheel of any other motor vehicle or any trailer, the tread pattern (excluding any tiebar) of the tyre does not have a depth of at least 1 mm. throughout at least three quarters of the breadth of the tread and round the entire outer circumference of the tyre:

Provided that this subparagraph shall not apply in the case of a motor cycle having three wheels, the unladen weight of which does not exceed 2 hundredweight and which is incapable of exceeding a speed of 12 miles per hour on the level under its own power, or in the case of a pedestrian controlled vehicle being a works truck.

(2) Nothing in the foregoing paragraph shall apply to a land locomotive, land tractor, land implement or land implement conveyor, or to an agricultural trailer where the trailer is being drawn by a land tractor and nothing in that paragraph or in the next succeeding paragraph shall apply to a broken down vehicle or to a vehicle proceeding to a place where it is to be broken up, in either case being drawn by a motor vehicle at a speed not exceeding 20 miles per hour.

(3) No person shall use or cause or permit to be used on a road any motor vehicle or trailer a wheel of which is fitted with a recut pneumatic tyre.

(4) Without prejudice to subregulations (1) and (3), all the tyres of a motor vehicle or trailer shall at all times while the vehicle or trailer is used on a road be maintained in such condition as to be fit for the use to which the vehicle or trailer is being put, and as to be free from any defect which might in any way cause damage to the surface of the road or danger to persons on or in the vehicle or to other persons using the road.

Emission of smoke, etc

50. Every motor vehicle shall be maintained in such a condition, and shall be so driven and used on a road, that there shall not be emitted therefrom any smoke, visible vapour or oily substance, the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care, or the emission of which might cause damage to any person or any property or endanger the safety of any person in consequence of any harmful content therein.

Noise due to defects

51. No person shall use or cause or permit to be used on a road any motor vehicle or trailer which causes any excessive noise either directly or indirectly as a result of—

- (a) any defect (including a defect in design or construction), lack of repair or faulty adjustment of the motor vehicle or trailer or any part or accessory of the motor vehicle or trailer; or
- (b) the faulty packing or adjustment of the load of the motor vehicle or trailer.

Noise due to careless use

52. No motor vehicle shall be used on a road in such a manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver.

Interference with wireless telegraphy

53. Every motor vehicle shall be fitted with apparatus to suppress any interference with wireless telegraphy that might be caused by the operation of the vehicle.

Stopping of machinery of stationary vehicle

54. The driver of every motor vehicle shall, when the vehicle is stationary otherwise than through enforced stoppage owing to the necessities of traffic, stop the action of any machinery attached to or forming part of the vehicle, so far as may be necessary for the prevention of noise:

Provided that this regulation shall not apply so as to prevent the examination or working of the machinery where any such examination or working is rendered necessary by any failure or derangement of the machinery or where the machinery is required to be working for some ancillary purpose.

Limitation of audible warning in Jamestown

55. Save in emergency for the avoidance of accident, no person shall in Jamestown during the period from 7 p.m. to 7 a.m. sound any audible instrument fitted to a motor vehicle.

Use of audible instrument on stationary vehicle

56. When a motor vehicle is stationary on a road no person shall save for the avoidance of accident use or permit to be used any audible instrument fitted to the motor vehicle.

Leaving of vehicle on gradient

57. No person in charge of a motor vehicle other than a motor cycle shall leave it on a road in such circumstances that it is liable to be moved by the force of gravity unless a brake has been so set as to prevent such movement and the reverse gear or the lowest forward gear has been engaged.

Position of driver

58. No person while driving a motor vehicle shall be in such a position that he has not proper control over the vehicle or that he does not retain a full view of the road and traffic ahead.

Unnecessary reversing

59. No person shall, except in the case of a road roller or other road plant engaged in the construction, maintenance or repair of roads, cause a motor vehicle to travel backwards for a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of the vehicle or of other traffic on the road.

Obstruction by vehicle

60. No person in charge of a vehicle shall cause or permit it to stand on a road so as to cause any unnecessary obstruction of the road.

Parking at night

61. No person shall, except with the permission of a police officer in uniform, cause or permit any motor vehicle to stand on any road during the hours of darkness otherwise than with the left or near side of the vehicle as close as may be to the edge of the carriageway:

Provided that this regulation shall not apply to—

- (a) any motor vehicle whilst it is being used for fire brigade, medical or police purposes;
- (b) any motor vehicle whilst it is being used in connection with the repair of any main, pipe or apparatus for the supply of water or electricity or of any telephone or telegraph wires, cables, posts or supports, or the removal of any obstruction to traffic;
- (c) any motor vehicle standing on a part of the road specially set aside for the parking of vehicles.

Number of persons on motor cycle and quadricycle

62.⁵⁵ (1) Subject to sub-regulations (2) and (3), not more than one person shall be carried on any motor cycle or quadricycle in addition to the driver, and if any person is so carried he shall—

- (a) sit astride the motor cycle or quadricycle; and
- (b) in the case of a motor bicycle, sit on a proper seat securely fixed behind the driver's seat and with proper supports or rests for his feet.

(2) In the case of a motor cycle to which a sidecar is attached, one person may be carried in the sidecar in addition to any other person allowed to be carried on that motor cycle under this regulation.

(3) No child under the age of eight years shall be carried on a motor cycle or quadricycle.

Projecting loads

63. (1) Subject to the provisions of subregulations (2) and (3), no load shall be carried on any motor vehicle or trailer if the load projects more than one foot laterally beyond the overall width of the vehicle or if the total width of the load exceeds nine feet.

(2) The Superintendent of Police may authorise by permit in writing, subject to such conditions as he may impose, the carriage by any motor vehicle or trailer of an article, which shall be specified in the permit, which cannot be carried in accordance with subregulation (1).

(3) A permit granted in pursuance of subregulation (2) shall be valid for one journey only; it shall be carried by the driver of the load to which it refers and shall be produced by him on demand to any police officer.

Mascots

64. No mascot shall be carried by a motor vehicle in any position where it is likely to strike any person with whom the vehicle may be in collision if the mascot is liable to cause injury to such person by reason of any projection thereon.

Equipment of pedal cycle

65. Every pedal cycle shall be fitted with—

- (a) a bell capable of giving audible and sufficient warning of its approach;

⁵⁵ Regulation 62 substituted by Ord. 12 of 2007

- (b) two independent braking systems one of which operates on the front wheel or both front wheels if it has two front wheels and the other of which operates on the rear wheel or one of the rear wheels if it has two rear wheels.

Number of persons on pedal cycle

66. No pedal cycle shall be used on any road for the carriage of more than one person or, if it is suitably equipped for the carriage of two persons, of more than two persons.

PART VII VEHICLE LIGHTING

Lamps and reflectors

67. (1) Subject to the provisions of regulation 70 of these regulations every vehicle on a road shall during the hours of darkness carry—

- (a) two lamps one on either side of the centre line of the vehicle, each showing to the front a white light visible from a reasonable distance;
- (b) one lamp on the off side of the centre line of the vehicle, showing to the rear a red light visible from a reasonable distance,

and every such lamp shall, while the vehicle is on a road during the hours of darkness, be kept properly trimmed, lighted and in a clean and efficient condition.

(2) Every vehicle on a road shall during the hours of darkness carry on the off side of the centre line of the vehicle an unobscured and efficient red reflector facing to the rear.

(3) If a vehicle carries more than one lamp showing to the rear a red light or more than one red reflector facing to the rear, one such lamp or reflector shall in either case be carried on the near side of the centre line of the vehicle.

Colours of lights

68. (1) No vehicle shall, except with the permission of the Chief of Police⁵⁶, show any light other than a white light to the front.

(2) No vehicle shall show any light other than a red light to the rear, but this subregulation shall not apply to lamps carried for the purpose of internal illumination or of illuminating a number plate or to any device for giving signals to overtaking traffic or to a light which is being used for the purpose of enabling the vehicle to travel backwards.

Special provisions as to lights on certain types of vehicle

69. The provisions of regulations 67 and 68 shall apply to bicycles, tricycles and invalid carriages and to vehicles drawn by horses or other animals, subject to the following modifications—

- (a) on bicycles not having a sidecar attached thereto, whether propelled by mechanical power or not, on tricycles not propelled by mechanical power, on invalid carriages and on vehicles drawn by horses or other animals, only a single lamp showing a white light to the front instead of two such lamps need be carried;
- (b) on bicycles not having a sidecar attached thereto, whether propelled by mechanical power or not, and on tricycles not propelled by mechanical power, no lamp need be

⁵⁶ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

carried if the bicycle or tricycle is being wheeled by a person on foot as near as possible to the near side of the carriage-way.

Lights on stationary vehicle

70. Nothing in these regulations shall be deemed to require the lighting of any lamp on a vehicle if the vehicle is stationary and—

- (a) is in a parking place prescribed by or in accordance with these regulations; or
- (b) is as near as is practicable to the near side of the road and either the road is lighted by street lamps or the vehicle carries on either side of the centre line of the vehicle two unobscured and efficient white reflectors facing to the front and two unobscured and efficient red reflectors facing to the rear; or
- (c) is a pedal bicycle.

Dazzle

71. Any lamp fitted to a vehicle and having a dazzling effect shall be provided with means of eliminating such effect, and such effect shall be eliminated when the vehicle is approached by other persons using the road or is proceeding along a road sufficiently lighted by street lamps.

PART VIII MISCELLANEOUS

Attendants for agricultural trailers etc

72. The requirements of section 35 of the principal Ordinance with regard to drivers and attendants shall not apply where a land implement, land implement conveyor, agricultural trailer, wheeled air compressor or cement mixer is being drawn by a land tractor or an industrial tractor.

Restriction on the use of pedal cycles

- 73.** No person shall ride a pedal cycle on any of the following roads—
- (a) Longwood Road: between Two Gun Saddle and the Briars;
 - (b) Side Path and Napoleon Street: between the Briars and Main Street;
 - (c) Half Tree Hollow and Ladder Hill: between the Salvation Army Hall and China Lane;
 - (d) “W” Road: between Francis Plain Ridge Gate and White Gate.

Persons on motor cycles and quadricycles to wear helmets

74.⁵⁷ Every person driving or riding on a quadricycle or motor cycle on a road shall at all times while the vehicle is in motion wear a properly fitting approved type of protective helmet which shall be properly fastened.

Motor vehicles to keep to left of white lines

⁵⁷ Regulation 74 substituted by Ord. 12 of 2007

This e-version of the text is not authoritative for use in court.

75. Where the highway authority has, by means of continuous white lines marked on the surface of the road, separated a part of the road for the use of traffic moving in one direction from a part of the road for the use of traffic moving in the other direction—

- (a) no person shall stop a motor vehicle or trailer on any length of such road between the two ends of such marking; and
- (b) every motor vehicle shall be so driven as to keep that continuous white line on the right or off side of the vehicle and of any trailer drawn by such vehicle.

Pedestrian crossings

75A.⁵⁸ (1) The Highway Authority may where appropriate mark roads with thick white lines and signs to indicate that the place so marked is a pedestrian crossing.

(2) All motor vehicles and pedal cycles shall stop and give way to any person crossing or about to cross a road at a pedestrian crossing.

School crossings

76.⁵⁹ (1) The driver of a motor vehicle must stop his vehicle when required to do so by a person displaying in the road a sign bearing the words “STOP-CHILDREN CROSSING” and must not proceed until any child waiting to cross the road has done so.

(2) A person must not display a sign referred to in subregulation (1) unless—

- (a) he is authorised to do so by the Chief of Police⁶⁰; and
- (b) it is necessary to do so to allow a child to cross the road safely.

Prescribed fees

77. The prescribed fees for—

- (a) the registration and amendment thereto of a motor vehicle, or trailer;
- (b) a licence for a motor vehicle or trailer;
- (c) a driving licence, provisional driving licence, and duplicate driving licence;
- (d) a certificate of competence to drive;
- (e) an inspection and reinspection of roadworthiness for a vehicle,

are as set out, in the Second Schedule hereto.

Prescribed forms

78. The forms of licenses and other documents issued or used for the purposes of the Ordinance shall be those set out in the Third Schedule to these regulations.

⁵⁸ Regulation 75A inserted by Ordinance 1 of 2001

⁵⁹ Regulation 76 inserted by L.N. 23/1994

⁶⁰ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

SECOND SCHEDULE⁶¹

FEES			£
1	Licence for motor vehicle		
	1.1	Private motor vehicle—	
	1.1.1	seating capacity six or less (including driver)	42.40
	1.1.2	seating capacity exceeding six	54.50
	1.2	Private motor lorry—	
	1.2.1	5,000 lbs net weight or less	66.50
	1.2.2	over 5,000 lbs net weight	84.70
	1.3	Public service vehicle—	
	1.3.1	5,000 lbs net weight or less	66.50
	1.3.2	over 5,000 lbs net weight	84.70
	1.4	Motor cycle—	
	1.4.1	250cc engine capacity or less	24.20
	1.4.2	over 250cc engine capacity	30.30
	1.4.3	with sidecar	30.30
	1.5	Quadricycle	30.30
	1.6	Special vehicle (not included in item 1.7) including—	36.30
		agricultural wheeled tractor	
		road roller	
		forklift	
		crawler tractor	
	1.7	Motor vehicle with gross weight exceeding 10 tons (other than road roller)	84.70
	1.8	Mobile crane	84.70
2	Licence for trailer		30.30
3	Licence for wheeled loader		84.70
4	Driving licence		
	4.1	Issue of driving licence	12.10
	4.2	Issue of provisional driving licence	12.10
	4.3	Issue of duplicate driving licence	9.10
5	Certificate of competence		
	5.1	Examination fee	12.10
	5.2	Issue of certificate of competence	6.00
6	Registration of motor vehicle		12.10
7	Amendment of registration on change of ownership		6.00
8	Vehicle inspection fee		
	8.1	Original inspection:	
		8.1.1 Vehicles (other than cranes):	
		(a) any truck with a gross combination mass of over 3,500 kilograms (7,716 lb)	25.00
		(b) all other vehicles	20.00
		8.1.2 Cranes:	
		(a) not exceeding a lifting capacity of 20 tonnes	75.00
		(b) exceeding a lifting capacity of 20 tonnes	200.00
	8.2	Re-inspection within 3 months of failure to pass original inspection:	
		8.2.1 Vehicles (other than cranes):	
		(a) Any truck with a gross combination mass of over 3,500 kilograms (7,716 lb)	15.00
		(b) All other vehicles	10.00
		8.2.2 Cranes:	
		(a) not exceeding a lifting capacity of 20 tonnes	37.50
		(b) exceeding a lifting capacity of 20 tonnes	100.00

⁶¹ Second Schedule amended by Legal Notice 6 of 2007, Ordinance 12 of 2007, Legal Notices 2 of 2008, 9 of 2008, 11 of 2009, 9 of 2010, 22 of 2011, 38 of 2012 and 2 of 2013

THIRD SCHEDULE*Form A*

ROAD TRAFFIC ORDINANCE

*(Section 6)***APPLICATION FOR REGISTRATION OF MOTOR VEHICLE OR TRAILER**

Name of Owner

Make of Vehicle

Description of Vehicle (tourer, saloon, lorry or otherwise)

Capacity of Vehicle for conveyance of passengers or goods

Year of Manufacture

Chassis No

Horsepower Tare

Overall width Overall length

Wheel base Overhang

Height (exclusive of hood or covering)

If desired to convert for carriage of passengers, state
proposed seating capacity

Remarks (if any)

.....

.....

I hereby certify that the foregoing particulars are correct in every respect.

Date

Signature of Owner.

Form B

ROAD TRAFFIC ORDINANCE

*(Section 8(1))***NOTIFICATION OF CHANGE OF OWNERSHIP OF MOTOR VEHICLE OR TRAILER**

To the Registrar of Motor Vehicles.

I hereby notify you that on ^(a)

I became the owner/part owner of the motor vehicle/ trailer, Registered No.....,

formerly registered in the name of ^(b), by reason
of ^(c)

^(d) My ownership in the vehicle consists of
share.

Date

.....
Signature of Owner or Part Owner.

^(a) Insert date vehicle acquired by new owner or part owner.

^(b) Insert name of former owner.

^(c) State how vehicle (or share in vehicle) acquired, e.g. purchase, gift, exchange, etc.

^(d) To be completed in case of part ownership only.

Form C

ROAD TRAFFIC ORDINANCE

*(Section 8(2))***NOTIFICATION OF CUSTODY OR USE OF MOTOR VEHICLE OR TRAILER**

To the Registrar of Motor Vehicles.

I hereby notify you that on ^(a)

I became entitled to the custody and/or use of the motor vehicle/trailer, Registered

No....., formerly registered in the name of ^(b),

by reason of the death of the owner thereof.

(Note: If not entitled to full ownership, give below particulars of rights of ownership
or possession)

.....
.....

Date

.....
Signature of person entitled to Custody or Use.

^(a) Insert date.

^(b) Insert name of previous owner or part owner.

This e-version of the text is not authoritative for use in court.

Form D

ROAD TRAFFIC ORDINANCE

*(Section 11(2))***ROADWORTHINESS CERTIFICATE**

Name of Owner

Address

Registration number	Make and Model	Engine Capacity	Type of body	Year of make	Recorded mileage

Please delete as applicable.

1. Lighting

- | | | |
|----|--|--------|
| a) | Are all necessary lights and reflectors fitted? | Yes/No |
| b) | Are all lights in working and correctly aligned? | Yes/No |

2. Brakes

- | | | |
|----|---|-------------------------------------|
| a) | Is the handbrake effective? | Yes/No |
| b) | State effectiveness of footbrake. | Good/Satisfactory/
Unserviceable |
| c) | Is there a margin for adjustment of (i) handbrake?
(ii) footbrake? | Yes/No
Yes/No |
| d) | Are all brake hoses and cables sound? | Yes/No |
| e) | Is there any leakage from the system? | Yes/No |

3. Tyres

State condition of each tyre	State depth of tread remaining, in millimetres
------------------------------	--

- | | | | |
|----|-----------|---------------------------------|----|
| a) | N/S front | Good/Satisfactory/Unserviceable | mm |
| b) | O/S front | Good/Satisfactory/Unserviceable | mm |
| c) | N/S rear | Good/Satisfactory/Unserviceable | mm |
| d) | O/S rear | Good/Satisfactory/Unserviceable | mm |
| e) | Spare | Good/Satisfactory/Unserviceable | mm |

4. Steering

- | | | | |
|----|---|---------------------------|--------|
| a) | Is the steering | (i) free from undue play? | Yes/No |
| | | (ii) operating freely? | Yes/No |
| b) | Is the front wheel alignment correct? | | Yes/No |
| c) | Are all steering connections sound (including king pins)? | | Yes/No |
-

5. Petrol System

- | | | |
|----|---|--------|
| a) | Are all the petrol connections sound? | Yes/No |
| b) | Are petrol pipes or flexible hoses sound? | Yes/No |
| c) | Is there any leakage from the system? | Yes/No |
-

6. Electrical System

- | | | |
|----|--|--------|
| a) | Is the insulation of all wiring sound? | Yes/No |
| b) | Are there any defects suggesting the risk of fire from electrical breakdown? | Yes/No |
| c) | Do the indicators horn and windscreen wipers operate correctly? | Yes/No |
-

7. General

- | | | |
|----|---|--------|
| a) | State present condition of road spring, shackles and shock absorbers | |
| b) | What corrosion can be detected | |
| | (i) in load bearing members and panels? | |
| | (ii) in external panels? | |
| | (iii) interior? | |
| c) | Does the vehicle appear to have been well maintained? | Yes/No |
| d) | Does the vehicle conform to the manufacturer's original specification? | Yes/No |
| | If 'No' give details including full particulars of increased performance, if applicable. | |
| e) | Details of any faults not mentioned above which require attention (including worn parts needing replacement now or in the near future). | |
-

I certify that the above motor vehicle complies with the requirements of the Road Traffic Regulations and that its condition is not such as to cause danger to any person travelling in it or being upon any road.

Date Signature of inspector.

Form E

ROAD TRAFFIC ORDINANCE

*(Section 11(2))***NOTIFICATION OF REFUSAL OF A ROADWORTHINESS CERTIFICATE**

Name of Owner

Address

Registration number	Make and Model	Engine Capacity	Type of body	Year of make	Recorded mileage

The motor vehicle of which the Registration Number
having been examined under section 11(2) of the Road Traffic Ordinance, it is hereby
notified that a Roadworthiness Certificate in respect of the vehicle is refused on the
grounds that at the date of the examination the statutory requirements prescribed by
Regulations made under the said section were not complied with for the following
reasons—

.....
.....
.....
.....
.....
.....
.....

Date

Signature of inspector.

Form F

ROAD TRAFFIC ORDINANCE

*(Section 11)***MOTOR VEHICLE OR TRAILER LICENCE**

Licence is hereby granted to subject to the provisions of the Road Traffic Ordinance and any Regulations made thereunder, to use on any road the motor vehicle/trailer described below, until the day of, 20..... .

Description of Motor Vehicle or Trailer

Registered No Chassis No

Type of Vehicle Make

Maximum number of passengers permitted

Fee paid

Date
..... Signature of Licensing Officer.

*Form G*⁶²

ROAD TRAFFIC ORDINANCE

*(Sections 16 and 21)***APPLICATION FOR LICENCE TO DRIVE A MOTOR VEHICLE**

The Applicant should answer all the questions on this form and submit it, together with his present licence (if any) and the prescribed fee, to the Licensing Officer.

1. From what date do you want the licence to run?	
2. What is your surname? (answer in BLOCK CAPITALS)	
3. What are your full Christian names? (answer in BLOCK CAPITALS and insert Mr. Mrs., or Miss etc. as the case may be).	
4. What kind of licence do you want? (State class or classes of motor vehicle you wish to drive—see note 1. If you have not previously held a driving licence, insert “Provisional”).	
5. What is your age? (If over 21 write “Over 21”).	
6. Has any court over the last three years ordered a conviction to be endorsed on your licence? This includes an order for disqualification. (Answer “Yes” or “No”. If “Yes”, give date and particulars).	
7. Are you disqualified by any Court from holding or obtaining a driving licence? (Answer “Yes” or “No”).	
8. Have you ever been refused a driving licence or had one revoked by any licensing authority? (Answer “Yes” or “No”. If “Yes”, name the licensing authority and give date).	
9. Do you suffer from epilepsy, or from sudden attacks of disabling giddiness or fainting (Answer “Yes” or “No”).	
10. Can you read at a distance of 25 yards in good daylight, with glasses if worn, a motor car number plate containing not less than three letters or figures? (Answer “Yes” or “No”).	
11. Are you without hand or foot, or are you suffering from any defect in movement, control or muscular power of either leg or arm? (Answer “Yes” or “No”).	
12. Are you suffering from any other disease, mental or physical, or disability which would be likely to cause the driving by you of a motor vehicle to be a source of danger to the public? (Answer “Yes” or “No”).	
13. Have you studied the St. Helena Highway Code? (Answer “Yes” or “No”).	
14. Do you understand that (subject to statutory exceptions) it is an offence to use a motor vehicle on a road unless covered by insurance against third party risks?— see note 2. (Answer “Yes” or “No”).	

⁶² *Form G amended by Ord. 12 of 2007 and LN 2 of 2008*

I declare that to the best of my knowledge and belief the answers given above are true. (see note 3).

Date

Signature of Applicant.

Note 1 Classes of Motor Vehicles—

A—Private motor cars

B—Private motor lorries

C—Public Service Vehicles of net weight not exceeding 5,000 lbs (2,273 kg) (Note: This class includes all cars, taxis, landrovers and transit buses)

D—Public Service Vehicles of net weight exceeding 5,000 lbs (2,273

kg)

(Note: This class includes trucks and certain heavy buses)

E—Motorcycles up to and including 250cc

F—Motorcycles over 250cc

G—Motor tricycles and motor cycle combinations

H—(1) Agricultural wheeled tractors towing trailers

(2) Road rollers

(3) Forklifts

J— (1) Crawler Tractors

(2) Wheeled loaders

(3) Mobile cranes

(4) Any vehicle or mobile equipment of gross weight in excess of 22,000 lbs (10 tonne) with the exception of road rollers covered by class H(2).

K—Quadricycles

Note 2 A person who uses a motor vehicle on a road without there being in force a policy of insurance against third party risks as required under the provisions of the Motor Vehicle (Third Party Insurance) Ordinance, 1962, is liable to a fine not exceeding £50 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment and is also liable to be disqualified for holding a driving licence (Motor Vehicles (Third Party Insurance) Ordinance, 1962, section 3).

Note 3 An applicant who, for the purpose of obtaining a licence, knowingly makes any false statement is liable to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment (Road Traffic Ordinance, section 63).

Form H

ROAD TRAFFIC ORDINANCE

(Section 16)

DRIVING LICENCE

No.

..... of
St. Helena, is hereby licensed to drive motor vehicles of Class/Classes
from to, inclusive.

Fee

.....
Licensing Officer,
St. Helena.

Usual Signature of Licensee

Form I

ROAD TRAFFIC ORDINANCE

(Section 22(1))

CERTIFICATE OF COMPETENCE

I hereby certify that I have tested
over the prescribed route as to his/her competence to drive a motor vehicle of the
class or description stated below and as to his/her knowledge of the Highway Code
and that I have satisfied myself that he/she is competent to drive and control a motor
vehicle of the class stated below and possesses an adequate knowledge of the
Highway Code.

Class or description of Vehicle—

Date
Signature of Examiner

*Form J*⁶³

ROAD TRAFFIC ORDINANCE

(Section 22(2))

PROVISIONAL DRIVING LICENCE

No.

..... of,
 St. Helena, is hereby licensed to drive a motor vehicle of Class
 from to, inclusive subject to the
 conditions endorsed hereon.

Fee

.....
 Licensing Officer,
 St. Helena.

Usual Signature of Licensee

CONDITIONS

1. The holder of a provisional licence when driving any motor vehicle which he is not qualified by test to drive, must carry the prescribed “L” plates at the front and back of the vehicle.

2. The licensee must be accompanied by a supervisor when driving a vehicle constructed or adapted to carry more than one person (other than a motor cycle without a sidecar or a quadricycle). The supervisor must hold a current annual licence to drive the class of vehicle being driven by the provisional licence holder and must have passed the driving test and held licences to drive for not less than two years.

3. When driving a motor cycle without a sidecar, but which is constructed or adapted to carry more than one person, or a quadricycle, the licensee must not carry any pillion passenger except where that passenger is a licence holder as in paragraph 2 above.

4. The licensee shall not take charge of the steering wheel on Ladder Hill or Side Path or when approaching and passing blind corners and dangerous bends, declivities or animals unless or until the instructor is satisfied as to the ability of the licensee to avoid injury or damage to life and property.

⁶³ *Form J amended by Ord. 12 of 2007*

LOCAL TRAFFIC REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY

REGULATION

1. Short title
2. Interpretation

PART II PARKING

3. Parking areas in Jamestown
4. Taxi parking
5. Temporary parking spaces
6. Restriction on parking

PART III DIRECTION OF TRAFFIC

7. One way traffic in Jamestown
8. Direction of travel
9. Traffic restrictions on the Shy Road

LOCAL TRAFFIC REGULATIONS – SECTION 60⁶⁴

(Legal Notices 21 of 1985, 22 of 1987, 14 of 1988 and 26 of 2009)

PART I PRELIMINARY

Short title

1. These regulations may be cited as the Local Traffic Regulations.

Interpretation

2. In these regulations—
“the island” means that part of the roundabout, situated approximately in the centre thereof, the surface of which has been painted white;
“Market Street” shall be deemed to commence at the Canister and terminate at the General Hospital;
“the roundabout” means all the area of road situated in front of the Canister in Jamestown, bounded by a single continuous white line painted on the road surface;

⁶⁴ This regulation making power has been repealed (Ord. 6 of 1990) so if these regulations survive, they are to be taken as made under section 60 and must be read subject to section 61.

“the sea front” shall mean that area of roadway between the gates at the customs shed and West Rocks;

“the Wharf” shall mean that area of roadway between the gates at the Customs Shed and the landing steps.

PART II PARKING

Parking areas in Jamestown

3. The area within the limits demarcated on the roadway in Jamestown—
- (a) in Main Street;
 - (b) in Castle Square;
 - (c) in Barracks Square;
 - (d) on the Sea Front;
 - (e) on the Wharf;
 - (f) in Market Street;
 - (g) in Henry’s site at the rear of the Canister;
 - (h) in Napoleon Street,

shall be parking places for vehicles.

Taxi parking

4. The area within the limits demarcated on the land opposite E. J. Benjamin Stores in Market Street shall be reserved exclusively for the parking of taxis which are then and there available for hire.

Temporary parking spaces

5.⁶⁵ Whenever on any special occasion the Chief of Police⁶⁶ deems it necessary for the proper regulation of traffic, he may, with the approval of the Highway Authority designate any place to be a temporary parking place.

Restriction on parking

6. It shall be an offence for any person in charge of a motor vehicle to cause or to permit the said motor vehicle, or any trailer drawn thereby, to remain at rest on any portion of any road where a sign has been lawfully erected and placed indicating that parking of motor vehicles is prohibited on that section of the road, or where a continuous yellow line has been placed along the side of the carriageway:

Provided that this regulation shall not apply to—

- (a) any vehicle while it is being used for fire brigade, medical or police purposes;
- (b) any vehicle while it is been used in connection with the repair of any road, or any main, pipe or apparatus for the supply of water or electricity, or of any telephone wires, cables, posts or supports, or the removal of any obstruction to traffic;

⁶⁵ Regulation 5 amended by L.N. 26 of 2009

⁶⁶ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

- (c) any vehicle temporarily parked for the purpose of loading or off loading goods or taking up or setting down passengers, for such period as is reasonably required to effect such purpose.

PART III
DIRECTION OF TRAFFIC

One way traffic in Jamestown

7. No vehicle in Jamestown shall proceed along any side of the rectangle of which two of the sides are formed by China Lane and St. John's Church Road otherwise than in a clockwise direction.

Direction of travel

8. No vehicle shall be driven on any part of the roundabout otherwise than in such a direction that the whole of the island is always to the right of the vehicle, except in case of emergency (or cases of vehicles which by reason of their size, construction or load cannot otherwise negotiate the roundabout).

Traffic restrictions on the Shy Road

9. (1) This regulation applies to that part of the Shy Road between Button-Hole Corner and Ladder-Hill Road.

(2) No vehicle having a gross weight exceeding 4,000 pounds shall be used on the road to which this regulation applies.

(3) No vehicle shall be driven on the road to which this regulation applies otherwise than in an uphill direction.

ROAD TRAFFIC (SIGNS) REGULATIONS – SECTION 60

(Legal Notice 11 of 1995 and 2 of 2002)

Short title

1. These regulations may be cited as the Road Traffic (Signs) Regulations.

Prescribed signs

2. (1) The signs set out in the Schedule are prescribed signs for the purposes of section 61 of the Road Traffic Ordinance.

(2) A sign referred to in subregulation (1) has the meaning set out in respect of that sign under the heading “Requirement of sign” in the Schedule.

Definitions


3. In these regulations—

“**park**” means to leave a vehicle standing if the vehicle is not actually engaged in taking up or setting down a person or goods;

“**stand**” means to leave a vehicle standing if the vehicle is actually engaged in taking up or setting down a person or goods.

SCHEDULE

PRESCRIBED SIGNS

Diagram number	Sign	Description of sign	Requirement of sign
1		Octagonal shape, bearing the word STOP in capitals in white letters on a red background.	<p>(i) Every vehicle shall stop before crossing the transverse line shown in the diagram 17, or if that line is not clearly visible, before entering the major road in respect of which the sign shown in diagram 1 has been provided.</p> <p>(ii) No vehicle shall proceed past the transverse line shown in diagram 17 or if that line is not clearly visible, enter the major road in respect of which the sign shown in diagram 1 has been provided, so as to be likely to cause danger to the driver of any other vehicle on the major road or to cause that driver to change the speed or course of his vehicle so as to avoid an accident.</p>

2



Triangular in shape with its vertex pointing downwards; has a red border on a white background.

(i) Every vehicle shall give way to traffic on the major road in respect of which the sign has been provided.

(ii) No vehicle shall proceed past the double transverse lines shown in diagram 18 or enter the major road in respect of which the sign shown in diagram 2 has been provided, so as to cause danger to the driver of any other vehicle on the major road or to cause that driver to change the speed or course of his vehicle so as to avoid an accident.

3



Circular in shape, bearing a horizontal white band across part of its diameter, on a red background.

No vehicle shall enter the road on which the sign shown in diagram 3 is displayed, from the direction in which the sign is visible.

4



Circular in shape, bearing a black symbol and a red diagonal line on a white background with a red border.

No vehicle shall turn left along the road at the junction on which the sign is displayed.

5



Circular in shape, bearing a black symbol and a red diagonal line on a white background with a red border.





No vehicle shall turn right along the road at the junction on which the sign is displayed.

6



Circular in shape, bearing black numerals, indicating the maximum speed permitted in miles per hour, on a white background with a red border.

No vehicle shall be driven along any road beyond the point at which the sign is displayed at a speed in excess of the limit indicated on such sign, unless a sign has been subsequently displayed cancelling such restriction.

7		Circular in shape, bearing black figures and the letter T to denote tonnes, on a white background with a red border	No vehicle shall be driven along any road beyond the point at which the sign is displayed with a gross weight in excess of the limit indicated by the sign.
8		Circular in shape, bearing a white arrow on a blue background	Every vehicle shall proceed ahead only.
9		Circular in shape, bearing a white arrow on a blue background	Every vehicle shall proceed only in the direction indicated by the arrow.
10		Circular in shape, bearing a white arrow on a blue background	Every vehicle must turn left at the junction.

11



Circular in shape, bearing a white arrow on a blue background

Every vehicle must turn right at the junction.

12



Circular in shape, bearing a white arrow pointing in a downward direction towards the left or the right on a blue background.

Every vehicle must pass on the side of the obstacle as indicated by the arrow.

13



Circular in shape, bearing three white arrows shown in a clockwise direction.

(i) Every vehicle shall travel on the roundabout in a clockwise direction.

(ii) Every vehicle shall give way at the transverse broken line shown in diagram 19 to traffic already on the roundabout.

(iii) Every vehicle approaching the roundabout shall give way to traffic approaching immediately from the right.

(iv) No vehicle shall be permitted to stop, stand or park on the roundabout.

14



Rectangular in shape with its height greater than its width, bearing a white arrow on a blue background.

All vehicles shall proceed in one direction along the road on which the sign shown is displayed from the direction in which the sign is visible.

15



White continuous longitudinal line painted on the surface of the road.

No vehicle shall cross or straddle a white continuous longitudinal line painted on the surface of the road except when directed to do so by a policeman or so as to avoid a stationary obstruction.

16



White broken longitudinal line painted on the surface of the road.

Vehicles may cross or straddle a white broken longitudinal line but should do so only when it is safe to do.

17



White continuous transverse line painted on the surface of the road.

(i) Every vehicle shall stop before crossing the transverse line shown in diagram 17.

(ii) No vehicle shall proceed past the transverse line shown in diagram 17 so as to be likely to cause danger to the driver of any other vehicle on the major road or to cause that driver to change the speed or course of his vehicle so as to avoid an accident.

18



Double white transverse line painted on the surface of the road

(i) Every vehicle shall give way at the transverse line shown in diagram 18 to traffic on the major road.

(ii) No vehicle shall proceed past the transverse line shown in diagram 18 so as to be likely to cause danger to the driver of any other vehicle on the major road or to cause that driver to change the speed or course of his vehicle so as to avoid an accident.

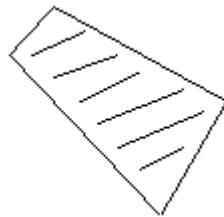
19



White broken transverse line painted on the surface of the road.

Every vehicle shall give priority at the transverse line shown in diagram 19 to the traffic from the right before entering the mini roundabout.

20



White parallel oblique stripes framed by a continuous line painted on the road surface.

No vehicle shall enter the area of road contained by the marking shown in diagram 20.

21



Yellow broken longitudinal line painted along the edge of the road.

Unless otherwise provided by markings on the road or by adjacent signs a vehicle must not be parked (except for the purpose of loading or unloading) on that side of the road on which is painted the marking shown in diagram 21 within the length of the markings.

22



Yellow continuous longitudinal line painted along the edge of the road.



A vehicle must not be parked any time on the side of the road on which is painted the marking shown in diagram 22 within the length of such marking, and a vehicle must not be allowed to stand on that part of the road to which such marking applies between the hours of 7.30 am and 9.30 am and between 2.30 pm and 4.30 pm on any day which is a normal public service working day.

23



Yellow continuous double lines painted along the edge of the road.

A vehicle shall not park or stand at any time on that side of the road on which is painted the marking shown in diagram 23 within the length of such marking.

24	RESERVED NAME OF PUBLIC OFFICER	White wording within a marked parking space.	No vehicle other than the vehicle used by the named public officer is to be parked in the marked parking during normal public service working hours.
25	RESERVED NAME OF GOVERNMENT AGENCY	White wording within a marked parking space.	No vehicle other than a vehicle used by the named Government agency is to be parked in the marked parking place.
26		Black bicycle on a white background with a red border and bar.	No bicycle shall be ridden along any road beyond the point at which the sign is displayed unless a sign cancelling the restriction is displayed.
27		Black bicycle on white background with a red border.	End of restriction on riding bicycle on the road.

28



Rectangular in shape with the height greater than the width with a red border and red words on a white background, the words reading "NO PARKING" and—

A vehicle must not be parked contrary to the directions specified on the sign.

(a) with the words and figures indicating when the sign is to operate; and

(b) with or without other words, figures or symbols for any other purpose.

29



Rectangular in shape with the height greater than the width with a red border and red words on a white background, the words reading "NO STANDING" and—

A vehicle must not stand contrary to the directions specified on the sign.

(a) with the words and figures indicating when the sign is to operate; and

(b) with or without other words, figures or symbols for any other purpose.

LION ALCOLMETER AND LION INTOXILYZER (APPROVAL) RULES – SECTION 42

(Legal Notice 17 of 2008)

Citation

1. These Rules may be cited as the Lion Alcolmeter and Lion Intoxilyzer (Approval) Rules, 2008.

Approved screening devices

2. The devices respectively known and marketed as the “Lion Alcolmeter 500” and the “Lion Alcolmeter S-D2” shall be approved screening devices for the purposes of the Road Traffic Ordinance, Cap. 101.

Approved measuring device

3. The device known and marketed as the “Lion Intoxilyzer 8000” shall be an approved measuring device for the purposes of the Road Traffic Ordinance, Cap. 101.

Revocation

4. The LION Alcolmeter (Approval) Rules, 1987, are hereby revoked.
