

ROAD TRAFFIC (AMENDMENT) BILL, 2021

EXPLANATORY MEMORANDUM

The Road Traffic (Amendment) Act, 2021 amends the Road Traffic Act (Cap. 7:06) (the Act).

Clause 1 sets out the short title of the Bill and clause 2 defines the term “principal Act”.

Clause 3 inserts a definition for “Licensing Officer”. Licensing Officer means the Permanent Secretary of the Ministry responsible for public works.

Clause 4 amends section 3 of the Act to allow the Licensing Officer or a representative of the Licensing Officer to be a member of the Montserrat Transport Board.

Clause 5 amends section 4 of the Act to give the Traffic Commissioner the power to appoint Vehicle Testers.

Clause 6 amends the Act by deleting and replacing sections 5 and 6. The new sections set out the duties of the Licensing Officer, Examining officers and Vehicle testers.

Clause 7 amends section 7 of the Act by deleting and replacing subsection (1). The new subsection (1) provides that the fees set out in the First Schedule, except the fees listed in item 4 of Part C are payable to the Licensing Officer. Clause 7 also amends section 7(4) of the Act by making provision for the licensing of a motor vehicle of trailer that ends with a letter or special character.

Clause 8 amends the Act by deleting “an Examining Officer” wherever it appears in sections 10(1), 21 and 23 and substituting “a Vehicle Tester”.

Clause 9 amends section 11(1) of the Act. Under the current section 11(1) if a motor vehicle or trailer has not been re-licensed the registration remains valid for three years. However, under the amendment the registration of a motor vehicle or trailer that has not been re-licensed remains valid for two years.

Clause 10 amends section 15 of the Act by inserting a provision which provides that an application for the retention of an identification mark may be made annually and shall be accompanied by a retention fee of \$500. Under the new subsections an identification mark may not be retained for more than three years.

Clause 11 inserts a new section into the Act which allows the owner or prospective owner of a motor vehicle wishes to reserve an identification mark in respect of an unregistered motor vehicle.

Clause 12 inserts a new section in the Act which gives the Traffic Commissioner the power to issue a mechanic’s garage mark to the owner of a registered mechanic’s garage.

Clause 13 inserts a new section into the Act to give the Traffic Commissioner the power to issue a dealer’s mark to a dealer in motor vehicles.

Clause 14 amends section 18 of the Act by removing the requirement for subsequent applications for renewal of a motor vehicle or trailer licence to be made in person or by letter.

Clause 15 amends section 23 of the Act by making provision for the application and renewal of identification marks that end with a letter or special character.

Clause 16 amends section 30 of the Act by inserting a subsection which makes it an offence for the owner of a motor vehicle to permit or cause a person, who is not the holder of a driver's licence, to drive his motor vehicle on a road.

Clause 17 amends section 34 of the Act by inserting new provisions which allows a person from another country, other than an OECS member territory, who is not a visitor and who possesses a valid driver's licence issued by that other country to make an application for a driver's licence without the need to undergo a driving test conducted by an Examining Officer.

Clause 18 deletes section 35 from the Act.

Clause 19 amends section 63 of the Act by making provision for an electronic motor vehicle. This amendment means that it is an offence for a person to, without permission of the owner, climb on or into or swing on any motor vehicle or electronic motor vehicle.

Clause 20 amends section 78 (1)(h) of the Act by deleting "Examining Officers" and substituting "Vehicle Testers". The amendment gives the Governor the power to make regulations with respect to the duties and powers of Vehicle Testers.

Clause 21 amends section 82 by giving a person the right to appeal a decision of a Vehicle Tester.

Clause 22 of the amends Part C of the First Schedule by inserting fees for the Application for driver's licence under section 34(3)(b), written driving test, driving test (road), the invigilation of driving examinations, and the issuance of examination certificates.

Clause 22 also inserts fees for the application for a dealer's mark and a fee for the application for a mechanic's garage mark.

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Hon. Attorney General