ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER V10

VEHICLES AND ROAD TRAFFIC ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 2/2001, in force 1 January 2001
R.A. 22/2002, in force 1 July 2002
Act 10/2003, in force 1 January 2004
Act 4/2004, in force 25 June 2004
R.A. 4/2006, in force 1 January 2006
R.A. 10/2007, in force 1 January 2007
R.A. 23/2007, in force 10 September 2007
R.A. 7/2008, in force 1 January 2008
Act 1/2007, in force 12 December 2008
Act 1/2012, in force 23 January 2012 (Except s. 2(a) (personalised identification mark), s. 3 & s. 6)
Act 12/2015, in force 1 January 2016
R.A. 6/2016, in force 26 February 2016
Act 29/2020, in force 28 September 2020

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VEHICLES AND ROAD TRAFFIC ACT

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VEHICLES AND ROAD TRAFFIC ACT

PART 1

PRELIMINARY

Interpretation

1. In this Act—

"all terrain vehicle" means a motor vehicle that is principally designed or adapted for off-road use and has 3 or more wheels, a seat designed to be straddled by the operator of the vehicle, a cubic capacity exceeding 50 cubic centimetres, but does not include any vehicle which is designed for use and is being used for agricultural or construction purposes;
(Act 1/2012, s. 2(a))

"at night" means from half an hour after sunset until half an hour before sunrise;

"Board" means the Anguilla Transport Board;

"chauffeur" means a person who drives a motor vehicle and receives compensation therefor;

"Commissioner of Police" in the absence from Anguilla of the officer for the time being lawfully performing the duties of Commissioner of Police includes the senior police officer carrying out the functions of the Commissioner of Police in Anguilla;

"driver"—

(a) in relation to a trailer, means the driver of the vehicle by which the trailer is drawn and "drive" shall be construed accordingly; and

(b) 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 "drive" shall be construed accordingly;

"Driver Examining Officer" means the Driver Examination Officer referred to in section 8;

"driving instructor" means a person who, for profit or reward or by way of employment, gives instruction in the driving of motor vehicles;
(Act 1/2012, s. 2(a))

"driver's licence" means a driver's licence, provisional driver's licence or visitor's temporary driver's licence issued in accordance with this Act that is not expired, suspended, revoked or cancelled;
(Act 1/2012, s. 2(a))

"heavy vehicle" includes bulldozer, container, crane and heavy duty equipment;
(Act 2/2001 s. 1)

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"highway code" means the directions and any amendments thereto prepared by the Minister with portfolio responsibility for Transport in the United Kingdom under the relevant provisions of the United Kingdom Road Traffic Acts;

"instructional vehicle" means a public service vehicle which is approved by the Vehicle Examining Officer for the purpose of providing instruction in driving by a driving instructor;
(Act 1/2012, s. 2(a))

"learner's permit" means written authorisation to drive for the purpose of learning to drive issued under section 30(3) that is not expired, suspended, revoked or cancelled;
(Act 1/2012, s. 2(a))

"Licensing Officer" means a Licensing Officer appointed under section 4(2);

"maximum gross weight"—

(a) in reference to a motor lorry, means the tare weight together with the load including the weight of the driver and attendants; and

(b) in reference to a motor omnibus, means the tare weight together with the weight of the driver and the number of passengers for which the vehicle is licensed;

the weight of a driver, attendant or passenger being taken as 126 lbs.;

"motor lorry" means a motor vehicle constructed or adapted for use and used primarily for the conveyance or haulage of goods, merchandise or other loads;

"motor omnibus" means a public service vehicle which carries or is intended to carry only passengers and their personal baggage and is licensed to carry more than 7 passengers excluding the driver;

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

"motorcycle" means a motor vehicle with less than 4 wheels not equipped with means of reversing and the weight of which unladen does not exceed 8 cwt.;

"overtaking" includes passing or attempting to pass any other vehicle proceeding in the same direction;

"owner", in the case of a motor vehicle that is registered, means the person in whose name the vehicle is registered, but—

(a) in the case of a motor vehicle that is the subject of a hire purchase agreement, it means the person in possession of the vehicle under the agreement; and

(b) whenever the registered owner of a motor vehicle is absent from Anguilla, the person in actual charge or possession of the vehicle in Anguilla is deemed to be the owner thereof;

"parking place" means a place where motor vehicles of any class or description may wait;

"passenger truck" means a motor vehicle used for hire or reward to carry passengers and their luggage or for the conveyance or haulage of goods, merchandise or other loads;

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"Police Force" means the Royal Anguilla Police Force;

"prescribed" means prescribed by this Act or the regulations;

"private motor car" means any motor vehicle, other than a motor lorry, the weight of which unladen exceeds 8 cwt. and which does not fall within the definition of a public service vehicle;

"public service vehicle" means a motor vehicle used for carrying passengers for hire or reward, whether at separate and distinct fares for their respective places or not, and includes an instructional vehicle;

(Act 1/2012, s. 2(b))

"Register of Animal Drawn Vehicles" means the register referred to in section 6(b)(iv);

"Register of Licensed Motor Drivers" means the register referred to in section 6(b)(iii);

"Register of Licensed Motor Vehicles and Trailers" means the register referred to in section 6(b)(ii);

"Register of Registered Motor Vehicles" means the register referred to in section 6(b)(i);

"road" means any street, road or open space to which the public are granted access and any bridge over which a road passes and includes any privately owned street, road or open space to which the public are granted access either generally or conditionally;

"regulations" means regulations made under this Act;

"tare weight" means the actual weight of a motor vehicle when unladen but inclusive of the body, accumulators, loose tools, spare wheels and other usual equipment and a full supply of water and fuel used for the purpose of propulsion;

"ton" means Imperial ton of 2,240 lbs.;

"tractor" means any motor vehicle constructed for the purpose of hauling trailers whether or not it is itself capable of carrying passengers or goods, but does not include a motor lorry so constructed except when such motor lorry is hauling a trailer;

"Traffic Commissioner" means the person appointed as Traffic Commissioner under section 3;

"traffic" includes bicycles, tricycles, motor vehicles, vehicles of every description and all animals being ridden, driven or led and pedestrians;

"trailer" means any vehicle that has no independent motive power of its own and which is attached to a tractor or other motor vehicle, but does not include a side-car attached to a motorcycle;

"vehicle" includes carriages, wagons, carts, motor vehicles, tractors, bicycles, tricycles, vans, handcarts, sledges, trucks, barrows, and all other machines for the conveyance of goods or persons;

"Vehicle Examining Officer" means a Vehicle Examining Officer appointed under section 5(2).

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Transport Board

2. (1) There is established a body to be called the Anguilla Transport Board consisting of the Traffic Commissioner, the Permanent Secretary of Public Works and 3 other persons to be appointed by the Governor.

(2) The Governor shall appoint one of such persons to be Chairman.

(3) The Governor may appoint another person in the place of any member of the Board who through illness, absence from Anguilla or for any other cause is unable to sit on the Board.

(4) The Board may act by any 3 of its members and may so act notwithstanding any vacancy in the number of members constituting the Board.

(5) The Board shall have the power to regulate its own procedure.

(6) The Board shall act in an advisory capacity and shall advise the Governor on all matters appertaining to road transport and traffic and in particular as to the following matters—

(a) transport, rates, fares, tolls, dues or other charges;

(b) licence fees in respect of motor and other vehicles;

(c) the regulation and control of traffic;

(d) any other matter affecting traffic or transport that the Governor may refer to the Board.

(7) The Board shall hear and determine any appeal submitted by an aggrieved party against any order or decision of the Traffic Commissioner, Comptroller of Inland Revenue, Licensing Officer, Vehicle Examining Officer, Director of Inland Revenue or Driver Examining Officer and the decision of the Board thereon shall be conclusive.

(Act 10/2003, s. 2 and Act 1/2012, s. 18)

Traffic Commissioner

3. (1) The Commissioner of Police or such other person as the Governor may appoint shall be the Traffic Commissioner for Anguilla, whose duty it is—

(a) to regulate and control traffic on roads;

(b) to keep records of all accidents on roads;

(c) to furnish annually to the Governor a report of all accidents on roads which result in death or injury to persons, and as far as practicable the causes attributed to such accidents;

(d) to keep a Driver's Offences Book; and

(e) to enforce this Act and the regulations.

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(2) Subject to the approval of the Governor, the Traffic Commissioner may, by notice in the *Gazette*, appoint Driver Examining Officers as may be necessary for the due carrying out of this Act or regulations.

Licensing authority

4. (1) The Comptroller of Inland Revenue shall be the authority for the registration and licensing of vehicles and the licensing of drivers.

(2) Subject to the approval of the Governor, the Comptroller of Inland Revenue may, by notice in the *Gazette*, appoint such number of Licensing Officers as may be necessary for the due carrying out of this Act and the regulations.

(3) The Comptroller of Inland Revenue has a duty to provide for sale to the public copies of the highway code at a reasonable price.

(Act 1/2012, s. 18)

Examination of vehicles

5. (1) The Permanent Secretary to the Ministry charged with the subject of Public Works shall be the authority for the examining of vehicles.

(2) Subject to the approval of the Governor, the Permanent Secretary to the Ministry charged with the subject of Public Works may, by notice in the *Gazette*, appoint such number of Vehicle Examining Officers as may be necessary for the due carrying out of this Act or the regulations.

Duties of Licensing Officers

6. The Licensing Officers on behalf of the Comptroller of Inland Revenue and in accordance with this Act shall—

(a) issue licences and certificates of registration in respect of vehicles and drivers' licences;

(b) keep—

(i) a Register of Registered Motor Vehicles,

(ii) a Register of Licensed Motor Vehicles and Trailers,

(iii) a Register of Licensed Motor Drivers, and

(iv) a Register of Animal Drawn Vehicles; and

(c) perform all such other duties as are or may be conferred or imposed upon him by this or any other Act or by the regulations or by the Comptroller of Inland Revenue.

(Act 1/2012, s. 18)

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Duties of Vehicle Examining Officers

7. A Vehicle Examining Officer shall—

(a) examine any motor vehicle or trailer for the purpose of section 21, and—

(i) where such motor vehicle or trailer passes the prescribed test, to issue in the prescribed form the certificate of fitness, or

(ii) where such motor vehicle or trailer fails the test, to issue in the prescribed form the test report; and

(b) when so required by the Traffic Commissioner with the concurrence of the Permanent Secretary to the Ministry charged with the subject of Public Works, examine and report upon the condition, construction and equipment of any motor vehicle or other vehicle.

Duties of Driver Examining Officer

8. A Driver Examining Officer shall test each applicant for a driver's licence as to his competence to drive and, if satisfied, to grant the certificate of competency.

Fees

9. (1) There shall be levied, paid and collected for the public uses of Anguilla the fees specified in Schedule 1 in respect of the several matters to which they are applicable.

(2) The fees shall be paid to the Comptroller of Inland Revenue or to such other person or persons at such place or places respectively as the Comptroller of Inland Revenue may from time to time nominate in that behalf under such conditions as may be approved by the Governor in Council.

(Act 1/2012, s. 18)

(3) The Governor in Council may by order amend, vary, suspend or revoke any or all of the provisions of Schedule 1, but an order made under this subsection shall be of no effect unless and until approved by resolution passed by the House of Assembly.

PART 2

REGISTRATION AND LICENSING OF MOTOR VEHICLES

Registration of motor vehicles

10. (1) Save as hereinafter provided, no person shall drive or, being the owner, shall permit any other person to drive a motor vehicle on a road unless the vehicle is registered under this Act and has affixed thereto in the prescribed manner the prescribed identification mark. Any person who acts in contravention of this section is guilty of an offence and is liable on summary conviction to a fine of $1,000.

(2) No person shall be liable to a penalty for a breach of this section if he proves that he has taken all reasonable steps to comply with its requirements, and that the vehicle was being driven on a road for the purpose of being registered.

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(3) Application for the registration of a motor vehicle shall be made by the owner to the Licensing Officer on the prescribed form, which shall be duly completed by the applicant.

(4) The Licensing Officer, upon being satisfied that the provisions of this Act and the regulations and of any law for the time being in force in Anguilla relating to the protection of third parties against risks arising out of the use of motor vehicles, have been complied with, shall satisfy himself that the registration fee has been paid to the Comptroller of Inland Revenue in accordance with section 9(2) and forthwith enter particulars of the vehicle in the Register of Registered Motor Vehicles and shall assign to the vehicle a registered letter or letters and number, which shall be the identification mark of such vehicle.

(Act 1/2012, s. 18)

(5) A certified copy of the entry in the Register of Registered Motor Vehicles in the prescribed form signed by the Licensing Officer shall be given to the owner of the vehicle, and such certificate of registration shall be regarded as *prima facie* evidence that the vehicle to which it refers has been registered.

(6) If a motor vehicle does not bear on it an identification mark as provided by this section, this fact shall be regarded as *prima facie* evidence that the vehicle has not been registered, and any member of the Police Force may detain such vehicle until inquiries have been made.

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

(8) The owner of a motor vehicle shall notify the Comptroller of Inland Revenue of all circumstances or events that affect the accuracy of the entries in the Register of Registered Motor Vehicles at the same time forwarding his certificate of registration for amendment. The Comptroller of Inland Revenue may call upon any owner of a motor vehicle at any time to furnish all information for the verification of the entries in the Register of Registered Motor Vehicles relating to such vehicle.

(Act 1/2012, s. 18)

(9) No person shall be registered as the owner of—

(a) a motorcycle, unless he is 16 years of age or over; or

(b) a motor vehicle, other than a motorcycle, unless he is 18 years of age or over.

Verification of application for registration

11. (1) Before the registration of any motor vehicle, the Licensing Officer shall verify all the particulars entered in the form of application, and may, if he deems it necessary, send any vehicle to be examined by a Vehicle Examining Officer for the purpose of ensuring that it is of such construction and in such condition as may be necessary for the purpose for which it is sought to register the vehicle.

(2) Before registering any motor lorry or motor omnibus, the Licensing Officer shall ascertain, in the manner prescribed, the maximum gross weight or the maximum number of passengers that the vehicle is authorised to carry and such maximum gross weight or maximum number of passengers shall be entered in the Register of Registered Motor Vehicles and in the certificate of registration.

Cancellation of registration

12. (1) The registration of a motor vehicle shall remain valid so long as the vehicle is kept in use, and shall only be cancelled if the Comptroller of Inland Revenue is satisfied that the vehicle has been

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destroyed or rendered permanently unserviceable or has been permanently removed from Anguilla, or if it has not been re-licensed for 3 consecutive years.

(Act 1/2012, s. 18)

(2) The owner of any motor vehicle that has been destroyed or rendered permanently unserviceable or has been permanently removed from Anguilla shall notify the Comptroller of Inland Revenue of such fact within one month of the happening of such event.

(Act 1/2012, s. 18)

Assignment of identification mark

13. (1) Notwithstanding anything in this Act, a registered owner of a motor vehicle may apply to the Comptroller of Inland Revenue in the prescribed form to assign the identification mark of his motor vehicle to another motor vehicle identified at the time of the application or within 3 months from the date of such application and the Comptroller of Inland Revenue may approve such assignment on payment of the prescribed fees.

(2) Where the Comptroller of Inland Revenue approves the assignment applied for, the motor vehicle that had that mark shall be assigned a new identification mark by the Licensing Officer who shall also make such endorsements as are necessary in the certificate of registration of that vehicle to reflect the alteration in the identification mark of such vehicle.

(Act 1/2012, s. 18)

(3) Where a motor vehicle that has an identification mark is assigned a new identification mark consequent to an assignment of another identification mark, the Licensing Officer shall cancel the existing identification mark of that vehicle and make such endorsements as are necessary in the certificate of registration of that vehicle to reflect the alteration in the identification mark of that vehicle.

Exemptions from need for registration

14. (1) The following classes of motor vehicles shall be exempted from the need for registration—

(a) private motor cars and motorcycles brought into Anguilla by visitors for their own use for a period not exceeding 3 months, subject to such conditions as may be prescribed;

(b) new motor vehicles in the possession of manufacturers or dealers in motor vehicles, intended for sale and not used except with the permission of the Traffic Commissioner in writing for the purpose of being tested with a view to sale, subject to such conditions as may be prescribed.

(Act 1/2012, s. 4)

(2) No fee shall be charged on the registration of any motor vehicle that—

(a) is the property of the Governor or a Consular Officer of the United States of America used by him for his official or personal duties;

(b) is the property of the Government of Anguilla, or of any government body; or

(c) is specially exempted by an order of the Governor in Council on account of its being used for any charitable, philanthropic or public purpose;

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but the exemption hereby granted from payment of the registration fee in respect of a vehicle shall cease whenever the condition justifying the exemption ceases to apply to that vehicle.

Transfer of registration

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

(a) the motor vehicle shall not be used for more than 7 days after such change of possession unless the new owner is registered as the owner thereof; and

(b) the registered owner and the new owner shall, within 7 days after such change of possession, make application in writing signed by both of them to the Licensing Officer giving the name and address of the new owner and the date of change of possession, and such application shall be accompanied by the certificate of registration. The Licensing Officer, upon being satisfied that payment of the prescribed fee has been made to the Comptroller of Inland Revenue in accordance with section 9(2), shall, by endorsement of the certificate of registration and entry in the Register of Registered Motor Vehicles substitute the name of the new owner for that of the registered owner and shall date and initial the substitution, and from such date the new owner shall for all purposes be deemed to be the registered owner of the motor vehicle described in the relevant entry in the Register of Registered Motor Vehicles and in such certificate of registration;

but, where the ownership of any motor vehicle is changed as a result of any legal or judicial process, such application may be made by the new owner alone, subject to the other requirements of this section being complied with.

(Act 1/2012, s. 18)

(2) In the case of the death of the registered owner, the legal personal representative of the deceased in Anguilla shall be deemed to be the owner for the purpose of such transfer and, in the absence of any legal personal representative in Anguilla, the person into whose possession the motor vehicle lawfully comes shall, for the purpose of such transfer, be deemed to be the registered owner, but the personal representative or person shall, where practicable, notify the Licensing Officer of the death of the registered owner within one month of the happening of such event.

(3) At the discretion of the Licensing Officer, a new certificate of registration may be issued instead of endorsing the original certificate.

Licensing, etc.

16. (1) No person shall drive, or being the owner, shall permit any other person to drive, a motor vehicle or trailer on a road unless such vehicle or trailer drawn by such vehicle is licensed under this Act, and if—

(a) the owner of any motor vehicle or trailer keeps for use or allows to be kept for use such vehicle or trailer without having obtained, or otherwise fails or omits to obtain, the relevant licence prescribed in respect of that motor vehicle or trailer;

(b) any motor vehicle or trailer is used upon any road for a purpose that is not authorised by the licence issued in respect thereof or in contravention of any provisions of this Act; or

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(c) any motor lorry, motor omnibus or trailer is used upon a road being loaded so as to exceed the maximum gross weight or the number of passengers respectively authorised by the licence;

the owner or driver or other person in charge of the motor vehicle or trailer, as the case may be, who contravenes paragraphs (a), (b) or (c) is guilty of an offence and is liable on summary conviction to a fine of $2,000, but the Traffic Commissioner may in his discretion grant permission to enable a vehicle licensed as a motor lorry to be used as a motor omnibus and, in such case, such permission and any conditions attached thereto shall be recorded on the relevant licence.

(2) Where the driver of any vehicle is charged with an offence under subsection(1), the Magistrate may order that a summons be issued against any person alleged by the driver to be the owner of the vehicle, making such alleged owner a co-defendant in the case, and the Magistrate may, after hearing the evidence and witnesses of all parties, make such order in regard to the payment of any penalty and costs as to the Magistrate seems just.

(3) A person shall not be convicted of an offence under this section if he proves that he has not had a reasonable opportunity of obtaining a licence for the motor vehicle or trailer and that such vehicle was being driven for the purpose of obtaining a licence.

(4) Every vehicle shall, in all proceedings under this Act, be deemed to be kept for use until the contrary be proved by the owner of such vehicle.

(5) Upon any conviction for an offence under paragraph (1)(a), the Magistrate, in addition to any other penalty that may be imposed, unless such licence fee has been paid subsequent to the commission of the offence, shall order the owner of the motor vehicle or trailer to pay into Court to the credit of the Comptroller of Inland Revenue the amount of the relevant licence fee that would have been payable if the licence had been taken out at the proper time, and in default of payment of such amount the owner is liable to imprisonment for a term of 3 months.

(Act 1/2012, s. 18)

Restrictions on licensing of certain motor vehicles

17. (1) Save as is hereinafter in this section provided—

(a) no motor vehicle or trailer that exceeds the maximum gross weight of 5 tons; and

(b) no motor vehicle or trailer all the wheels of which are not fitted with pneumatic tyres;

shall be used upon any road.

(2) The Traffic Commissioner may grant a special permit to the owner of a tractor, motor lorry or trailer for conveying heavy machinery or other articles in excess of the maximum gross weight of 5 tons, subject to such conditions as may be specified in the permit, and on payment of a special fee calculated at the prescribed rate per mile or part of a mile to be travelled for each ton or part of a ton of the gross weight to be transported in excess of the maximum gross weight for which such tractor, motor lorry or trailer is licensed.

(3) The Traffic Commissioner may grant a special permit to the owner of any machine used for industrial or agricultural purposes to enable such machine to be moved from one place to another, subject to such conditions as may be specified in the permit and on payment of a special fee calculated

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at the prescribed rate per mile or part of a mile to be travelled for each ton or part of a ton of the gross weight to be transported.

(4) Any person who uses a motor vehicle in contravention of this section or to whom a permit has been granted under this section and who fails to observe any of the conditions specified in such permit is liable on summary conviction to a fine of $2,000, and in addition he is liable for any damage occasioned by his neglect or failure to observe any of such conditions.

(5) Notwithstanding the issue of any permit under subsections (2) and (3), no fee shall be payable in respect of road rollers, or in respect of motor vehicles using roads that are not maintained at the public expense, nor in any case when the distance travelled along a public road does not exceed one-half of a mile.

Application for licence

18. Application for the licensing of a motor vehicle or trailer shall be made to the Licensing Officer on the prescribed form, and subsequent applications for renewal of a licence shall be made in person or by letter, the old licence being at the same time produced, to the Licensing Officer.

Vehicle to be weighed

19. The Licensing Officer before granting a licence (including a renewal) in respect of a motor vehicle or trailer may require such motor vehicle or trailer to be weighed in the presence of a person authorised by the Licensing Officer.

Particulars to be entered in Register

20. Upon licensing any motor vehicle or trailer the Licensing Officer shall enter in the Register of Licensed Motor Vehicles and Trailers opposite the entry relating to that vehicle or trailer the number and date of the licence issued in respect of such vehicle or trailer.

Conditions to be satisfied before licence is issued

21. No licence for any motor vehicle or trailer shall be issued by the Licensing Officer until—

(a) the motor vehicle has been duly registered;

(b) the motor vehicle or trailer has been examined by a Vehicle Examining Officer and a certificate of fitness in respect thereof produced; and

(c) the Licensing Officer is satisfied that the provisions of this Act and the regulations and of any law for the time being in force in Anguilla relating to the protection of third parties against risks arising out of the use of motor vehicles have been complied with.

Fee for licence to be paid

22. No licence for a motor vehicle or trailer shall be issued by the Licensing Officer unless the Licensing Officer is satisfied that the prescribed fee has been paid to the Comptroller of Inland Revenue in accordance with section 9.

(Act 1/2012, s. 18)

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Renewal of licence

23. The Licensing Officer shall not renew a motor vehicle or trailer licence unless—

(a) in the case of a motor vehicle, he is satisfied that the motor vehicle does not differ in any respect from the particulars in the Register of Registered Motor Vehicles;

(b) the motor vehicle or trailer has been examined by a Vehicle Examining Officer and a certificate of fitness in respect thereof is produced; and

(c) he is satisfied that this Act and the regulations and any law for the time being in force in Anguilla relating to the protection of third parties against risks arising out of the use of motor vehicles have been complied with.

Licence in respect of public service vehicles

24. In addition to the licence to be issued in respect of a motor vehicle (other than a motorcycle) there shall be issued a licence in respect of every motor vehicle used as a public service vehicle, but—

(a) no licence in respect of a public service vehicle shall issue without the authority in writing of the Traffic Commissioner first had and obtained; and

(b) in granting or refusing such authority the Traffic Commissioner shall consider the primary use to which the vehicle is normally put or is intended to be put and the relation of such use or intended use to the livelihood of the applicant.

(Act 1/2012, s. 5)

Alteration of motor vehicle occasioning licence fee

25. (1) Where a motor vehicle in respect of which a licence has been issued is altered after the licence has been issued in such manner as to cause the vehicle to become a vehicle in respect of which a licence at a higher fee or a licence of a different class is required, the licence shall become void, but the holder of the licence shall, on surrendering the same and furnishing the particulars of alteration, be entitled to receive a new licence in respect of the vehicle, to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force, on payment of such amount if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence.

(2) Where a licence has been taken out for a motor vehicle to be used solely for a certain purpose and the vehicle is at any time during the period for which the licence is in force used for some other purpose, the person so using the vehicle shall, if the fee chargeable in respect of a licence for a vehicle used for that purpose is higher than the fee chargeable in respect of the licence held by him, be deemed to be guilty of an offence under section 16 and that section shall apply accordingly.

Cancellation and suspension of licence

26. (1) The Traffic Commissioner shall have power to call up for examination at any time any motor vehicle or trailer which he has reason to believe is not in a fit and proper state of repair or does not conform to this Act or any regulations as regards construction, equipment, dimensions and maintenance.

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(2) A Vehicle Examining Officer, when so required by the Traffic Commissioner, shall examine such motor vehicle or trailer for the purpose of subsection (1) and submit his findings to the Traffic Commissioner.

(3) Upon receipt of the findings of the Vehicle Examining Officer, if the Traffic Commissioner is satisfied that the motor vehicle or trailer is so constructed or 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 themselves or otherwise contravenes this Act or any regulations, the Traffic Commissioner may require the Comptroller of Inland Revenue to cancel or suspend any licence subsisting in respect of such vehicle, and the Comptroller of Inland Revenue shall, as the case may be, cancel or suspend such licence when so required by the Traffic Commissioner.

(Act 1/2012, s. 18)

(4) A licence suspended by virtue of this section shall, during the time of suspension, be of no effect.

Transfer of ownership

27. On transfer of ownership of a motor vehicle or trailer the Licensing Officer shall, on being satisfied that the prescribed fee has been paid to the Comptroller of Inland Revenue in accordance with section 9(2), duly amend the Register of Licensed Motor Vehicles and Trailers and the licence, and it shall not be necessary to issue a new licence.

(Act 1/2012, s. 18)

Licence form, expiry and fees

28. (1) Every motor vehicle or trailer licence issued shall be in the prescribed form and shall, unless previously suspended, cancelled or revoked by competent authority, expire on the date provided by regulation in respect of the last figure in the identification mark for the motor vehicle or trailer, and the fees to be paid on such licences shall be as set out in Schedule 1.

(2) If the Licensing Officer is satisfied that the motor vehicle or trailer has not been used on a road previously during the current year, the following percentage only of the full annual fees shall be payable, where a licence is issued—

(a) in the second quarter of the year, 75% of the fee;

(b) in the third quarter of the year, 50% of the fee;

(c) in the last quarter of the year, 25% of the fee.

(3) No licence fee shall be payable in respect of any vehicle that is exempt from registration or from payment of the registration fee under section 14 so long as the condition justifying the exemption continues.

(4) The Comptroller of Inland Revenue may in his discretion authorize in regard to any motor vehicle or trailer that has not been used for a continuous period of at least 3 months in any year or which has been rendered permanently unserviceable or which has been permanently removed from Anguilla, a rebate of such proportion of the licence fee paid in respect of the vehicle as he thinks fit, but not exceeding one-twelfth of the annual licence fee for each complete month during which such vehicle was not in use, and the Comptroller of Inland Revenue shall, on the certificate of the Comptroller of

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Inland Revenue and on surrender of the licence, refund to the person named in the certificate the amount certified for rebate.

(Act 1/2012, s. 18)

Visitor's temporary licence

29. (1) Where a private motor car or motorcycle is brought into Anguilla for the purpose of being used by the owner during a visit, the Licensing Officer may issue a temporary licence to use the private motor car or motorcycle for not more than 3 months on payment of a fee equal to one-fourth of the fees payable under the Schedule 1, but, before a temporary licence is issued, the visitor shall satisfy the Licensing Officer that he holds a valid licence issued in the country in which the private motor car or motorcycle was last licensed and any law for the time being in force in Anguilla relating to the protection of third parties against risks arising out of the use of motor vehicles has been complied with.

(2) A private motor car or motorcycle being used under the authority of a temporary licence shall be subject to such conditions as may from time to time be prescribed, and shall bear the identification marks of the country where it was last registered together with such other distinguishing mark as may be prescribed.

(3) No private motor car or motorcycle used under the authority of a temporary licence shall be used for hire or trade purposes.

PART 3

LICENSING OF DRIVERS

Driver's licence

30. (1) Save as in this section provided, no person shall drive a motor vehicle on any road unless he is the holder of a driver's licence and no person shall employ any other person to drive a motor vehicle on any road unless the person so employed is the holder of a chauffeur's licence, and if any person acts in contravention of this section he is guilty of an offence, and is liable on summary conviction to a fine of $1,000.

(2) If the offender has been previously refused a driver's licence or is disqualified for holding or obtaining such a licence, he may be arrested forthwith without a warrant, and he is on summary conviction liable to imprisonment for a term of 6 months or to a fine of $20,000.

(3) For the purpose of learning to drive, a person who is not under 16 years of age and who does not have a driver's licence, may—

(a) use a motorcycle upon such road and during such times as may be authorised in writing by a Driver Examining Officer; and

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(b) drive any motor vehicle, other than a public service vehicle, when conveying passengers upon such road and during such times as may be authorised in writing by a Driver Examining Officer, if accompanied for the purpose of instruction by a person holding a driver's licence and sitting next to the driver. In such case both the learner and the person accompanying him shall be jointly and severally liable for any offence against this Act or the regulations committed during the course of such instruction.

(Act 10/2003, s. 3)

(4) Every motor vehicle used or driven under subsection (3) shall carry such identification marks as may be prescribed.

Learner's permit

31. (1) Notwithstanding section 30, for the purpose of learning to drive and taking a driving test, a person who is 16 years old or over and who has never been the holder of a driver's licence may, subject to subsections (2) and (3), drive any motor vehicle upon such road and during such times as may be prescribed so long as he is the holder of a learner's permit that is not expired, suspended, cancelled or revoked.

(2) The holder of a learner's permit may not drive any motor vehicle unless—

(a) he is accompanied for the purpose of instruction by—

(i) a driving instructor, or

(ii) a person holding a driver's licence and who has held a driver's licence for at least 3 years;

(b) the person referred to in sub-paragraph (a)(i) or (ii) is—

(i) in the case of a motorcycle or all terrain vehicle, close enough to the motorcycle or all terrain vehicle to directly observe and communicate with the driver, or

(ii) in the case of any other motor vehicle, sitting next to the driver; and

(c) in the case of any motor vehicle other than a motor cycle or all terrain vehicle, every person in the motor vehicle is wearing a seat belt;

and any person who contravenes this subsection is guilty of an offence and is liable on summary conviction to a fine of $3,000.

(3) Unless authorised in writing by a Driver Examining Officer and subject to subsection (2), the holder of a learner's permit shall not drive and no person shall permit the holder of a learner's permit to drive—

(a) a public service vehicle other than a taxicab or an instructional vehicle;

(b) a taxicab while the taxicab is carrying a passenger for compensation or hire;

(c) a motor truck; or

(d) a heavy vehicle;

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and any person who contravenes this subsection is guilty of an offence and is liable on summary conviction to a fine of $3,000.

(4) Both the holder of the learner's permit and the person accompanying him for the purposes of instruction shall be jointly and severally liable for any offence against this Act or the regulations committed by the holder of the learner's permit during the course of such instruction.

(Act 1/2012, s. 7)

Driving instructors

32. (1) No person shall act as a driving instructor or hold himself out as a driving instructor unless he is the holder of a permit authorising him to act as a driving instructor issued in the manner prescribed that has not been suspended or revoked.

(2) No person shall employ any other person to give instruction in the driving of motor vehicles on any road unless the person so employed is the holder of a permit authorising him to act as a driving instructor issued in the manner prescribed that has not been suspended or revoked.

(3) Any person who acts in contravention of subsection (1) or (2) is guilty of an offence.

(Act 1/2012, s. 8)

Classes of drivers' licences

33. (1) Driver's licences shall be of the following classes—

(a) Class A, a "motorcycle driver's licence", which entitles the holder to drive a motorcycle with or without a side car and an all terrain vehicle as may be specified in the licence and which a driving test proves him competent to drive;

(b) Class B, a "private driver's licence", which entitles the holder to drive a private motor car or commercial vehicle, other than a vehicle which operates for reward, a motor truck, or a heavy vehicle, as may be specified in the licence and which a driving test proves him competent to drive;

(c) Class C, a "chauffeur's licence", which entitles the holder to drive a public service vehicle as may be specified in the licence and which a driving test proves him competent to drive and any other motor vehicle he would be entitled to drive if he held a Class B driver's licence;

(d) Class D, a "truck driver's licence", which entitles the holder to drive a motor truck, a tractor used for pulling a trailer and a tractor used for agricultural purposes as may be specified in the licence and which a driving test proves him competent to drive and any other motor vehicle he would be entitled to drive if he held a Class B driver's licence;

(e) Class E, a "heavy vehicle driver's licence", which entitles the holder to drive a heavy vehicle as may be specified in the licence and which a driving test proves him competent to drive and any other motor vehicle he would be entitled to drive if he held a Class D driver's licence.

(Act 1/2012, s. 9(a))

(2) No person shall drive on any road a motor vehicle of any class or description unless he is the holder of a licence authorising him to drive a motor vehicle of that particular class or description.

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(3) No person shall employ or permit any other person to drive on any road a motor vehicle of any class or description unless such other person so employed or permitted as aforesaid is the holder of a licence authorising him to drive a motor vehicle of that particular class or description.

(4) In subsections (1) to (3), "driver's licence" does not include a provisional driver's licence or a visitor's temporary driver's licence.

(Act 1/2012, s. 9(b))

(5) Any person contravening or failing to comply with this section is guilty of an offence and is liable on summary conviction to a fine of $2,000, and on a second or subsequent conviction for a like offence is liable, in addition to the fine, to be disqualified from holding or obtaining a driver's licence for a period of not less than one month and not more than 12 months.

(Act 1/2012, s. 9(c))

Form of drivers' licences

34. Drivers' licences shall be in such form as may be prescribed and shall have affixed thereto the signature of the holder thereof.

Fees for exam, driver's licence, etc.

35. (1) Before taking an examination on the highway code or a driving test, the fee set out in Schedule 1 for that exam or test shall be payable in accordance with section 9(2).

(2) On the issue of a driver's licence or learner's permit, the fee set out in Schedule 1 for that licence or permit shall be payable in accordance with section 9(2).

(Act 1/2012, s. 10)

Application for driver's licence

36. Application for a driver's licence shall be made to the Licensing Officer in such form as may from time to time be prescribed and shall be signed by the applicant.

Certificate of competency

37. The Licensing Officer shall require every applicant for a driver's licence to produce a certificate of having passed a driving test conducted by a Driver Examining Officer in accordance with the regulations.

Disqualification from obtaining driver's licence

38. (1) A person shall be disqualified from holding or obtaining a driver's licence—

(a) if he is by a conviction under this Act or by an order of court thereunder disqualified from holding or obtaining a licence;

(b) in respect of a motorcycle, if he is under the age of 16 years;

(c) in respect of any other motor vehicle, other than a public service vehicle, if he is under the age of 18 years;

(d) in respect of a public service vehicle, if he is under the age of 21 years; or

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(e) if he is suffering from any disease or other disability that in the opinion of the Comptroller of Inland Revenue would be likely to cause the driving of a motor vehicle by him to be a source of danger to the public;

but, if a licence is refused by virtue of paragraph (e), the applicant may claim to be subjected to a test as to his fitness or ability to drive a motor vehicle or a motor vehicle of a particular class or description or a motor vehicle of a particular form of construction, and, if he passes such test and is not otherwise disqualified, the licence shall not be refused by reason only of paragraph (e).

(Act 1/2012, s. 18)

(2) During such time as any driver's licence is suspended the holder thereof shall be disqualified from holding or obtaining a driver's licence.

Particulars on drivers' licences

39. Upon issuing a driver's licence, the Licensing Officer shall enter in the appropriate Register the particulars of the licence including the name, address and description of the person licensed, the date of the licence and any convictions ordered by competent court to be endorsed thereon.

Duration of drivers' licences

40. (1) Subject to subsection (2), a driver's licence shall, unless previously suspended, cancelled or revoked by competent authority, expire at the end of the one year period beginning on the date of issue.

(Act 1/2012, s. 11)

(2) The Licensing Officer may, at the request of an applicant, issue a driver's licence valid for 3 years upon payment of three times the yearly licence fee specified in Schedule 1, and any such licence shall expire at the end of the period of 3 years from the date of issue.

Renewal of driver's licence

41. On or after the expiration of a driver's licence by effluxion of time and on application by the holder thereof for the renewal of his licence, the Licensing Officer shall, subject to section 38 and on being satisfied that the prescribed fee has been paid to the Comptroller of Inland Revenue in accordance with section 9(2), renew the licence.

(Act 1/2012, s. 18)

Visitor's temporary driver's licence

42. The Licensing Officer may grant a temporary driver's licence, other than a chauffeur's licence, for any period not exceeding 3 months to any applicant for that licence, when it is shown to his satisfaction that the applicant is a *bona fide* visitor to Anguilla. Such temporary driver's licence may be granted with or without any driving test on the part of the applicant, but shall be subject to such conditions as may be stipulated on the licence and to the payment of the prescribed fee.

Production of driver's licence

43. The driver of a motor vehicle shall, on being so required by any member of the Police Force, produce his driver's licence for examination so as to enable such member of the Police Force to ascertain the name and address of the holder of the licence and the date of issue of the same, and if he fails so to do, he is liable on summary conviction to a fine of $1,000, but, if within 48 hours after the production of his licence was required, the holder produces the licence in person at such police station

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as may be specified to him at the time its production was required, he shall not be charged under this section.

Cancellation of driver's licence for disability

44. If it appears to the Comptroller of Inland Revenue that there is reason to believe that any person who holds a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and if, on inquiring into the matter, the Comptroller of Inland Revenue is satisfied that the holder of the licence is suffering from such disease or disability, then whether or not the holder of the licence so suffering has previously passed a driving test, the Comptroller of Inland Revenue may, after giving to the holder of the licence notice of his intention so to do, revoke the licence, and the holder shall on receipt of such notice deliver the licence to the Licensing Officer for cancellation.

(Act 1/2012, s. 18)

PART 4

LICENSING OF VEHICLES NOT PROPELLED BY MECHANICAL POWER

Application of other provisions

45. The Governor in Council may by regulation provide—

(a) that any of the provisions of this Act or any regulations relating to motor vehicles shall apply, *mutatis mutandis*, to animal drawn vehicles and the owners or drivers thereof; and

(b) that any specified class of animal drawn vehicle shall be exempted from the requirements of this Part in regard to licensing or the payment of licence fees.

Licensing of animal drawn vehicles

46. Every animal drawn vehicle shall be licensed in the manner provided in this Part, and it shall be the duty of the owner or other person in charge of the vehicle on demand by any member of the Police Force to produce such licence within a reasonable time after the demand is made.

Penalty for use of animal drawn vehicles without licence

47. (1) The owner or other person in charge of any animal drawn vehicle that is used on a road without a licence in that behalf issued under this Act is guilty of an offence, and is liable on summary conviction to a fine of $1,000.

(2) Notwithstanding subsection (1), a person shall not be convicted of an offence under this section if he proves that he has not had a reasonable opportunity of obtaining a licence and that the animal drawn vehicle was being used on the road for the purpose of obtaining a licence.

Application for and issue of licence

48. (1) Application for the licensing of an animal drawn vehicle shall be made to the Licensing Officer in the prescribed form, and subsequent applications for the renewal of a licence shall be made in person or by letter, the old licence being at the same time returned to the Licensing Officer.

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(2) Licences issued under this Part shall be in the prescribed form, and shall expire on the 31st day of December following the date of issue.

(3) The fees to be paid on such licences shall be as set out in Schedule 1.

(4) No fees shall be charged for a licence in respect of any animal drawn vehicle that is the property of the Government of Anguilla or of any government body.

(5) Upon licensing any animal drawn vehicle the Licensing Officer shall enter in the Register of Animal Drawn Vehicles opposite the entry relating to that vehicle the number and date of the licence.

Power to fix maximum load for animal drawn vehicles

49. The Licensing Officer may, if necessary for the purpose of safety or for preventing injury to roads or cruelty to animals by the overloading of any animal drawn vehicle, endorse on the licence the maximum number of passengers or maximum weight of load to be carried, and, in that case, if the number of passengers or the load carried on such vehicle is in excess of such maximum, the driver or other person in charge of the vehicle and the owner of the vehicle are each guilty of an offence and are liable on summary conviction to a fine of $1,000.

PART 5

DRIVING AND OTHER OFFENCES

Speed

50. (1) No person shall drive a motor vehicle of such class or description as is specified in Schedule 2 at a speed greater than the speed therein specified as the maximum speed at which a vehicle of that class or description may be driven on a particular class of road. Any person who acts in contravention of this subsection is guilty of an offence and is liable on summary conviction to a fine of $1,000.

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

(3) Any person, being the owner of a motor vehicle, who aids, abets, counsels or procures any person who is employed by him to drive the motor vehicle on a road to commit an offence under this section is guilty of an offence and is liable on summary conviction to a fine of $1,000.

(4) The Traffic Commissioner may, by order under his hand, prohibit the driving of motor vehicles over any bridge at a speed greater than that specified by him in such order. Any such order shall be published in the *Gazette*, and the limit of speed to be observed shall be indicated on notice boards to be fixed at such bridge.

(5) The Traffic Commissioner may by order published in the *Gazette* prohibit the driving of motor vehicles generally or of a particular class of motor vehicle above a specified speed over any specified road or portion of a specified road for a specified time but, so long as that prohibition remains in force, the Traffic Commissioner shall erect and maintain traffic signs that shall state the substance

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of the order published in the *Gazette* and that shall be placed in such positions as shall give adequate notice thereof to drivers of vehicles.

(6) The Governor in Council may by order vary or revoke any of the provisions of Schedule 2, but an order under this subsection shall be of no effect unless and until it has been approved by a resolution of the House of Assembly.

Drivers under influence of liquor or drugs

51. (1) Any person who, when driving or attempting to drive, or when in charge of, a motor vehicle on a road is under the influence of drink or drug to such an extent as to be incapable of having proper control of the vehicle, is guilty of an offence and is liable on summary conviction to a fine of $10,000 or to imprisonment for a term of 4 months, and in the case of a second or subsequent conviction either to a fine of $20,000 or to imprisonment for a term of 6 months or to both.

(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 disqualified for a period of 12 months from the date of the conviction and, if there is an appeal against the conviction, from the date on which the conviction is upheld for holding or obtaining a driver's licence, and, on a second conviction for a like offence, he shall be permanently disqualified from holding or obtaining a driver's licence.

(3) Any member of the Police Force may arrest without warrant any person committing an offence under this section.

Causing death by reckless or by dangerous driving

52. (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 that 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 that is actually at the time or which might reasonably be expected to be on the road, is guilty of an offence and is liable on conviction on indictment to imprisonment for 5 years or to a fine of $5,000 or to both.

(2) Section 31 of the Coroners Act shall apply to an offence against this section as it applies to manslaughter.

Reckless or dangerous driving

53. (1) Any person who drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the road, and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road is liable on conviction to imprisonment for a term of 3 years or to a fine or to both.

(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 disqualified from holding or obtaining a driver's licence for a period of 6 months from the date of the conviction or, if there is an appeal against such conviction, from the date on which the conviction is upheld and, on a third conviction for a like offence, he shall be permanently disqualified from holding or obtaining a driver's licence.

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Careless driving

54. 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 is guilty of an offence and is liable on summary conviction to a fine of $4,800, and on a second or subsequent conviction for a like offence to be disqualified from holding or obtaining a driver's licence for such period as the Court shall think fit.

Racing speed trials

55. (1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a road is guilty of an offence and liable on summary conviction to a fine of $10,000 or to imprisonment for a term of 4 months or to both.

(2) A person convicted of an offence under this section shall, unless the Court for special reason thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified from holding or obtaining a driver's licence for a period of 12 months from the date of the conviction or, if there is an appeal against the conviction, from the date on which the conviction is upheld.

Power to convict for reckless or dangerous driving

56. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, the jury, if they are satisfied that he is guilty of an offence under section 53, may find him guilty of that offence, whether or not the requirements of section 58 have been satisfied as respects that offence.

Power to proceed on charge for careless driving on hearing charge under section 54

57. Where a person is charged summarily before the Magistrate with an offence under section 53 and the Magistrate is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter, the Magistrate may, without prejudice to any other powers possessed by him, direct or allow a charge for an offence under section 54 to be preferred forthwith against the defendant and may thereupon proceed with that charge, but the defendant or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall adjourn the hearing.

Warning of intended prosecution

58. (1) Where a person is prosecuted for an offence under this Part relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving, he shall not be convicted unless—

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

(b) within 14 days of the commission of the offence a summons for the offence was served on him; or

(c) within 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

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on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence.

(2) Failure to comply with the requirements of subsection (1) shall not be a bar to the conviction of the accused in any case where the Court is satisfied that—

(a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent; or

(b) the accused by his own conduct contributed to the failure.

(3) The requirements of subsection (1) are in every case deemed to have been complied with unless the contrary is proved.

(Am. in L.R. 15/12/2010)

Duty to give name and address and to stop: power of arrest

59. (1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or careless driving refuses, on being required by any person having reasonable grounds for so requiring, to give his name and address, or gives a false name and address, he is guilty of an offence and is liable on summary conviction to a fine of $1,000.

(2) Any member of the Police Force may arrest without warrant the driver of any motor vehicle who within his view commits any offence under this Act as to reckless or dangerous driving or careless driving or racing on a road, unless the driver either gives his name and address or produces his driver's licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by any member of the Police Force in uniform and, if he fails so to do, he is guilty of an offence and is liable on summary conviction to a penalty of $1,000.

Restrictions on persons riding bicycles

60. (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 any person is carried on such a bicycle in contravention of subsection (1), the rider is liable on summary conviction to a fine of $200 in the case of a first conviction and to a fine of $800 in the case of a second or subsequent conviction.

Restrictions on riding abreast, holding on to moving vehicles, and pillion riding

61. (1) It shall not be lawful for more than 2 persons to ride abreast on a road either upon motorcycles or pedal bicycles, but a person shall not be convicted under this section in respect of the overtaking of 2 persons so riding where at the point of overtaking on the road there is an absence of other traffic.

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

(a) to hold on to any other moving vehicle, or to any animal; or

(b) to ride such motorcycle or pedal bicycle without at least one hand being on the handle bar of such motorcycle or bicycle.

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

(4) If any person contravenes this section, he is liable on summary conviction to a fine of $400 in the case of a first conviction and to a fine of $1,000 in the case of a second or subsequent conviction.

Duty to stop in case of accident

62. (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 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 the driver of the motor vehicle for any reason does not give his name and address to any such person, he shall report the accident at a Police Station or to a member of the Police Force as soon as reasonably practicable and in any case within 24 hours of the occurrence thereof.

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

(4) A person who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine of $500 or to imprisonment for 3 months or to both.

Inquiry into accident

63. In the case of any such accident referred to in section 62, the Traffic Commissioner may direct inquiry to be made into the cause of such accident by any member of the Police Force or other person authorised by him in writing who may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time upon any premises where the vehicle is, and, if any person obstructs any person so authorised in the performance of his duty under this subsection, he is guilty of an offence and is liable on summary conviction to a fine of $1,000.

Offences

64. Any person who—

(a) fraudulently imitates, alters, mutilates, destroys or uses or fraudulently lends or allows to be used by any other person any identification mark, motor vehicle licence, certificate of registration or driving permit issued or deemed to have been issued under this Act;

(b) without permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds

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any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof, or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing;

(c) throws any object at a motor vehicle or trailer or at any person in or on a motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned;

(d) wilfully loiters or remains on any roadway in such a manner or in such circumstances as to be likely to cause danger of obstruction to persons driving or propelling vehicles on the road;

(e) uses or drives or permits to be used or driven any motor vehicle or trailer on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public;

(f) being the owner of a motor vehicle refuses on the request of any member of the Police Force—

(i) to give the name and address of the driver thereof, such driver having been authorised by such owner to drive the motor vehicle, or

(ii) to give all information in his possession as would assist in the discovery or identity of the driver;

(g) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being duly licensed as a public service vehicle in its appropriate class, on being so required by a member of the Police Force, refuses to give a statement as to his presence in such vehicle and as to whether he is being conveyed for hire or reward;

(h) being the driver of a public service vehicle, stands for hire at any road or place not appointed for the purpose;

(i) being the owner, driver or person acting on behalf of the owner or driver of a public service vehicle plying for hire makes any noise or sounds any instrument in order to attract the attention of the public or of a possible passenger, or by troublesome and frequent demands or by persistent following holds out the vehicle for hire to the public in such manner as to constitute a nuisance, or acts in any way so as to cause annoyance or inconvenience to any person;

(j) rides on the running board, wings or fenders of a motor vehicle or on the outside of the vehicle except on a properly constructed seat;

(k) being in a motor vehicle, in any way obstructs the driver of such motor vehicle whilst the motor vehicle is in motion;

(l) in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle or a driver's licence or in connection with the endorsement of such a licence, or any change or correction in a motor vehicle licence or the registration of a motor vehicle or in giving any information lawfully demanded or required under this

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Act or the regulations makes any statement that is to his knowledge false or misleading in any material respect;

(m) rides, drives or propels or causes to be ridden, driven or propelled any animal or vehicle, not being a motor vehicle, on a road carelessly, negligently or recklessly, or at a speed or in a manner that is dangerous to the public or to property having regard to all the circumstances of the case, including the amount and nature of the traffic which actually is at the time, or might reasonably be expected to be on such road; or

(n) rides, drives or propels or is in charge of any animal or vehicle not being a motor vehicle, on a road whilst drunk, or while his efficiency for such purpose is impaired by drink or drugs;

is guilty of an offence and is liable on summary conviction to a fine of $1,000.

Repairing vehicle in street

65. Any person who on any road carries out repairs to any vehicle (except in cases of accident where repair on the spot is necessary) is guilty of an offence and is liable on summary conviction to a fine of $1,000.

Taking vehicles without consent of owner

66. (1) Any person who uses any motor or other vehicle without the consent of the owner or other lawful authority is guilty of an offence and is liable on summary conviction to a fine of $1,000.

(2) Notwithstanding subsection (1), the person shall not be convicted under this section if he proves—

(a) that he had good reason to believe, and did in fact believe, that the owner of the vehicle would, had he been present, have consented to the vehicle being used in the manner in which it was used; or

(b) that he had reasonable cause to believe and did in fact believe that he had lawful authority to use the vehicle.

(3) If any person is convicted under this section, the Magistrate may, if he thinks fit, either in addition to or without inflicting any punishment, order that the person convicted pay to the owner of the vehicle either or both of the following sums—

(a) such sum as, in the opinion of the Magistrate, would have been charged if the vehicle had been hired by the person convicted;

(b) such sum as, in the opinion of the Magistrate, represents fair compensation for any damage done to the vehicle;

and payment of such sum shall be enforced in the manner provided by the Magistrate's Code of Procedure Act for the enforcing of the payment of a fine or order made on complaint.

(4) If on the trial of any indictment for stealing any motor or other vehicle, the jury are of the opinion that the defendant is not guilty of stealing the vehicle, but is guilty of an offence under this section and thereupon he is liable to be punished accordingly.

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(5) Any member of the Police Force may arrest without warrant any person reasonably suspected by him of having committed an offence under this section.

Drivers' Offences Book

67. The particulars of every conviction for an offence under this Act including the name of the offender, and the number of his licence, if any, shall be furnished by the Clerk or other Officer of the Court in which the conviction is recorded to the Comptroller of Inland Revenue who shall enter the particulars in a book to be called the Drivers' Offences Book.

(Act 1/2012, s. 18)

PART 6

RESTRICTION ON DRIVING OR IMPORTATION OF MOTOR VEHICLES WITH TINTED WINDSCREENS OR WINDOWS

Interpretation

68. In this Part—

"customised tinted motor vehicle" means a motor vehicle that is outfitted with tinted windscreens or windows specifically made to order by a manufacturer where the vehicle does not ordinarily retail in that condition, but is altered to meet the needs of an importer;

"road" means a road as defined in section 1 of the Roads Act.

Window or windscreen requirements of motor vehicle

69. (1) Every motor vehicle other than a motorcycle, intended to be driven on a road shall comply with the following requirements—

(a) subject to paragraph (b), the front windscreen shall be made of clear glass;

(b) the front windscreen may have at the top, a strip of tinted glass of any degree of light transmission, not exceeding 1/6 of the size of the windscreen measured from the top of the windscreen;

(c) the front windows, may have affixed on them any film, tint or other obscuring device by a process of application as to allow a minimum 35% visual transmission of light through the windows;

(d) the rear windows may have affixed on them any film, tint or other obscuring device by a process of application as to allow a minimum 15% visual transmission of light through the windows;

(e) the rear windscreen, may have affixed on it—

(i) any film, tint or other obscuring device by a process of application as to allow a minimum 15% visual transmission of light through the windscreen, and

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(ii) graphics, not exceeding 6 inches in dimension measured from the top of the rear windscreen.

(2) The measurement referred to in subsection (1)(b) shall be taken—

(a) from the centre point of the windscreen; and

(b) from the inside of the vehicle, measuring from the top of the windscreen to the dashboard.

(3) For the avoidance of doubt, graphics shall not be affixed on the front windscreen, the front windows or the rear windows.

(4) Paragraphs (1)(c) to (1)(e) shall not apply where the tinted glass of the front side windows, rear windows or the rear windscreen are in a manufactured state.

(5) For the purposes of this Part, the glass of the front side windows, rear windows or rear windscreen of a motor vehicle is deemed to be in a manufactured state if the tint on the glass is the product of a process during the manufacture of the glass and not by the application subsequent to manufacture, of any film, tint or other obscuring device.

(6) The degree of visual transmission of light shall be determined by a tint meter measuring device or any other device, which is approved by the Traffic Commissioner for the measurement of light passing through the glass windows of motor vehicles.

(Act 29/2020, s. 2)

Prohibition of importation of restricted motor vehicle

70. (1) Subject to section 77, no person shall import a motor vehicle for use on a road that does not comply with the provisions of section 69 unless there is in force, in relation to the vehicle, a permit issued under section 74.

(2) Any person who acts in contravention of the provisions of this section is guilty of an offence and liable on summary conviction to a fine of $10,000.

(Act 29/2020, s. 3)

Requirement for windscreens to be constructed of safety glass

71. (1) Every motor vehicle, other than a motor cycle, shall be fitted with a windscreen so constructed that it affords ample protection to the driver of the motor vehicle and it shall be kept in such condition as to allow an unobstructed view to the front.

(2) All windscreens and all side or rear windows on a motor vehicle where glass is used shall be constructed of "safety glass"; and the term "safety glass" shall mean any product composed of material so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken.

(3) Any person who acts in contravention of the provisions of this section is guilty of an offence and liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months or to both.

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Sign or poster on windscreen or window prohibited

72. (1) Subject to subsection (2) and section 69, no person shall drive on a road any motor vehicle with any sign, poster or other reflective or sun-screening material upon the front or rear windscreen, side or rear windows of such vehicle other than the licence or other label required to be displayed by law.

(2) The rear windscreen of the motor vehicle may have affixed on the lower corner on the opposite side to the driver a single commercial sign, decal or poster the size of which shall not exceed 2 inches in height and 6 inches in width.

(3) Any person who acts in contravention of the provisions of this section is guilty of an offence and liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months or to both.

Application for permit to drive a customised motor vehicle

73. (1) Any person who proposes to import or acquire a customised tinted motor vehicle or a motor vehicle that does not comply with this Part with the intent to use or to continue to use such vehicle on a road, shall, not less than 30 days prior to the importation or acquisition, or on the expiry of a permit issued under section 74, as the case may be—

(a) apply in writing to the Traffic Commissioner for the issue or renewal of a permit under section 74 in respect of the motor vehicle; and

(b) pay the prescribed fee to the Comptroller of Inland Revenue in accordance with section 9(2).

(Act 1/2012, s. 12)

(2) An application under subsection (1) shall be supported by such documentation as the Traffic Commissioner may require.

Permit to drive motor vehicle with tinted windows

74. (1) Upon receipt of an application under section 73(1) and 76(1) in respect of any motor vehicle, the Traffic Commissioner may, for reasons of security or for any other good reason as determined by him, issue a permit authorising the customised tinted motor vehicle, or a motor vehicle not in compliance with this Part, to be imported into Anguilla or driven on the road.

(Act 1/2012, s. 13(a))

(2) A permit issued under this section shall be in such form as may be prescribed.

(3) Where a permit is issued under this section, the owner of the motor vehicle to which the permit relates shall display the permit on the front windscreen of the motor vehicle in such a position as not to interfere with the vision of either the driver, or a passenger carried in the front seat of the motor vehicle.

(4) A permit issued under this section shall, unless previously suspended, cancelled or revoked by competent authority, expire at the end of the one year period beginning on the date of issue.

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(5) On or after the expiration of a permit issued under this section by effluxion of time and on application under section 73 by the holder thereof for renewal of the permit, the Traffic Commissioner shall renew the permit if he is satisfied that—

(a) no change has been made to the tint since the previous permit was issued; and

(b) the prescribed fee has been paid to the Comptroller of Inland Revenue in accordance with section 9(2).

(Act 1/2012, s. 13(b))

Restriction on licensing of motor vehicle with tinted windscreens or windows

75. Subject to section 77, the Licensing Officer shall not register or licence, or renew the registration or licence of, a motor vehicle not in compliance with this Part, unless there is in force in relation to the vehicle a permit issued under section 74.

(Act 1/2012, s. 14)

Restriction on driving of motor vehicle with tinted windscreens or windows

76. (1) Subject to section 77, no person shall drive on a road a motor vehicle not in compliance with this Part unless such person has applied in writing for, and there is in force in relation to the vehicle, a permit issued under section 74.

(Act 1/2012, s. 15(a))

(2) A person who acts in contravention of the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months or to both and in the case of a second or subsequent conviction either to a fine of $10,000 or to imprisonment for a term of one year or to both.

(Act 1/2012, s. 15(b))

(3) When a police officer has reasonable cause to believe that a person is driving a vehicle which is not in compliance with this Part, the police officer may require that person to produce the vehicle for examination within a specified period of not more than 24 hours.

(4) A person who fails to comply with a request under subsection (3) is guilty of an offence.

(Act 1/2012, s. 15(c))

Certain motor vehicles exempt from application of this Part

77. (1) The provisions of this Part shall not apply to a motor vehicle—

(a) owned by any person with the glass in a manufactured state on or before the date of coming into force of this Act; or

(b) which belongs to a class specified in subsection (2).

(2) The classes of motor vehicles referred to in paragraph (1)(b) are—

(a) motor vehicles assigned for use to government officials;

(b) limousines;

(c) ambulances;

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(d) hearses; and

(e) such other classes of motor vehicles as the Governor may designate by notice published in the *Gazette*.

(3) In this section "limousine" means a luxurious commercially used motor vehicle, usually chauffer driven, with a partition between the chauffeur and passengers and an extended enclosed body.

Prosecutions and custody of motor vehicle

78. (1) No proceedings for any offence committed under this Part shall be instituted and conducted, unless by the Traffic Commissioner or any person authorised by him.

(2) Where any proceedings have been instituted under section 70(2), the motor vehicle in respect of which the offence was alleged to have been committed shall be kept in the custody of the Comptroller of Customs as evidence in those proceedings pending the disposition of the matter by the Court.

(3) Upon disposition of any proceedings under section 70(2), the vehicle held in custody shall be released to the importer without prejudice to sections 75 and 76 and upon payment of the customs duty.

(Act 4/2004, s. 1)

PART 7

DISQUALIFICATIONS, SUSPENSIONS AND ENDORSEMENTS

Disqualification for offences

79. (1) The Court before which a person is convicted of any offence in connection with the driving of a motor vehicle may, in addition to any other penalty provided for such offence, and shall, where so required by this Act, order that the offender be disqualified for a stated period or permanently from holding or obtaining a driver's licence either generally or limited to the driving of a motor vehicle of any particular class or description, and, if the offender holds a driver's licence, the Court shall endorse upon the licence particulars of the conviction.

(2) Where an order of disqualification is made against the holder of a driver's licence, the licence shall be suspended so long as the disqualification continues in force.

(3) A licence suspended by virtue of an order of disqualification shall during the period of suspension be of no effect.

(4) A person who by virtue of an order of a Court under this section is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction, and the Court may, if it thinks fit, suspend the operation of the order pending the appeal.

Temporary suspension of licence pending determination of charges

80. (1) If and when any person is charged with manslaughter arising out of the use of any motor vehicle or with contravening sections 51, 52 or 53, the Traffic Commissioner may require the Comptroller of Inland Revenue to suspend the driver's licence of the person so charged pending the

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determination of the charge, and the Comptroller of Inland Revenue shall suspend such licence, when so required by the Traffic Commissioner.

(Act 1/2012, s. 18)

(2) Any such licence so suspended shall on demand by any member of the Police Force be surrendered to such member of the Police Force who shall forthwith forward it to the Clerk of the Court before which the person so charged is to appear.

(3) A licence suspended by virtue of this section shall during the period of suspension be of no effect.

Fraudulent application for driver's licence

81. Any person who—

(a) under this Act is disqualified from holding or obtaining a driver's licence, applies for or obtains a licence while he is so disqualified;

(b) while he is so disqualified, drives a motor vehicle;

(c) if the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives a motor vehicle of that class or description on a road; or

(d) having been refused a licence, applies for or obtains a licence without disclosing such refusal;

is guilty of an offence and is liable on summary conviction to a fine of $10,000 or to imprisonment for a term of 6 months or to both, and the licence obtained by any person so disqualified shall be of no effect.

Provisions as to endorsements

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

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

(a) if the offender is at the time the holder of a driver's licence, he shall, if so required by the Court, produce the licence within 5 days or such longer time as the Court may determine for the purpose of endorsement; and

(b) if he is not then the holder of a driver's licence, but subsequently obtains a licence, he shall within 5 days after so obtaining the licence produce it to the Court for the purpose of endorsement;

and if he fails to do so, he is guilty of an offence and is liable on summary conviction to a fine of $1,000. If the licence is not produced for the purpose of endorsement within such time, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

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

(4) If any person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he is guilty of an offence and is liable on summary conviction to a fine of $10,000 or to a term of 6 months or to both, and any licence so obtained shall be of no effect.

(5) Where a person, in respect of whom an order has been made under this Part requiring the endorsement of any licence held by him, has during a continuous period of 2 years since the order was made had no further order made against him, he shall be entitled, at any time thereafter, subject to payment of the prescribed fee, and subject to the surrender of any subsisting licence, to have issued to him a new licence free from endorsement, but, in reckoning the period of 2 years, any period during which the person was by virtue of the order disqualified from holding or obtaining a driver's licence shall be excluded.

(6) Where a Court orders particulars to be endorsed on a driver's licence held by any person, or where by conviction or order of a Court a person is disqualified from holding or obtaining a licence, the Clerk or other officer of the Court shall send a notice of the order to the Comptroller of Inland Revenue, and, in any case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the Comptroller of Inland Revenue who shall keep the licence until the disqualification has expired or been removed, and the person entitled to the licence has made a demand in writing for its return to him.

(Act 1/2012, s. 18)

(7) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Comptroller of Inland Revenue to whom that person's licence has been forwarded under subsection (6) shall forthwith after the receipt thereof cause the Licensing Officer to issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(Act 1/2012, s. 18)

(8) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed, the Court by which the appeal is allowed or the conviction is quashed shall send notice thereof forthwith to the Comptroller of Inland Revenue and to the Licensing Officer who issued the licence.

(Act 1/2012, s. 18)

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PART 8

INTERNATIONAL CIRCULATION OF MOTOR VEHICLES

International circulation of motor vehicles

83. The Governor may from time to time by regulation for the purpose of giving effect to any convention for facilitating the international circulation of motor vehicles provide—

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

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

PART 9

SUPPLEMENTAL PROVISIONS

Presumptive evidence of Registers

84. The contents of the Register of Registered Motor Vehicles, the Register of Licensed Motor Vehicles and Trailers, the Register of Licensed Motor Drivers, the Register of Animal Drawn Vehicles, and the Register of Drivers' Offences shall respectively be *prima facie* evidence of the facts contained therein in all proceedings under this Act.

Duplicate licences

85. Any person having power to issue any certificate or licence under this Act shall, on proof to his satisfaction that his certificate or licence has been lost, defaced or destroyed and on being satisfied that the prescribed fee has been paid to the Comptroller of Inland Revenue in accordance with section 9(2), issue a duplicate thereof to the person entitled thereto.

(Act 1/2012, s. 18)

Weighing of motor vehicles

86. (1) The driver or other person in charge of a motor vehicle or trailer licensed according to its maximum gross weight may, on demand by any member of the Police Force or by any person authorised in writing by the Comptroller of Inland Revenue, be required to satisfy such member of the Police Force or person that the load which is being carried on such motor vehicle or trailer does not contravene the licence or this Act or any regulations, and may be required by such member of the Police Force or person to drive him with such motor vehicle or trailer to a weigh-bridge or other machine for weighing vehicles for the purpose of weighing such load.

(Act 1/2012, s. 18)

(2) Any person who fails to comply with any such requirements is guilty of an offence and is liable on summary conviction to a fine of $4,800.

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Power to detain vehicles and enter premises

87. (1) Any member of the Police Force may stop any vehicle on a road with a view to ascertaining whether such vehicle is being used in contravention of this Act or regulations, and in the event of any vehicle being used on a road in such manner, such member of the Police Force may take the vehicle or cause it to be taken to any police station there to be further examined or to be detained until the vehicle and driver can be identified, as the case may be. Any person failing to comply with a request to stop made under this section is guilty of an offence and is liable on summary conviction to a fine of $1,000.

(2) Any person authorised in writing by the Traffic Commissioner may, at all reasonable times, enter any premises for the purpose of inspecting any vehicle on such premises.

Exemptions of fire engines, etc., from speed limits

88. The provisions of this Act or of any regulations made thereunder imposing a speed limit on motor vehicles shall not apply to any vehicle when it is being used for fire and rescue, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

(Act 1/2007, s. 88)

Concession to operate motor omnibuses

89. The Governor in Council may grant to any person, or to 2 or more persons jointly, a limited concession or an exclusive concession to operate motor omnibuses in any area or on any road or route or for any journey upon such conditions as shall be specified in the grant and subject to this Act and the regulations and to the approval of the House of Assembly.

Highway code

90. (1) Persons using the road shall acquaint themselves with and observe the directions contained in the highway code.

(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 under this Act, but such failure may in any such proceedings be relied upon by any party to the proceedings as tending to establish or to negative any liability that is in question in those proceedings.

Regulations

91. The Governor in Council may make regulations in respect of—

(a) any thing that by this Act may or is to be prescribed;

(b) the forms to be used under this Act;

(c) the construction, fittings, dimensions and design of any motor vehicle or trailer;

(d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles, and regulating and controlling their use;

(e) the number, position and kind of lights and reflectors to be carried on motor and other vehicles and the times during which they are to be exhibited;

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(f) the duties and powers of Driver Examining Officers or Vehicle Examining Officers in regard to the inspection of motor and other vehicles and in regard to driving tests;

(g) the inspection of motor and other vehicles and the times, places and manner of such inspection;

(h) the form of identification marks to be fixed on motor vehicles in respect of registration and licensing and the sizes and colour of the letters of and the manner of displaying such marks;

(i) the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description;

(j) the precedence of vehicles and pedestrians respectively at and in the vicinity of crossings and the erection of traffic signs and other notices;

(k) the driving of any vehicle on any specified road otherwise than in a specified direction;

(l) the appointment of parking places and the regulation of the use of such parking places including the imposition of charges in respect thereof;

(m) the badges and uniform to be worn by drivers of public service vehicles and the conduct of drivers and passengers;

(n) passenger fares and tolls in respect of public service vehicles;

(o) the maximum hours of employment of persons as drivers of public service vehicles and of motor lorries;

(p) the determination of the number of passengers that a public service vehicle is adapted to carry and the number that may be carried;

(q) the carriage of luggage and goods on public service vehicles;

(r) the number, nature and use of brakes and other equipment to be carried in the case of vehicles not propelled by mechanical power;

(s) the prohibition of excessive noise owing to the design or condition of the vehicle or the loading thereof;

(t) the removal from roads of vehicles that have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road;

(u) the establishment of silence zones;

(v) prescribing the routes to be followed by all classes of traffic, or of any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times;

(w) prescribing roads which are not to be used for traffic vehicles of any specified class or classes, either generally or at specified times;

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(x) regulating the relative position on the roads of traffic of differing speeds or types;

(y) prescribing the places where vehicles or vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the regulations;

(z) prescribing the number and maximum size and weight of trailers which may be drawn on streets by vehicles or vehicles of any particular class or description either generally or on streets of any class or description, and for prescribing that a man should be carried on the trailer or, where more than one trailer is drawn, on the rear trailer for signalling to the driver;

(aa) prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles generally or vehicles of any particular class or description, on roads;

(ab) prescribing the conditions subject to which, and the times at which, vehicles generally or vehicles of any particular class or description, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in roads or in roads of any class or description, or in specified roads;

(ac) vehicles generally or vehicles of any particular class or description when unattended;

(ad) places in roads where vehicles, or vehicles of any particular class or description, may, or may not, wait either generally or at particular times;

(ae) ranks and stopping places of omnibuses and other public conveyances;

(af) the lighting and guarding of road works;

(ag) the erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any road, or likely to occasion danger to passengers or vehicles;

(ah) queues of persons waiting on roads;

(ai) priority of entry to public service vehicles;

(aj) enabling any police, local or other public authority, in the event of any person failing to do anything that under the regulations he ought to have done, to do such act, and to recover the expenses thereof from the person so in default summarily as a civil debt;

(ak) generally, for the better carrying out of this Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used; and

(al) motor omnibuses with regard to—

(i) the restriction of the use of motor omnibuses using specified routes,

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(ii) the regulation and restriction of the number of motor omnibuses using specified routes,

(iii) the time tables to be observed by drivers of motor omnibuses,

(iv) the issue of licences by the Licensing Officer, and conditions of issue of such licences and conditions to be observed by the holders of such licences in respect of specified routes,

(v) the taking up and setting down of passengers,

(vi) returns to be rendered to the Comptroller of Inland Revenue by the owners of motor omnibuses showing the number and nature of journeys completed, the mileage covered, the times taken, the number of passengers carried and the operating costs, and

(Act 1/2012, s. 18)

(vii) the conditions under which limited or exclusive concessions may be granted.

Power to Traffic Commissioner to make orders

92. (1) The Traffic Commissioner may—

(a) by notice published in the *Gazette* or in a newspaper published in Anguilla make orders—

(i) as to the line to be kept by persons driving or riding any vehicle or animal on any road,

(ii) as to the manner in which vehicles of any description shall be drawn up while waiting on any road,

(iii) as to the route to be observed by all vehicles, horses, and persons, and

(iv) for preventing obstructions on any road in any case where such a road is liable to be thronged or obstructed; and

(b) give directions to members of the Police Force for the purpose of regulating traffic in the neighbourhood of courts of law, public offices, churches, theatres and other places of public resort.

(2) Any person who, after being made acquainted with any orders made or directions given under this section, contravenes or fails to comply with such orders or directions is guilty of an offence and is liable on summary conviction to a fine of $1,000.

(3) Any member of the Police Force may apprehend without warrant any person who commits an offence under this section within his view, if that person refuses to give his name and address or gives a name or address that the member of the Police Force has reasonable grounds to believe is false.

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Right of appeal

93. Any person who is aggrieved by any act, order or decision of the Traffic Commissioner, Comptroller of Inland Revenue, Licensing Officer, Vehicle Examining Officer, Director of Inland Revenue or any Driver Examining Officer may appeal to the Board and the decision of the Board shall be final.

(Act 10/2003, s. 5 and Act 1/2012, s. 18)

Punishment without prosecution for certain offences

94. (1) Notwithstanding any provision of this Act or any other law, where a member of the Police Force finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section, and no person is then liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before—

(a) the expiration of 21 days following the date of the notice or such longer period (if any) as may be specified therein; or

(b) before the date on which proceedings are begun;

whichever event last occurs.

(2) Notwithstanding subsection (1), where a notice is given under this subsection to a person who is not ordinarily resident in Anguilla, the period within which the fixed penalty may be paid as specified in the notice shall be either the period ending on the day before the person is due to leave Anguilla or 7 days following the date of the notice, whichever is the shorter period.

(3) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by any constable or other authority until the end of the 21 days following the date of the notice or such longer period (if any) as may have been specified therein.

(4) In subsections (1) to (3), "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (1), and "convicted" shall be construed in like manner.

(5) Payment of a fixed penalty under this section shall be made to the Comptroller of Inland Revenue and sums paid by way of fixed penalty for any offence shall be treated for the purposes of that section as if they were fines imposed on summary conviction for that offence, and in any proceedings a certificate that payment of a fixed penalty was or was not made to the Comptroller of Inland Revenue by a date specified in the certificate shall, if the certificate purports to be signed by a person authorised by the Comptroller of Inland Revenue to receive payment, be sufficient evidence of the facts stated, unless the contrary is proved.

(Act 1/2012, s. 16, s. 18)

(6) A notice under subsection (1) shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof and shall state also the period during which, by virtue of subsection (3), proceedings will not be taken for the offence, the amount of the fixed penalty as prescribed in Schedule 3, and the address at which the fixed penalty may be paid.

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(7) Where a constable finds a vehicle on an occasion and has reason to believe that on that occasion there is being, or has been committed in respect of it, an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice affixed to the vehicle is deemed to be given to the person liable for that offence.

(8) A notice affixed to a vehicle under subsection (7) shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question, and any person contravening this subsection is liable on summary conviction to a fine of $100.

(9) This section applies to any offence listed in Schedule 3.

Amendment of Schedule 3

95. (1) The Governor may by regulation—

(a) add any offence to Schedule 3;

(b) delete any offence from Schedule 3 or alter the fixed penalty for any offence or prescribe a new penalty for any offence in an amount not exceeding $200;

(c) prescribe the form of notice and the duties of the person in the Treasury authorised by the Comptroller of Inland Revenue to receive payment and the information to be supplied to him; and

(Act 1/2012, s. 18)

(d) make provision for any matter incidental to the operation of section 83.

(2) In paragraph (1)(a), "offence" means an offence against any enactment relating to the use of vehicles on roads and punishable on summary conviction.

Saving

96. Nothing in this Act shall affect any liability of the driver or the owner of a motor vehicle under any other Act or at common law.

Conflict of laws

97. Whenever this Act or the regulations are in conflict with any other Act relating to the control of vehicles and road traffic, this Act and the regulations prevail.

Citation

98. This Act may be cited as the Vehicles and Road Traffic Act, Revised Statutes of Anguilla, Chapter V10.

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SCHEDULE 1

(Section 9(1))

FEES

Vehicle licence fees

		$
1.	For every motorcycle or all terrain vehicle.....	$310.00
2.	For every motorcycle with side-car ..... ……..…....	$340.00
3.	For every motor vehicle—	
	(a) not exceeding ½ ton	$470.00
	(b) exceeding ½ ton but not exceeding 1 ton	$550.00
	(c) exceeding 1 ton but not exceeding 2 tons	$625.00
	(d) exceeding 2 tons but not exceeding 3 tons	$760.00
	(e) exceeding 3 tons but not exceeding 4 tons	$825.00
	(f) exceeding 4 tons but not exceeding 5 tons	$875.00
	(g) exceeding 5 tons but not exceeding 15 tons (fee per ton or part thereof)	$320.00
	(h) exceeding 15 tons—	
	(i) for the first 15 tons	$4,675.00
	(ii) for each additional ton or part thereof	$165.00
4.	In addition to the licence fees specified in items 1 to 3, in respect of public service vehicles licensed to ply for hire or reward and self-drive rental vehicles shall be levied the following fees—	
	(a) public service vehicles licensed to ply for hire or reward	NIL
	(b) self-drive rental motorcycles or all terrain vehicles	$210.00
	(c) self-drive rental motor vehicles except motorcycles or all terrain vehicles.....	$300.00
5.	For every trailer (fee per ton or part thereof)	$260.00
6.	For every animal-drawn vehicle – for each wheel	$100.00

(R.A. 10/2007, s. 1, R.A. 7/2008, s. 1, Act 1/2012, s. 17(a),(b), Act 12/2015, s. 2(a) and R.A. 6/2016, s. 2)

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Driving test and certificate

7. Examination on highway code and driving test
For—
(a) examination on highway code 50.00

(b) driving test 90.00

(R.A. 4/2006, s. 1 and Act 1/2012, s. 17(c))

Driver's licence fees

8. For—

(a) a Class A licence **(**motorcycle driver's licence)—
(i) for 1 year $110.00
(ii) for 3 years $275.00

(b) a Class B licence (private driver's licence)—
(i) for 1 year $125.00
(ii) for 3 years $310.00

(c) a Class C licence (chauffeur's licence)—
(i) for 1 year $150.00
(ii) for 3 years $375.00

(d) a Class D licence (truck driver's licence)—
(i) for 1 year $190.00
(ii) for 3 years $500.00

(e) a Class E licence **(**heavy vehicle driver's licence)—
(i) for 1 year $250.00
(ii) for 3 years $625.00

(f) a visitor's temporary licence
(i) for up to 72 hours $40.00
(ii) for more than 72 hours up to 3 months $67.00

(g) a learner's permit - for each period of 6 months $65.00

(h) a duplicate driver's licence $65.00
(Act 1/2012, s. 17(d), Act 12/2015, s. 2(b) and R.A. 6/2016, s. 2)

Vehicle registration fees

9. For—
(a) registration of any vehicle 120.00

(b) change of identification mark of a vehicle 120.00

(c) transfer of ownership of a vehicle 45.00

(d) pedal cycle ..... Free

(e) the plates forming the identification mark 100.00

(R.A. 23/2007, s. 1)

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Motor vehicles and trailers examination fees

10. For—

(a)	first examination	60.00
(b)	second examination	Free
(c)	third and subsequent examinations	25.00

(R.A. 10/2007, s. 1)

Trailer road use fees

11. For every container leaving the port—

(a)	not exceeding 20ft.....	100.00
(b)	exceeding 20ft but not exceeding 40ft	150.00
(c)	exceeding 40 ft.....	250.00

(Act 2/2001, s. 2, R.A. 22/2002, s. 1 and R.A. 4/2006, s. 1)

12. For permit to import, acquire or continue to use customised tinted motor vehicle ..... 300.00.

(Act 1/2012, s. 17(e))

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SCHEDULE 2

(Section 50(1))

SPEED LIMITS

		Maximum speed Miles per hour
1	The speed limit on any road within the limits of Long Bay, Sandy Ground and the Valley—	
	(a) motor vehicles other than those mentioned in paragraphs (b) or (c)	20
	(b) motor omnibuses, passenger trucks, motor lorries and trailer trucks	15
	(c) tractors and heavy vehicles	15
2.	The speed limit on the Long Road and the Sisal Road i.e. West of Anguilla Trading Company, South Hill to Well Road, Long Bay—	
	(a) motor vehicles other than those mentioned in paragraphs (b) or (c)	40
	(b) motor omnibuses, passenger trucks, motor lorries and trailer trucks	35
	(c) tractors and heavy vehicles	30
3.	School Zones i.e. main roads in front of the entrance to schools clearly marked by signs or marking—	
	all vehicles	15
4.	The speed limits on all roads other than those listed in sections 1, 2 and 3—	
	(a) motor vehicles other than those mentioned in paragraphs (b) or (c)	30
	(b) motor vehicles, passenger trucks, motor lorries and trailer trucks	25
	(c) tractors and heavy vehicles	20.

(Act 2/2001, s. 2)

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SCHEDULE 3

(Section 94(6) and (9))

OFFENCES AND FIXED PENALTIES

1.	Offences against orders made by the Traffic Commissioner under section 81	$ 200
2.	Offences against the Vehicles and Road Traffic Regulations	$ 200
3.	Offences against section 10, 30(3), 47, 60, 61 or 65	$250
4.	Offences against section 16	$300
5.	Offences against section 50—	
	up to 10 mph over speed limit	$250
	10 to 20 mph over speed limit	$300
	more than 20 mph over speed limit	$500
6.	Offences against the Sound Amplification (Restriction) Act, R.S.A. c. S50	$300.

(Act 2/2001, s. 2)

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