



TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

INFRASTRUCTURE AND PUBLIC UTILITIES

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1996¹

Ordinance T1 of 1969

Amended by Ordinances T1/1984, T2/2012

Subsidiary legislation:

ROAD TRAFFIC (TRISTAN DA CUNHA) REGULATIONS, 1984

Legal Notice T1 of 1984

Amended by L.N.T2/2012, L.N.T3/2012

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

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AN ORDINANCE to make provision for the regulation of traffic on roads and of motor vehicles and otherwise with respect to roads and vehicles on them and to make provision for the protection of third parties against risks arising out of the use of motor vehicles.

Short title

1. This Ordinance may be cited as the Road Traffic (Tristan da Cunha) Ordinance, 1969.

PART I PRELIMINARY

Interpretation

2. In this Ordinance, unless the context otherwise requires—
- “**driver**”, where a separate person acts as steerman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression “**driver**” is to be construed accordingly;
- “**highway authority**”, in relation to any road or bridge, means the Superintendent of Public Works;
- “**motor cycle**” means a motor vehicle with less than 4 wheels, the weight of which unladen does not exceed 8 cwt;
- “**motor licensing officer**” means a person appointed as such under section 3;
- “**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;
- “**road**” means any highway and any other road to which the public has access, and includes bridges over which the road passes;
- “**trailer**” means any vehicle other than a side car attached to and drawn by a motor vehicle.

Administrator may appoint officers for purpose of Ordinance

3. For the purpose of this Ordinance the Administrator may appoint—
- (a) a motor licensing officer, and
 - (b) inspectors and examiners.

PART II REGULATION OF MOTOR VEHICLES

Administrator in Council may make regulations

4. The Administrator 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 limiting 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 are efficient and kept in proper working order, and for empowering persons appointed by the Administrator to test and inspect any such brakes, silencer 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 are 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 maximum speed at which a motor vehicle may be driven on any section of a road or the gear to be employed for reducing and checking the speed of a motor vehicle when approaching and descending gradients or other safety measures;
 - (h) the training of drivers;
 - (i) the wearing of helmets by persons on motor cycles for protection from injury in the event of accident, and the types of helmet to be so worn;
 - (j) prescribing anything required by this Ordinance to be prescribed;
 - (k) generally for carrying into effect the provisions of this Ordinance,
- and different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

Motor vehicles not complying with 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 uses the vehicle on any road or causes or permits the vehicle to be so used commit an offence.

Penalty: As provided in section 38(2).

(1A) The use on any road of a motor vehicle which has been duly licensed before the operation of this Ordinance is 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 the vehicle belongs, 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 prescribed 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 the vehicle to be so used commits an offence.

Penalty: As provided in section 38(2).

PART III LICENSING OF MOTOR VEHICLES AND TRAILERS

Licensing of motor vehicles and trailers

6. An application for a motor vehicle or trailer licence must be made to the motor licensing officer to whom the owner must provide, in the prescribed form, all information respecting the motor vehicle or trailer that is required.

Particulars entered in form of application to be verified

7. (1) Before licensing any motor vehicle or trailer, the motor licensing officer must verify all particulars entered in the form of application, and may, if he or she considers 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 the preceding subsection must be paid by the owner of it.

Notification of change of ownership

8. (1) If there is any change in ownership of a motor vehicle or trailer, the change in ownership, whether in whole or in part, must be notified by the new owner or part owner to the motor licensing officer within 7 days of the change in ownership

(2) On transfer of ownership of a motor vehicle or trailer the motor licensing officer must, on payment of the prescribed fee, duly amend the licence, and it is not necessary to issue a new licence.

Prohibition of use of motor vehicles and trailers without licenses

9. (1) A motor vehicle or trailer must not be used on any road unless it is licensed under this Ordinance.

(2) If a motor vehicle or trailer is used in contravention of subsection (1), the driver of the vehicle and any person who causes or permits the vehicle to be so used commits an offence.

Penalty: As provided in section 38(2).

Application for and issue of motor vehicle or trailer licence

10. (1) An application for a motor vehicle or trailer licence must be made to the motor licensing officer.

- (2)** A motor vehicle or trailer licence must not be granted or renewed unless—
- (a)** the motor vehicle or trailer has, within the preceding 3 months, been examined by an Inspector and certified by him or her in the prescribed form to comply 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;
 - (b)** *Repealed by Ord.T2/2012*

(3) The prescribed fee for the examination of a motor vehicle or trailer under subsection (2) of this section must be paid by the owner of it.

(4) Every motor vehicle and trailer licence must be issued in the prescribed form, and the fees to be paid for such licences are as prescribed by the Administrator in Council:

But no fees under this Ordinance are payable for the licensing of motor vehicles or trailers which are the property of the Crown.

(5) The owner of a motor vehicle or trailer for which the grant of renewal of a licence is refused may appeal against the decision of the motor licensing officer to the Administrator.

Duration of licence

11. A motor vehicle or trailer licence is valid until the date, not being a period of less than 6 months, nor more than 18 months from the date of any licence issued in respect of the vehicle or trailer, on which the motor vehicle licensing officer or police officer directs that the vehicle or trailer should be re-licensed in accordance with this Ordinance.

Suspension of motor vehicle licences for defects

12. (1) The motor licensing officer must, if he or she 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 a 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 motor licensing officer must suspend the licence:

But if 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 must 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 motor licensing officer to the Administrator.

PART IV LICENSING OF DRIVERS OF MOTOR VEHICLES

Licensing of drivers, etc.

13. (1) A person must not drive a motor vehicle on a road unless the person is the holder of a licence and must not employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a licence. A person who acts in contravention of this subsection commits an offence.

Penalty: As provided in section 38(2).

(2) Application for a licence must be made to the motor licensing officer. Subject to the provisions of this Ordinance as to the fitness of applicants for licences, the motor

licensing officer, except in the case of an applicant who is disqualified as hereinafter mentioned must on payment of the fee prescribed by the Administrator in Council grant a licence to any person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he or she is not, under this Ordinance, disqualified by reason of age or otherwise for obtaining the licence for which he or she is applying.

(3) The motor licensing officer may grant an unrestricted licence or may grant a licence subject to any restrictions the officer sees fit to impose in respect of the class of vehicle, the area within which and the roads upon which the holder of the licence is permitted to drive.

(4) A person who is aggrieved by any such restriction imposed upon him or her by the motor licensing officer may appeal to the Administrator.

(5) Licences must be in the prescribed form, and where under 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 must be specified in the licence.

Duration of licences

14. A licence to drive a motor vehicle is valid until the holder attains the age of 70 years. A licence to drive a motor vehicle issued to a person of 70 years of age or older will be valid for 2 years only but thereafter may be renewed for further 2 year periods.

Provisions as to physical fitness of applicants for licences

15. (1) On an application for the grant or renewal of a licence the applicant must make a declaration in the prescribed form as to whether or not he or she is suffering from any disease or physical disability specified in the form, or any other disease or physical disability which would be likely to cause the driving by the applicant of a motor vehicle of a class or description he or she would be authorised by the licence to drive, to be a source of danger to the public.

(2) If –

(a) it appears to the motor licensing officer that there is reason to believe that a person who holds a licence granted by the officer is suffering from a disease or physical disability likely to cause the driving by that person of a motor vehicle of the class or description the person is authorised by the licence to drive, to be a source of danger to the public; and

(b) on enquiry into the matter the motor licensing officer is satisfied that the licence holder is suffering from such a disease or disability as aforesaid, the motor licensing officer must revoke the licence and the licence holder must, on the request of the motor licensing officer, deliver the licence to him or her for cancellation.

(3) A person who is aggrieved by the refusal of the motor licensing officer to grant a licence or by the revocation of a licence under this section may appeal to the Administrator.

Provisions as to competence to drive and control a motor vehicle

16. (1) A driver's licence must only be granted if the applicant satisfies an examiner as to his or her competence to drive a motor vehicle and obtains from the examiner a certificate of competence to drive and control a motor vehicle of the class in respect of which the applicant desires to obtain a driver's licence:

This subsection also applies to any application for the renewal of a licence previously granted if—

- (a) the motor 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 or she desires to obtain a driver's licence; or
- (b) the applicant has attained the age of 75 and has failed to satisfy the motor licensing officer by medical evidence of his or her continued competence to drive and control a motor vehicle of the class in respect of which he or she 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 motor licensing officer may, if so requested by the applicant and on payment of the prescribed fee grant the applicant a provisional licence to be in force for a period of 3 months. Such a licence must be in the prescribed form and be granted subject to the prescribed conditions.

(3) A person to whom such a provisional licence is granted who fails to comply with any of the conditions subject to which it is granted commits an offence; Penalty: As provided in section 38(2); and the court may order the withdrawal of the provisional licence.

(4) A person who is aggrieved by the refusal of the motor licensing officer to renew a licence under this section may within 14 days of the decision appeal to the Administrator in Council in writing.

Recognition of foreign licences

16A. (1) Notwithstanding section 13, it is lawful for a person to drive a motor vehicle in Tristan Da Cunha, without being the holder of such a licence as is therein mentioned, if that person—

- (a) has been in Tristan Da Cunha for less than 3 months in the preceding 12 months; and
- (b) is the holder of a current valid foreign driving licence, and between the ages of 18 and 75 five years:

Provided that a person producing a foreign driving licence other than such a licence as is described in section 16B(1)(a) to the motor licensing officer or to a police officer, must at the same time produce his or her passport for the purpose of verification of his or her signature.

Meaning of "foreign driving licence"

16B. (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 St Helena;
- (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 of it to drive a vehicle or vehicles of a class including the vehicle driven by the holder in Tristan Da Cunha; and that any conditions subject to which any such licence or permit was issued have been and are complied with.

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

International Driving Permit

16C. 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.

Disqualification for offences

17. (1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle may in any case, except where otherwise expressly provided by this Ordinance, and must if so where required by this Ordinance, order the person to be disqualified from holding or obtaining a licence for such period as the court thinks fit:

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

(2) A person who by virtue of an order of a court under this part of this Ordinance is disqualified from holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions as to disqualifications and suspensions

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

(2) A person who by virtue of a conviction or order under this Ordinance is disqualified from holding or obtaining a licence, may, at any time after the expiration of 6 months from the date of the conviction or order, and from time to time apply to the court before which he or she was convicted or by which the order was made, to remove the disqualification. On any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his or her conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(2A) If an application made under subsection (1) is refused, a further application under it must not be entertained if made within 3 months after the date of the refusal.

(2B) If the court orders a disqualification to be removed, the court must cause particulars of the order to be notified to the motor licensing officer, and the court in any case has power to order the applicant to pay the whole or any part of the costs of the application.

(3) A licence obtained by any person disqualified as aforesaid is of no effect and if a person who is disqualified from holding or obtaining a licence applies for or obtains a licence while so disqualified, or if any such person while so disqualified drives a motor vehicle or if the disqualification is limited, a motor vehicle of that class or description, on a road, that person commits an offence.

Penalty: A fine of £200, or imprisonment for 3 months, or both.

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

- (a) within a period of 6 months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is longer.

PART V DRIVING OF MOTOR VEHICLES AND CONNECTED OFFENCES

Restriction on driving by young persons

19. (1) A person under 17 years of age must not drive a motor vehicle on a road.

(2) Any person who drives, or causes or permits any person to drive, a motor vehicle in contravention of subsection (1) commits an offence.

Penalty: As provided in section 38(2).

Failure to comply with restriction imposed on holder of driver's licence

20. A person who in accordance with section 13 has been granted a driver's licence subject to any restriction and who fails to comply with such restriction commits an offence.

Penalty: As provided in section 38(2).

Causing death by reckless or dangerous driving

21. (1) A person who causes the death of another person by the driving of 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 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, commits an offence.

Penalty: A fine of £2,000 or imprisonment for 5 years, or both.

(2) A person who drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all circumstances of the case, including 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, commits an offence.

Penalty: A fine of £200 or imprisonment for 2 years, or both.

(3) On a second or subsequent conviction under this section the convicting court must order that the offender to 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/ This provision does not affect the right of the court to exercise the power aforesaid on a first conviction.

(4) A charge under this section is deemed to include a charge under section 22.

(5) If a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that the person was present in the vehicle at the time of the commission of the offence, the offence of which the person is convicted is, for the purpose of the provisions of this Ordinance relating to disqualifications for holding or obtaining licences, deemed to be an offence in connection with the driving of a motor vehicle.

(6) If upon the trial of a person for an offence against subsection (1) the court is not satisfied that his or her driving was the cause of the death but is satisfied that the person is guilty of driving as mentioned in subsection (2), the court may convict the person of an offence under that subsection.

(7) Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by the person, the court, if satisfied that the person is guilty of an offence under this section, may find him or her guilty of that offence.

Careless driving

22. (1) A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road commits an offence.

Penalty: As provided in section 38(2)

(2) A person convicted of an offence under this section must, without affecting the power of the court to order a longer period of disqualification, be disqualified for a period of 12 months from the date of conviction from holding or obtaining a licence.

Driving motor vehicles when under the influence of drink or drugs

23. (1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is under the influence of drink or a drug to such extent as to be incapable of having proper control of the vehicle commits an offence.

Penalty: A fine of £200 or imprisonment for 2 years, or both.

(2) A person committing an offence under this section must, unless the court for special reasons thinks fit to order otherwise and without affecting the powers of the court to order a longer period of disqualification, be disqualified for a period of 12 months from the date of the conviction from holding or obtaining a licence.

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

Duty to give name and address and to stop

24. (1) A 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 and who, on being so required by any person having reasonable ground for so requiring, refuses to do so, or gives a false name or address, commits an offence.

Penalty: As provided in section 38(2)

(2) A police officer may arrest without warrant the driver of any motor vehicle who within his or her view commits an offence under this Ordinance as to reckless or dangerous driving or careless driving, unless the driver is known to the police officer or gives his or her name and address or produces his or her licence.

(3) A person driving a motor vehicle on a road, and a person riding on a road a bicycle or tricycle, not being a motor vehicle, must stop the same on being so required by a police officer in uniform, or a special constable wearing an armband. A person who fails to do so commits an offence.

Penalty: A fine of £50.

Restriction on prosecutions under the preceding sections

25. If a person is prosecuted for an offence under any provision of this Part relating respectively to reckless or dangerous driving, and to careless driving, the person must not be convicted unless either—

- (a) the person was warned at the time the offence was committed that the question of prosecuting him or her for an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within 14 days of the commission of the offence a summons for the offence was served on the person or
- (c) within the said 14 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 the person or on the person registered as the owner of the vehicle at the time of the commission of the offence.

Duty to stop in case of accident

26. (1) 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, the driver of the motor vehicle must stop and, if required so to do by any person having

reasonable grounds for so requiring, give his or her 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 or her name and address to any such person as aforesaid, the driver must report the accident to the police office or to a police officer as soon as reasonably practicable, and in any case within 24 hours of the occurrence of the accident.

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

(4) A person who fails to comply with subsection (1) or (2), as the case may be, commits an offence.

Penalty: As provided in section 38(2).

Motor vehicles to be insured against third party risks

27. *Repealed by Ord. T2/2012*

When insurance not required

28. *Repealed by Ord. T2/2012*

Restriction on persons being towed, etc.

29. (1) A person who, otherwise than with lawful authority or reasonable cause, takes or retains hold of or gets on to a motor vehicle while it is in motion on any road, for the purpose of being drawn or carried, commits an offence.

Penalty: A fine of £20; and in the case of a second or subsequent conviction a fine of £50.

(2) A person who, while a motor vehicle is on a road or on a parking place, otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism commits an offence.

Penalty: As provided in section 38(2).

Taking motor vehicle without owner’s consent

30. (1) A person who takes and drives away any motor vehicle without having either the consent of the owner of it or other lawful authority commits an offence.

Penalty: A fine of £500 or imprisonment for 6 months:

(2) If a person accused of an offence under subsection (1) acted in the reasonable belief that the owner would, in the circumstances of the case, have given consent, if asked for it, the person is not liable to be convicted of an offence.

PART VI MISCELLANEOUS

Power of highway authority to prohibit or restrict traffic on roads

31. (1) The Administrator 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 to the Administrator necessary that such restrictions or prohibition should come into force without delay.

(2) So long as the restriction or prohibition is in force, a notice must 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.

(3) A person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section commits an offence.
Penalty: A fine of £50; and in the case of a second or subsequent conviction a fine of £100.

(4) A person aggrieved by any restriction or prohibition imposed under this section may appeal to the Administrator whose decision is final.

Erection of notice boards, etc.

32. (1) Subject to and in conformity with any general or other directions given by the Administrator, the highway authority must cause traffic signs to be placed on or near any road as required.

(2) The highway authority may enter any land and exercise all other necessary powers for the purpose of the exercise and performance of the powers and duties of the authority under this section.

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

Leaving vehicles in dangerous positions

33. A person in charge of a vehicle who causes or permits the vehicle or any trailer drawn by it 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 commits an offence.

Penalty: As provided in section 38(2).

Provisions with respect to stretching of ropes, etc. across highways

34. A person who for any purpose places or causes to be placed any rope, wire or other apparatus across a highway or any part of it in such a manner as to be likely to cause danger to persons using the highway, unless the person proves that the person had taken all necessary means to give adequate warning of the danger, commits an offence.

Penalty: As provided in section 38(2).

Administrator in Council may make regulations

35. The Administrator in Council may make regulations—

- (a) prescribing the appliances to be fitted to bicycles, or tricycles, not being motor vehicles;
- (b) 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;
- (c) prescribing parking places for vehicles;
- (d) prescribing the routes to be followed by vehicles;
- (e) prohibiting or restricting the use of specified roads by vehicles of any specified class or description, either generally or during particular hours;
- (f) prohibiting the driving of vehicles on any specified road otherwise than in a specified direction;
- (g) prohibiting the use of "Go Karts" on all roads or on any particular road;
- (h) prohibiting the carrying of pillion passengers on 2-wheeled motor cycles on any specified road or section of a road;
- (i) prescribing fees payable for a motor vehicle or trailer licence, a driver licence or for any other fees payable under this Ordinance.

Provision as to regulations

36. If a person acts in contravention of, or fails to comply with, any regulation made by the Administrator 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, the person is for each offence liable to a fine not exceeding £50.

Forgery, etc., of licences and certificates

37. A person who, for the purpose of obtaining the grant of any licence to that or any other person, knowingly makes any false statement, or who for the purpose of obtaining the issue of a certificate of competence makes any false statement or withholds any material information, commits an offence.

Penalty: A fine of £25 or imprisonment for 6 six months, or both.

Prosecution and penalties for offences

38. (1) All offences under this Ordinance may be prosecuted in the Magistrate's Court.

(2) A person guilty of an offence under this Ordinance for which no special penalty is provided is liable in the case of the first offence to a fine not exceeding £50, and in the case of a second or subsequent conviction, to a fine not exceeding £100, or to imprisonment for a term not exceeding 3 months.

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

- (a) the person who is owner of the vehicle must give any information the person is required by or on behalf of the Police to give as to the identity of the driver; and
- (b) any other person must, if required as aforesaid, give any information which it is in the person's power to give and which may lead to the identification of the driver.

- (4) A person who fails to give information when required to do so under subsection (3), unless the person shows to the satisfaction of the court that the person did not know and could not with reasonable diligence have ascertained who the driver was, commits an offence.

Penalty: As provided by subsection (1).

Application to Crown

39. (1) Subject to subsection (2), this Ordinance applies 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 is deemed to be the person responsible unless it is shown to the satisfaction of the court that the driver only was responsible.

(2) The Administrator, with the consent of one of Her Majesty's Principal Secretaries of State, may by order direct that the provisions of this Ordinance or any of them do 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.

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

ROAD TRAFFIC (TRISTAN DA CUNHA) REGULATIONS, 1984

(Section 4)

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- First Schedule – Forms
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Citation

1. These Regulations may be cited as the Road Traffic (Tristan da Cunha) Regulations, 1984.

Definitions

2. In these Regulations—

“**licence plates**” means the approved plates issued by the motor licensing officer;
 “**learner**” means a person to whom a provisional driving licence has been issued;
 “**speed limit**” means the maximum legal speed at which a motor vehicle may be driven;
 “**village area**” means that part of the Settlement bounded on the west by Hottentot Gulch and on the east by the Big Watron.

Speed limit

3. The maximum speed at which any motor vehicle may be driven on a road is:
- (a) 15 miles per hour within the village area; and
 - (b) 25 miles per hour in all other parts of the Settlement.

Licence plates

4. (1) No motor vehicle may be used on a road unless it has licence plates affixed at the front and rear, so that the numbers are clearly discernible, except that the rear licence plate of a tractor towing a trailer need not necessarily be seen from the rear.

(2) The motor licensing officer is authorised to issue licence plates and may approve the painting of the licence number at the front and rear of any vehicle, provided the number so painted is clearly discernible and of a size and colour similar to a licence plate.

(3) A licence plate must not be less than 40 centimetres in length and 12 centimetres in width with the letters and numbers not less than 8 centimetres high in white on a black background.

Lights

5. (1) Every motor vehicle must be equipped with 4 lights, one on each side of the front and one on each side of the rear, the lights at the rear being fitted with red lenses.

(2) When a motor vehicle is in motion on a road during the hours of darkness all 4 lights must be illuminated:

Provided that:

- (a) a motor cycle must show only one light at the front and rear;
- (b) mobile cranes and tracked vehicles are exempted from the requirement to be equipped with lights unless such cranes and tracked vehicles are used on a road during the hours of darkness.

Warning instruments

6. Every motor vehicle other than a tractor, mobile crane or tracked vehicle must have affixed an instrument capable of giving audible and sufficient warning of its approach.

Provisional licences

7. A provisional licence must be issued on application to any person over the age of 17 to enable him or her to learn to drive a motor vehicle. No provisional licence holder may be at the controls of a motor vehicle except a motor cycle unless accompanied by a person instructing him or her who is in possession of a valid driver’s licence.

Road signs

8. The driver of a vehicle must at all times when driving on the road follow the directions of any signs that are erected.

Protective head gear

9. The wearing of protective helmets of a type approved by the motor licensing officer is compulsory at all times for motor cycle drivers and passengers.

Forms

10. The registration and other forms for the purpose of the Ordinance and these Regulations are as set out in the First Schedule hereto.

Fees payable

11. The fees payable for a licence to drive a motor vehicle, and for a motor vehicle licence, and other fees prescribed under the Principal Ordinance are as set out in the Second Schedule hereto.

FIRST SCHEDULE

(Regulation 10)

Form RTO 1

APPLICATION FOR LICENCE TO DRIVE A MOTOR VEHICLE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

1. Particulars of Applicant.

- (a) Surname Mr./Mrs./Miss
- (b) Christian Names
- (c) Address
- (d) Age(Applicants must be over 17)

2. Particulars of previous licences held.

(a) Give particulars of any previous licence held. If Tristan da Cunha only write on line "TRISTAN"

If other countries state: Country

Number

Type/Types of vehicle.....

Date of expiry

(b) If holder of Tristan Provisional Licence
state number No.

(c) If previous Licence not held state "NONE"
.....

(d) For which group or groups of vehicles are you applying for a Licence?
.....

(See below for group types)

(Signed)

(Date)

Group 1—Motor Car (Private)

2—Motor Lorry/Pick-up

3—Motor Cycle

4—Motor Tractor/Crane or other heavy vehicle

5—Motor Tricycle/Motor Cycle Combination

Form RTO 2

APPLICATION FOR PROVISIONAL LICENCE TO DRIVE A MOTOR VEHICLE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

1. Particulars of Applicant.

- (a) Surname Mr./Mrs./Miss
- (b) Christian Names
- (c) Address
- (d) Age(Applicants must be over 17)

2. For which group or groups of vehicles are you applying for a Provisional Licence?

.....

(See below for group types)

(Signed)

(Date)

Groups

- Group 1—Motor Car (Private)
- 2—Motor Lorry/Pick-up
- 3—Motor Cycle
- 4—Motor Tractor/Crane or other heavy vehicle
- 5—Motor Tricycle/Motor Cycle Combination

Form RTO 3

CERTIFICATE OF COMPETENCE TO DRIVE A MOTOR VEHICLE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

Certificate No.

I certify that Mr./Mrs./Miss holder of Provisional
Licence No. (delete if not held) has satisfied me as to his/her competence to
drive a motor Vehicle in the group/groups indicated below—

Group

- 1—Motor Car (Private)
- 2—Motor Lorry/Pick-up

- 3—Motor Cycle
 - 4—Motor Tractor/Crane or other heavy vehicle
 - 5—Motor Tricycle/Motor Cycle Combination
- (Delete groups which are not applicable)

Date tested for competency

Date of Certificate (Signed)
Examiner.

Form RTO 4

APPLICATION FOR A MOTOR VEHICLE LICENCE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

1. Particulars of Vehicle

- (a) Group of Vehicle
- (b) Make and Model
- (c) Year of Manufacture
- (d) Engine Capacity in c.c.
- (e) Engine Number
- (f) Chassis Number
- (g) Registration Number (if any)
- (h) Number of seats for passengers including driver
- (i) Colour
- (j) Motor Vehicle Examination Certificate Number

(Enclose certificate with this form)

2. Particulars of Owner.

- (a) Surname Mr./Mrs./Miss
- (b) Christian Names
- (c) Address

Date Signed

.....

Form RTO 5

MOTOR VEHICLE EXAMINATION CERTIFICATE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

Certificate Number

I certify that I have examined the motor vehicle detailed below and have found it to be in a safe and roadworthy condition/all unroadworthy condition (Delete whichever is inapplicable).

Vehicle

Make

Type

Engine Capacity (H.P. or c.c.)

Engine Number

Chassis Number

Name of Owner

Address of Owner

Date (Signed)

Examiner

Pass Fail

	Pass	Fail
Braking System		
Steering		
Suspension		
Lights, including indicators (where fitted)		
Tyres		
Exhaust System		
Rear View Mirror		

Form RTO 6

MOTOR VEHICLE LICENCE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

Date of Issue

Group of Vehicle

Registration Number TDC

Fee paid £

Date of Expiry

(Signed)

Motor Licensing Officer

Date Fee Paid R.V. No. RENEWALS
Initials M.L.O.

Form RTO 7

DRIVING LICENCE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

Licence No.

Name

Address

is hereby licensed to drive a motor vehicle/motor vehicles in the following group/groups:

.....
.....

From

To

Group 1—Motor Car (Private)

2—Motor Lorry/Pick-up

3—Motor Cycle

4—Motor Tractor/Crane or other heavy vehicle

5—Motor Tricycle/Motor Cycle Combination

(Signed)

Motor Licensing Officer

Form RTO 8

PROVISIONAL DRIVING LICENCE

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

Licence No.

Mr./Mrs./Miss of

is hereby issued with a Provisional Driving Licence valid for a period of 3 months from

..... 20..... to

20..... to enable him/her to drive a Motor Vehicle in the group/groups below provided that he/she is accompanied at all times when driving Groups 1, 2 and 4 by a person in possession of a valid Driver's Licence.

Group 1—Motor Car (Private)

2—Motor Lorry/Pick-up

3—Motor Cycle

4—Motor Tractor/Crane or other heavy vehicle

5—Motor Tricycle/Motor Cycle Combination

(Signed)

Motor Licensing Officer

Form RTO 9

CHANGE OF OWNERSHIP

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

I certify that ownership of Motor Vehicle Registration No. TDC
 Engine No. Chassis No.
 registered in my name has today been transferred to
 Date (Signed)

Form RTO 10

TRANSFER OF OWNERSHIP

ROAD TRAFFIC (TRISTAN DA CUNHA) ORDINANCE, 1969

Transfer No.
 I certify that ownership of Motor Vehicle Registration No. TDC
 Engine No. Chassis No.
 registered in the name of
 has today been transferred to the following
 person—

Name
 Address
 Date (Signed)

.....
 Motor Licensing Officer

SECOND SCHEDULE
 (Regulation 11)

Fees payable for a full driving licence

- | | | |
|-----|---|--------|
| (a) | All motor vehicles including motor cycle combinations
but excepting motor cycles | £20.00 |
| (b) | Motor cycles | £10.00 |

Fees payable for a provisional driving licence to cover a period of 12 months or part thereof

- | | | |
|-----|---|-------|
| (a) | All motor vehicles including motor cycle combinations
but excepting motor cycles | £5.00 |
| (b) | Motor cycles | £3.00 |

Fees payable for a motor vehicle licence for period of 12 months (or proportionate amount calculated per 3 month period or part thereof for licences of shorter duration)

- | | | |
|-----|---|--------|
| (a) | Private car Trailer | £10.00 |
| (b) | Motor Tractor crane or other heavy vehicle,
private motor Lorry/Pickup/Landrover | £15.00 |
| (c) | Motor Tricycle/motor cycle combination | £7.50 |
| (d) | Motor cycle | £3.50 |

Fees for each inspection of a motor vehicle

- | | |
|---|-------|
| (a) All vehicles excluding motor cycles | £5.00 |
| (b) Motor cycles | £3.50 |

Fee for registering change of ownership	£5.00
--	-------

Fee for Certificate of competence	£5.00
--	-------
