

M O N T S E R R A T

**ROAD TRAFFIC (AMENDMENT) BILL 2021**

No. 11 of 2021

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**I ASSENT**

**GOVERNOR**

**DATE:**

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**A BILL FOR**

AN ACT TO AMEND THE ROAD TRAFFIC ACT (CAP. 7.06).

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows:—

**1. Short title**

This Act may be cited as the Road Traffic (Amendment) Act, 2021.

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**2. Interpretation**

In this Act, “**principal Act**” means the Road Traffic Act (Cap. 7.06).

**3. Section 2 amended**

Section 2 of the principal Act is amended by inserting the following in the correct alphabetical sequence:

“**Licensing Officer**” means the Permanent Secretary of the Ministry responsible for public works;”.

**4. Section 3 amended**

Section 3 of the principal Act is amended as follows—

(a) in subsection (1)(d) by inserting “or representative” after “Officer”; and

(b) in subsection 8 by inserting “, a Vehicle Tester” after “Licensing Officer”.

**5. Section 4 amended**

Section 4 of the principal Act is amended as follows—

(a) in subsection (3) by deleting “a Licensing Officer,” and substituting “Vehicle Testers”.

(b) by deleting subsection (4) and substituting the following—

“(4) The Licensing Officer, Vehicle Testers and Examining Officers shall be under the direction of the Traffic Commissioner.”

**6. Sections 5 and 6 deleted**

Sections 5 and 6 are deleted and substituted by the following:

**“5. Licensing Officer**

(1) The Licensing Officer shall, on behalf of the Traffic Commissioner, and in accordance with this Act—

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

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- (b) keep a register of—

    - (i) motor vehicles and trailers;
    - (ii) licensed motor drivers;
    - (iii) animal drawn vehicles and pedal bicycles; and
  - (c) perform all other duties as are or may be conferred or imposed on him by this or any other Act or by any regulations made under this or any other Act or by the Traffic Commissioner.
- (2) The Licensing Officer may, delegate a power, duty or function conferred or imposed by this Act, other than this power of delegation.
  - (3) A delegation by the Licensing Officer may be either to a specific individual or to the incumbent of a specific post.
  - (4) A delegation under this section does not prevent the Licensing Officer from personally exercising the power, duty, or function in question.
  - (5) The Licensing Officer may, at any time, revoke a delegation under this section.

**6. Examining Officer**

- (1) An Examining Officer shall, when so required by the Traffic Commissioner—
  - (a) test applicants for drivers' licences as to their competence to drive, and, if satisfied, to grant the necessary certificates of competency; and
  - (b) perform all other duties as are or may be conferred or imposed upon him by this or any other Act or by any regulations made under this or any other Act.

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- (2) The fees set out in item 4 of Part C of the First Schedule are payable to an Examining Officer.

**6A. Vehicle Tester**

- (1) A Vehicle Tester shall, when so required by the Traffic Commissioner—
- (a) examine and report on the condition, construction and equipment of any motor vehicle or other vehicle; and
  - (b) perform all other duties as are or may be conferred or imposed upon him by this or any other Act or by any regulations made under this or any other Act.
- (2) The Governor may make regulations with respect to the testing and repair of motor vehicles or other vehicles.”.

**7. Section 7 amended**

Section 7 of the principal Act is amended as follows—

- (a) by deleting subsection (1) and substituting the following—
- “(1) The fees set out in the First Schedule, except the fees listed in item 4 of Part C, are payable to the Licensing Officer for the registration and grant of a motor vehicle and trailer licence, the conduct of driving tests and the inspection of motor vehicles and trailers.”;
- (b) by deleting subsection (2); and
- (c) by deleting subsection (4) and substituting the following—
- “(4) A person who owns a motor vehicle or trailer with an identification mark ending in a number, letter or special character set out in Column 1 of Part A of the First Schedule shall licence his motor vehicle or trailer before the end of the corresponding month set

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out in Column 2 of Part A of the First Schedule.”.

**8. Sections 10, 21 and 23 amended**

Sections 10(1), 21 and 23 are amended by deleting “an Examining Officer” wherever it appears and substituting “a Vehicle Tester”.

**9. Section 11 amended**

Section 11(1) of the principal Act is amended by deleting “three” and substituting “two”.

**10. Section 15 amended**

Section 15(2) and (3) are deleted and substituted by the following:

- “(2) Subject to subsection (3A), an application under subsection (1)(a) may be made annually and shall be accompanied by a retention fee of \$500.
- (3) An identification mark may only be retained under subsection (1)(a) for one year from the date of the application.
- (3A) An identification mark may not be retained for more than three years.”

**11. Section 15A inserted**

The principal Act is amended by inserting the following as section 15A—

**“15A. Reservation of identification mark**

- (1) Where the owner or prospective owner of a motor vehicle wishes to reserve an identification mark in respect of an unregistered motor vehicle, the owner or prospective owner may make an application to the Licensing Officer in such form as may be prescribed by the Traffic Commissioner.

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- (2) An application under subsection (1) shall be accompanied by a reservation fee of \$125.
- (3) An identification mark may be reserved for four months from the date of the application under subsection (1).
- (4) The Governor may by order vary the fee payable for the reservation of an identification mark.”.

**12. Section 16A inserted**

The principal Act is amended by inserting the following as section 16A:

**“16A. Mechanic’s garage mark**

- (1) Despite section 16(1), the Traffic Commissioner may issue a mechanic’s garage mark to the owner of a registered mechanic’s garage to use a motor vehicle on a road for the purpose of testing the motor vehicle to determine—
  - (a) the required repairs to the motor vehicle; or
  - (b) whether adequate repairs have been carried out on the motor vehicle to render it road worthy.
- (2) An application for a mechanic’s garage mark shall be made annually and shall—
  - (a) specify the registered name of the mechanic’s garage;
  - (b) specify the owner or manager of the mechanic’s garage;
  - (c) be accompanied by proof of registration of the mechanic’s garage;

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- (d) be accompanied by proof of insurance on behalf of the mechanic's garage;
- (e) be accompanied by the drivers' licence of the owner or manager of the mechanic's garage; and
- (f) be accompanied by the fee prescribed in Part C of the First Schedule of the Act."

**13. Section 16B inserted**

The principal Act is amended by inserting the following as section 16B:

**"16B. Dealer's mark**

- (1) Despite section 16(1), the Traffic Commissioner may issue a dealer's mark to a dealer in motor vehicles to use the motor vehicle on the road for the purpose of the motor vehicle being tested with a view to sale.
- (2) An application for a dealer's mark shall be made annually and shall be accompanied by the fee prescribed in Part C of the First Schedule."

**14. Section 18 amended**

Section 18 of the principal Act is amended by deleting “, and subsequent applications for 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”.

**15. Section 23 amended**

Section 23 of the principal Act is amended by inserting “, letter or special character” after “number” wherever it appears.

**16. Section 30 amended**

Section 30 is amended by inserting the following as subsection 1(A)—



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“(1A) If the owner of a motor vehicle permits or causes a person, who is not the holder of a driver’s licence, to drive his motor vehicle on a road, the owner of the motor vehicle commits an offence.”

**17. Section 34 amended**

Section 34 of the principal Act is deleted and substituted by the following—

**“34. Application for drivers’ licences**

- (1) An application for a driver’s licence shall be made to the Licensing Officer in such form as may from time to time be prescribed.
- (2) An application under subsection (1) shall be accompanied by a certificate which shows that the applicant has passed a driving test conducted by an Examining Officer in accordance with regulations made under this Act.
- (3) A person from another country, other than an OECS member territory, who is not a visitor for the purposes of section 40 and who possesses a valid driver’s licence issued by that other country may elect to—
  - (a) make an application for a driver’s licence under subsection (1) and (2); or
  - (b) make an application for a driver’s licence without taking a driving test.
- (4) If an application is made under subsection 3(b), the Licensing Officer shall not require the applicant for the driver’s licence to produce a certificate under subsection (2).

**18. Section 35 deleted**

Section 35 of the principal Act is deleted.

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**19. Section 63 amended**

Section 63(b) of the principal Act is amended by inserting “or electric motor” immediately after “engine”.

**20. Section 78 amended**

Section 78(1)(h) of the principal Act is amended by deleting “Examining Officers” and substituting “Vehicle Testers”.

**21. Section 82 amended**

Section 82 of the principal Act is amended by inserting “, a Vehicle Tester” after “Licensing Officer”.

**22. Part C of the First Schedule amended**

Part C of the First Schedule is amended by—

“(a) inserting the following as item 1(g)—

	(g) Application for driver’s licence under section 34(3)(b)	\$650”.
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(b) deleting item 4 and substituting the following—

4.	<b>Driving Test</b>	
	(a) Written driving test	\$30
	(b) Driving test (Road)	\$50
	(c) Invigilation of driving examination	\$100
	(d) Examination Certificate	\$100”

; and

(b) inserting the following as items 7(d) and 7(e) —

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“

	(d) Application for dealer's mark	150
	(e) Application for mechanic's garage mark	150”.

**SPEAKER**

Passed by the Legislative Assembly this            day of            ,  
2021.

**CLERK OF LEGISLATIVE ASSEMBLY**