

**Explanatory Menorandum after pages 32**

**2018-08-27**

**OBJECTS AND REASONS**

This Bill would amend the *Road Traffic Act*, Cap. 295 to provide for the abolition of the payment of road tax, to provide for the payment of registration fees for motor vehicles and to provide for related matters.

*Arrangement of Sections*

1. Short title
2. Amendment of section 2 Cap. 295
3. Amendment of Cap. 295
4. Insertion of Part IA and sections 4A and 4B into Cap. 295
5. Amendment of section 5 of Cap. 295
6. Amendment of section 5A of Cap. 295
7. Insertion of sections 5B and 5C into Cap. 295
8. Amendment of section 6 of Cap. 295
9. Amendment of section 7 of Cap. 295
10. Amendment of section 10 of Cap. 295
11. Amendment of section 10A of Cap. 295
12. Amendment of section 10B of Cap. 295
13. Amendment of section 10D of Cap. 295
14. Amendment of section 11 of Cap. 295
15. Amendment of section 12A of Cap. 295

16. Amendment of Part III of Cap. 295
17. Amendment of section 15 of Cap. 295
18. Insertion of section 15C into Cap. 295
19. Amendment of section 16 of Cap. 295
20. Insertion of section 16A into Cap. 295
21. Amendment of section 18 of Cap. 295
22. Amendment of section 19 of Cap. 295
23. Amendment of section 20 of Cap. 295
24. Amendment of section 21 of Cap. 295
25. Amendment of section 23 of Cap. 295
26. Amendment of section 24 of Cap. 295
27. Amendment of section 25 of Cap. 295
28. Amendment of section 27 of Cap. 295
29. Amendment of section 29 of Cap. 295
30. Amendment of section 30 of Cap. 295
31. Amendment of section 34 of Cap. 295
32. Amendment of section 37 of Cap. 295
33. Repeal of sections 17, 22, and 41 of Cap. 295

- 34. Amendment of the *First Schedule* to Cap. 295
- 35. Amendment of the *Second Schedule* to Cap. 295
- 36. Amendment of the *Fourth Schedule* to Cap. 295
- 37. Amendments of certain enactments
- 38. Commencement

FIRST SCHEDULE

SECOND SCHEDULE

## **BARBADOS**

A Bill entitled

An Act to amend the *Road Traffic Act*, Cap. 295 to provide for the abolition of the payment of road tax, to provide for the payment of registration fees for motor vehicles and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

**Short title**

1. This Act may be cited as the *Road Traffic (Amendment) Act, 2018*.

**Amendment of section 2 Cap. 295**

2. *Section 2 of the Road Traffic Act Cap. 295, in this Act referred to as the principal Act, is amended in subsection (1)*

- (a) *by inserting the following definitions in the appropriate alphabetical order:*

““articulated vehicle” means a motor vehicle drawing a trailer that is so attached to the motor vehicle by partial superimposition thereon that a substantial part of the weight of the trailer is borne by the motor vehicle;

“commercial vehicle” means a motor vehicle or trailer that is used for hire, reward or in a business enterprise;

“private motor vehicle” means a motor vehicle that is used exclusively for private purposes and not used for hire, reward or in a business enterprise;”;

- (b) *by deleting the words “11 to 24” in the definition of “minibus” and substituting the words “21 to 57”;*
- (c) *by deleting the number “15” in the definition of “route taxi” and substituting the number “20”;*
- (d) *by deleting the definition of “registration number” and substituting the following:*

“ “registration number” means the number assigned by the Licensing Authority to an owner of a motor vehicle or bicycle and includes a letter which indicates

(a) the parish in which the motor vehicle or bicycle is registered;  
or

(b) the trade for which the motor vehicle is used,  
respectively;”; and

(e) *by deleting the definition of “road licence”.*

#### **Amendment of Cap. 295**

**3.** *The principal Act is amended by deleting the words “road licence” wherever they appear and substituting the words “registration number”.*

#### **Insertion of Part IA and sections 4A and 4B into Cap. 295**

**4.** *The principal Act is amended by inserting the following Part and sections immediately after section 4:*

“PART IA

ROAD TAX

#### **Abolition of payment of road tax**

**4A.(1)** No owner of a motor vehicle shall be required to pay road tax on or after 1<sup>st</sup> July, 2018 in respect of the use of a motor vehicle or the keeping of a motor vehicle for use on a road.

(2) Notwithstanding subsection (1), any road tax owed to the Licensing Authority by an owner of a motor vehicle prior to 1<sup>st</sup> July, 2018 may be recoverable by the Crown in summary proceedings or process on the complaint of the Licensing Authority.

(3) Where an owner of a motor vehicle owes the Licensing Authority road tax in respect of the

(a) use of a motor vehicle; or

(b) keeping of a motor vehicle for use on a road,

prior to 1<sup>st</sup> July, 2018, the Licensing Authority may refuse to register the motor vehicle under section 5 until the road tax is paid.

#### **Waiver of road tax**

**4B.(1)** Notwithstanding sections 4A(2) and 4A(3), where a person registers a motor vehicle with the Licensing Authority between the period 11<sup>th</sup> June, 2018 and 1<sup>st</sup> July, 2018, 75 per cent of the amount payable to the Licensing Authority as road tax in respect of the motor vehicle shall be waived.

(2) Where an owner of a motor vehicle who registered a motor vehicle between the period 11<sup>th</sup> June, 2018 and 1<sup>st</sup> July, 2018 paid to the Licensing Authority the full amount payable as road tax for the motor vehicle, he may apply in writing to the Minister of Finance for a refund of 75 per cent of the road tax paid.

(3) Where the Minister of Finance receives notification in accordance with subsection (2) and is satisfied that the owner of the vehicle paid the full amount payable as road tax for the motor vehicle, the Minister shall grant the owner a refund of 75 per cent of the road tax paid.”.

#### **Amendment of section 5 of Cap. 295**

**5.** *The principal Act is amended by deleting section 5 and substituting the following:*



**“Registration of motor vehicles**

5.(1) No person shall use or keep a motor vehicle for use on a road unless it is registered in accordance with this section.

(2) Every new owner of a motor vehicle shall at the time of the initial registration of that motor vehicle pay to the Licensing Authority such fee for the initial registration as the Minister of Finance by order prescribes.

(3) Every new owner of a commercial vehicle shall at the time of the initial registration of that motor vehicle pay to the Licensing Authority such fee for the initial registration as the Minister of Finance by order prescribes.

(4) Every owner of a motor vehicle shall annually register the motor vehicle with the Licensing Authority on the anniversary date on which the vehicle was first registered.

(5) Every owner of a commercial vehicle shall on the anniversary date of the initial registration of the vehicle pay to the Licensing Authority the annual registration fee for that vehicle as the Minister of Finance by order prescribes.

(6) Subject to subsections (2), (3) and (5), the Licensing Authority shall not register a motor vehicle until the fees payable in respect of the motor vehicle are paid.

(7) On the initial registration of a motor vehicle, the owner of the motor vehicle shall submit the following to the Licensing Authority:

- (a) an application to register the motor vehicle in such form as the Licensing Authority approves; and
- (b) the particulars specified in the *First Schedule*.

(8) Subject to subsection (7), where the Licensing Authority does not approve the application, the Licensing Authority shall not register the motor vehicle.

(9) A person who knowingly submits false information in respect of an application to register a motor vehicle is guilty of an offence and is liable on summary conviction to a fine of \$5000 or to imprisonment for a term of 12 months or to both.

(10) Where a motor vehicle is registered pursuant to this section and the Licensing Authority subsequently obtains evidence that a person submitted false information on the application to register the motor vehicle, the Licensing Authority may deregister the motor vehicle.

(11) The Licensing Authority shall enter any particulars received pursuant to subsection (7) in a register established for that purpose.

(12) Where the Licensing Authority registers a motor vehicle, the owner of the motor vehicle shall be assigned a registration number for his use.

(13) Every registration number assigned pursuant to subsection (12) is valid for a period of one year from the date so assigned.

(14) Notwithstanding subsection (13), the Licensing Authority may re-assign a registration number to another person where the person to whom it was first issued fails to

- (a) register the motor vehicle in accordance with this section; or
- (b) indicate that the registration number should be retained for his use.”.

**Amendment of section 5A of Cap. 295**

**6.** *The principal Act is amended by deleting section 5A and substituting the following:*

**“Production of evidence of insurance**

**5A.(1)** Where a person desires to register a motor vehicle pursuant to section 5, he shall produce to the Licensing Authority the following information:

- (a) a valid policy of insurance or such security in respect of third-party risks as required by this Act in relation to the user of the motor vehicle; and
- (b) evidence that the motor vehicle is not a motor vehicle to which section 37(4) applies.

(2) The Licensing Authority shall not register a motor vehicle or issue a registration number in respect of that motor vehicle where the person who applies to register the motor vehicle fails to comply with subsection (1).

(3) The Licensing Authority shall

- (a) keep a record of the information received pursuant to subsection (1); and
- (b) cause the record to be available at all times to any member of the Police Force.”

**Insertion of sections 5B and 5C into Cap. 295**

**7.** *The principal Act is amended by inserting immediately after section 5A the following:*

**“Penalty for non-payment of registration fee**

**5B.(1)** An owner of a motor vehicle who keeps it or allows it to be kept for use without paying the registration fee that is payable pursuant

to section 5 is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for 12 months or to both.

(2) Where a person is found guilty of an offence pursuant to subsection (1), the Licensing Authority may recover the registration fee pursuant to section 25.

(3) A motor vehicle shall be deemed to be kept for use until the contrary is proved.

### **Registration of bicycles**

**5C.(1)** No person shall use or keep a bicycle for use on a road unless it is registered in accordance with this section.

(2) An owner of a bicycle is, on application to the Licensing Authority in such form as the Licensing Authority approves and on payment to the Licensing Authority of such fee as the Minister by Finance by order prescribes, entitled to have that bicycle registered in the parish in which it is usually kept.

(3) A person shall, upon making an application for registration of a bicycle, furnish the Licensing Authority with his name and address and such other information as the Licensing Authority may require, and the Licensing Authority shall enter those particulars in a register kept by it for that purpose.

(4) The Licensing Authority shall, upon receiving the fee referred to in subsection (2), assign to the owner of the bicycle for his use, a special number, to be known as the registration number, and this number shall be placed on a number plate which shall be affixed in a conspicuous manner in the rear of the bicycle.”.

**Amendment of section 6 of Cap. 295**

**8.** *Section 6 of the principal Act is amended in subsection (3) by deleting the word “taxation” and substituting the word “licensing”.*

**Amendment of section 7 of Cap. 295**

**9.** *Section 7 of the principal Act is amended*

- (a) in subsection (3) by inserting the words “Part I of” immediately before the words “the Second Schedule”; and*
- (b) in subsection (5) by deleting the words “paragraph (b) of section 16(1)” and substituting the words “section 16(1)”.*

**Amendment of section 10 of Cap. 295**

**10.** *Section 10 of the principal Act is amended in*

- (a) subsection (4) by inserting the words “Part I of” immediately before the words “the Second Schedule”; and*
- (b) paragraph (a) of section 10(5) by deleting the words “public service vehicle” and substituting the words “commercial vehicle”.*

**Amendment of section 10A of Cap. 295**

**11.** *Section 10A of the principal Act is amended by inserting the words “Part I of” immediately before the words “the Second Schedule”.*

**Amendment of section 10B of Cap. 295**

**12.** *Section 10B of the principal Act is amended by inserting the words “Part I of” immediately before the words “the Second Schedule”.*

**Amendment of section 10D of Cap. 295**

**13.** *The principal Act is amended by deleting section 10D and substituting the following:*

**“Registration number plates for commercial vehicles other than limousines**

**10D.** Notwithstanding section 10, the registration number plates to be affixed to commercial vehicles other than limousines shall be in accordance with Part I of the *Second Schedule* except that the background of the registration number plates shall be white and the letters and figures thereon blue.”.

**Amendment of section 11 of Cap. 295**

**14.** *Section 11 of the principal Act is amended*

- (a) *in subsection (1) by deleting the words “Notwithstanding sections 5 and 10,” and substituting the words “Notwithstanding sections 5, 5B and 10,”; and*
- (b) *in subsection (2) by inserting the words “Part I of” immediately before the words “the Second Schedule”.*

**Amendment of section 12A of Cap. 295**

**15.** *Section 12A of the principal Act is amended in subsection (7) by inserting the words “Part I of” immediately before the words “the Second Schedule”.*

**Amendment of Part III of Cap. 295**

**16.** *The principal Act is amended by deleting the words immediately following the heading “PART III” and substituting the words “Licensing and Fees”.*

**Amendment of section 15 of Cap. 295**

**17.** *The principal Act is amended by deleting section 15 and substituting the following:*

**“Investigation of vehicle**

**15.(1)** Where an owner of a motor vehicle informs the Licensing Authority in writing that

(a) the motor vehicle was not used, kept for use or allowed to be kept for use for a period of not less than 3 months; and

(b) he is desirous of using the motor vehicle at a future date,

the Licensing Authority shall send a transport inspector to investigate the condition of the motor vehicle.

(2) Where the Licensing Authority sends a transport inspector to do an investigation pursuant to subsection (1), the owner of the motor vehicle shall pay to the Licensing Authority, prior to the investigation, such fee for the investigation as the Minister of Finance by order prescribes.”.

**Insertion of section 15C into Cap. 295**

**18.** *The principal Act is amended by inserting in the appropriate numerical order the following section:*

**“Registration identifier**

**15C.** Where the Licensing Authority registers a motor vehicle pursuant to section 5, the Licensing Authority shall issue to the owner of the vehicle either a

(a) registration card; or

(b) registration sticker and a registration card.”.

**Amendment of section 16 of Cap. 295**

**19.** *The principal Act is amended by deleting section 16 and substituting the following:*

**“Registration card**

**16.(1)** The Licensing Authority shall, in respect of every motor vehicle that is registered pursuant to section 5, issue to the owner of the motor vehicle a registration card which specifies the following information:

- (a) the name of the owner of the motor vehicle;
- (b) the registration number of the motor vehicle;
- (c) the appropriate letter contained in Part I of the *Fourth Schedule* representing the parish in which the motor vehicle is registered or the appropriate letter and use for which the motor vehicle is kept as set out in Part II and Part III of the *Fourth Schedule*; and
- (d) the duration for which the registration card is valid.

(2) Where a person uses a motor vehicle on a road, he shall have in his possession the registration card issued for the motor vehicle and shall produce it for examination on being required to do so by a member of the Police Force or a transport inspector in uniform, so that the member of the Police Force or the transport inspector is able to ascertain the owner of the motor vehicle.

(3) Subject to subsection (2), where a person fails to produce the registration card, he shall produce the registration card at a police station designated by the member of the Police Force or the transport inspector within 24 hours of the date on which he was required to produce it.



- (4) A person who contravenes subsection (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.”

**Insertion of section 16A into Cap. 295**

**20.** *The principal Act is amended by inserting immediately after section 16 the following:*

**“Registration sticker**

**16A.(1)** A registration sticker issued in accordance with section 15C shall be designed in accordance with Part II of the *Second Schedule*.

(2) Where an owner of a motor vehicle is issued a registration sticker pursuant to section 15C, he shall cause the registration sticker to be affixed to the top right hand corner of the rear registration number plate of the motor vehicle.

(3) A person shall not on a road, use a motor vehicle that does not have a valid registration sticker affixed on a rear registration number plate in accordance with subsection (2).

(4) A person who contravenes subsection (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.”.

**Amendment of section 18 of Cap. 295**

**21.** *The principal Act is amended by deleting section 18 and substituting the following:*

**“Change of ownership of motor vehicle**

**18.(1)** Where the ownership of a motor vehicle, in respect of which a valid registration number exists, is transferred to another person, the transferor of the motor vehicle shall

- (a) notify the Licensing Authority in writing of the
  - (i) transfer of ownership;
  - (ii) name and address of the new owner of the motor vehicle;and
- (b) return the registration card to the Licensing Authority.

(2) The new owner of the motor vehicle referred to in subsection (1) shall upon the transfer of the vehicle

- (a) notify the Licensing Authority in writing of the change of ownership;
- (b) state in the notice the name and address of the person from whom the motor vehicle was obtained;
- (c) produce to the Licensing Authority a valid insurance certificate or security in respect of the motor vehicle;
- (d) submit to the Licensing Authority any evidence that it may require to establish the validity of the change of the ownership; and
- (e) pay the registration fee for the motor vehicle pursuant to section 5.

(3) Where the Licensing Authority receives notice pursuant to subsections (1) and (2) and is satisfied as to the validity of the change of ownership of the motor vehicle, section 5 shall apply with such modifications and adaptations as may be necessary.

(4) A registration number is not to be treated as being transferred to a new owner of a motor vehicle and the new owner is not entitled to use such motor vehicle in accordance with the terms and conditions of that registration number.

(5) Any person who

(a) is required by this Act to submit information in connection with a change of registration of any motor vehicle and fails to do so; or

(b) knowingly submits false information in respect of the change of registration of a motor vehicle,

is guilty of an offence and is liable on summary conviction to a fine of \$5000 or to imprisonment for a term of 12 months or to both.”.

**Amendment of section 19 of Cap. 295**

**22.** *The principal Act is amended by deleting section 19 and substituting the following:*

**“Exemption from payment of registration fee by person staying temporarily in Barbados**

**19.(1)** Notwithstanding anything contained in this Act, where a person visits Barbados for a period not exceeding 6 months and brings a motor vehicle into Barbados for his own use during such visit, he may apply in writing to the Licensing Authority for a registration number to be assigned to the motor vehicle.

(2) Where a person makes an application for a registration number pursuant to subsection (1), he shall submit the following information with the application:

(a) a bill of lading for the motor vehicle;

- (b) evidence of a valid insurance policy or such security in respect of third-party risks issued by an insurer for the motor vehicle; and
  - (c) evidence that the person holds a valid road licence for the motor vehicle.
- (3) Where the Licensing Authority approves an application received pursuant to subsection (1), the Licensing Authority may issue to the applicant a registration number for the motor vehicle for a period covered by the road licence referred to in subsection 2(c).
- (4) Where the Licensing Authority issues an applicant with a registration number pursuant to subsection (3), the registration number shall not be issued for a period greater than 90 days.
- (5) Where the Licensing Authority issues a person with a registration number for a motor vehicle pursuant to this section, section 16 shall apply to this section with such adaptations and modifications as may be necessary.
- (6) This section does not operate in favour of a visitor to Barbados if the country in which the visitor's road licence is issued does not accord reciprocal treatment in respect of a registration number issued in Barbados.
- (7) For the purposes of this section, reference to the term "road licence" means a registered identification number that an authorised entity in a country other than Barbados assigns to a motor vehicle on registration of that motor vehicle in that country."

**Amendment of section 20 of Cap. 295**

**23.        *Section 20 of the principal Act is amended***

- (a) by deleting the shoulder note and substituting the following:*

**“Exemption from registration fee for motor vehicles used for agricultural purposes and the use on the road of such vehicles”; and**

- (b) *in subsection (1) by deleting the word “taxation” and substituting the words “registration fees”.*

**Amendment of section 21 of Cap. 295**

**24.** *Section 21 of the principal Act is amended by deleting the*

- (a) *shoulder note and substituting the following:*

**“Exemption of other vehicles from the payment of registration fee”; and**

- (b) *words “No tax is” in subsection (1) and substituting the words “No registration fee is”.*

**Amendment of section 23 of Cap. 295**

**25.** *The principal Act is amended by deleting section 23 and substituting the following:*

**“Penalty on driver for refusal to disclose name of owner of vehicle**

**23.(1)** A person who uses a motor vehicle in respect of which a fee is payable under this Act shall, on being required by a person authorised by the Licensing Authority or by a member of the Police Force, give the name and address of the owner of that vehicle.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$5000 or to imprisonment for a term of 12 months or to both.”.

**Amendment of section 24 of Cap. 295**

**26.** *Section 24 of the principal Act is amended by deleting the*

*(a) word “tax” wherever it appears and substituting the words “registration fee”; and*

*(b) words “and taxes” in subsection (6).*

**Amendment of section 25 of Cap. 295**

**27.** *The principal Act is amended by deleting section 25 and substituting the following:*

**“Recovery of fees**

**25.** A fee imposed pursuant to this Act is recoverable in summary proceedings or process on the complaint of the Licensing Authority.”.

**Amendment of section 27 of Cap. 295**

**28.** *Section 27 of the principal Act is amended by deleting subsection (1) and substituting the following:*

“(1) All payments of fees made to the Licensing Authority in respect of a motor vehicle shall, where such fees are computed on the weight of the vehicle while it is unladen, be accompanied by a certificate, in the form set out in the *Third Schedule*, of the weight of the vehicle unladen issued by an official weigher. ”.

**Amendment of section 29 of Cap. 295**

**29.** *Section 29 of the principal Act is amended by deleting the word “tax” in subsection (4) and substituting the word “fee”.*

**Amendment of section 30 of Cap. 295**

**30.** *Section 30 of the principal Act is amended by deleting the word “tax” in subsection (4) and substituting the word “fee”.*

**Amendment of section 34 of Cap. 295**

**31.** *The principal Act is amended by deleting section 34 and substituting the following:*

**“Production, alteration and use of registration card or registration sticker**

**34.(1)** No person shall manufacture a registration card or a registration sticker

(a) other than the Licensing Authority; or

(b) a person authorised by the Licensing Authority to manufacture the registration card or registration sticker.

(2) No person shall

(a) make a fraudulent imitation of; or

(b) fraudulently alter or use,

a registration card or a registration sticker.

(3) No person shall fraudulently lend to another person a registration card or a registration sticker issued to him in accordance with this Act.

- (4) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both. ”.

**Amendment of section 37 of Cap. 295**

**32.** *Section 37 of the principal Act is amended in subsection (2) by deleting the words “\$1000 or to imprisonment for a term of 6 months, or both” in subsection (1) and substituting the words “\$5 000 or to imprisonment for a term of 12 months or to both”.*

**Repeal of sections 17, 22, and 41 of Cap. 295**

**33.** *Sections 17, 22, and 41 of the principal Act are repealed.*

**Amendment of the First Schedule to Cap. 295**

**34.** *The First Schedule to the principal Act is deleted and the Schedule set out in the First Schedule to this Act is substituted.*

**Amendment of the Second Schedule to Cap. 295**

**35.** *The Second Schedule to the principal Act is amended by*  
*(a) deleting the heading “Registration Number Plates” and substituting the following:*

**“PART I**

**REGISTRATION NUMBER PLATES”;**

*(b) inserting immediately after paragraph 4, the following:*



**“PART II**

**REGISTRATION STICKERS**

- 1. A registration sticker shall**
- (a) measure 1.75 inches in length and 1 inch in height;**
  - (b) have a colour as determined by the Licensing Authority;**
  - (c) contain the first 3 letters of the month and the last 2 digits of the year in which the registration sticker expires; and**
  - (d) contain a serial number issued by the Licensing Authority.”.**

**Amendment of the *Fourth Schedule to Cap. 295***

**36. *The Fourth Schedule to the principal Act is amended by deleting Part II and substituting the following:***

**“PART II**

*Commercial Vehicles*

Column 1	Column 2
USE	LETTER
Taxi	Z
Maxi-taxi	ZM
Route-taxi	ZR
Self-driven or Hired Car, Hired Motorcycle and Hired All Terrain Vehicle	H

Column 1	Column 2
USE	LETTER
Limousine	HL
Minibus	B
Motor Omnibus	BM
Tour Coach	BT
Minibus:	*B
(i) Operated by a church registered as a charity	
(ii) Operated by a school approved by the Ministry of Education	
(iii) Operated by an organisation registered as a charity	
(iv) Operated by a hotel or a company	
Motor Vehicle with 2 or 3 axles, Articulated Vehicle, Tractor and Trailer	C

”.

#### **Amendments of certain enactments**

**37.** *The enactments set out in the first column of the Second Schedule to this Act are amended in the manner set out opposite thereto in the second column.*

**Commencement**

**38.** *The amendments directed to be made to the principal Act by section 16A and Part II of the Second Schedule shall come into operation on a date to be fixed by proclamation.*

FIRST SCHEDULE

(Section 34)

"FIRST SCHEDULE

(Section 5(7)(b))

Particulars of Motor Vehicle

- Full name, number and address of owner of motor vehicle: \_\_\_\_\_

Registration Number	Description, Make and Seating Capacity	Date of Registration (dd/mm/yr)	Name of Insurer and duration of Insurance Policy	Classification of the Motor Vehicle (e.g. Private Motor Vehicle or Commercial Vehicle)	The category of the Private Motor Vehicle or Commercial Vehicle (e.g. Car, Motor Cycle, Taxi, All Terrain Vehicle)	The parish the Private Motor Vehicle is to be used or kept	Weight Unladen	Maximum Gross Weight

**SECOND SCHEDULE***(Section 37)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Road Traffic Regulations, 1984</i> (S.I. 1984 No. 141)	In regulation 2 delete the definition "articulated vehicle".
2. <i>Road Traffic (Bicycle Registration Fee) Order, 2009</i> (S.I. 2009 No. 147)	In paragraph 2 delete the words "5A(2)" and substitute the words "5C(2)".
3. <i>Road Traffic (Motor Vehicle Insurance) Regulations, 1985</i> (S.I. 1985 No. 98)	<p>1. In regulation 4 insert immediately following paragraph (1) the following:</p> <p style="padding-left: 40px;">"(1A) The insurer shall state on the policy whether the vehicle is insured as a commercial vehicle or a private motor vehicle."</p> <p>2. In regulation 10, delete</p> <p>(a) paragraph (1) and substitute the following:</p> <p style="padding-left: 40px;">"(1) Subject to this regulation, at the time of the registration of a motor vehicle under section 5 of the Act, it shall be deemed sufficient to be in compliance with section 5A of the Act if at such time there is produced to the Licensing Authority a certificate of insurance or a certificate of security issued in accordance with regulation 4 indicating that on the date when the registration takes effect there will be in force a policy or security in relation</p>

*Second Schedule - (Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
<p>3. <i>Road Traffic (Motor Vehicle Insurance) Regulations, 1985</i> (S.I. 1985 No. 98)- (Cont'd)</p>	<p>to the use of the motor vehicle by the applicant or by other persons authorized by him.";</p> <p>(b) the number "41" in paragraph (2) and substitute the words "5A"; and</p> <p>(c) the words "or the date on which the tax is due" in paragraph (2)(a).</p> <p>3. Delete Form A of the <i>Schedule</i> and substitute the following:</p> <p style="text-align: center;">"Form A</p> <p style="text-align: center;"><i>(Regulations 4 and 6)</i></p> <p style="text-align: center;">THE ROAD TRAFFIC ACT, CAP. 295</p> <p style="text-align: center;"><b>CERTIFICATE OF INSURANCE</b></p> <p>(I) or (WE) HEREBY CERTIFY that a policy of Insurance covering the liabilities required to be covered by the <i>Road Traffic Act</i>, Cap. 295 has been issued as follows:</p> <ol style="list-style-type: none"> <li>1. Name of Policy holder</li> <li>2. Policy No.</li> </ol>

*Second Schedule - (Concl'd)*

Column 1

*Enactments*

3. *Road Traffic (Motor Vehicle Insurance) Regulations, 1985 (S.I. 1985 No. 98)- (Concl'd)*

4. *Road Traffic (Vehicle Investigation Fee) Order, 2009 (S.I. 2009 No. 142)*

Column 2

*Amendments*

3. Date of commencement of insurance  
 4. Date of expiry  
 5. Vehicle(s) covered and the category of vehicle(s) covered:

(a) ;

(b) ;

(c) .

.....  
 Authorised Insurer".

In paragraph 2 delete the words "15(3)" and substitute the words "15(2)".

Read three times and passed the House of Assembly this  
day of \_\_\_\_\_, 2018.

**Speaker**

Read three times and passed the Senate this \_\_\_\_\_ day of  
, 2018.

**President**



## ROAD TRAFFIC (AMENDMENT) BILL, 2018

### EXPLANATORY MEMORANDUM

The *Road Traffic (Amendment) Bill, 2018* would amend the *Road Traffic Act, Cap. 295* to provide for the abolition of the payment of road tax, to provide for the payment of registration fees for motor vehicles and to provide for related matters.

**Clause 1:** This clause provides the short title of the amending Act. It may be cited as the *Road Traffic (Amendment) Act, 2018*.

**Clause 2:** This clause amends section 2 of the *Road Traffic Act, Cap. 295* (Act) and makes provision for the definition of the terms “articulated vehicle”, “commercial vehicle” and “private motor vehicle”. This clause also redefines the term “registration number”, revises the definitions of the terms “minibus” and “route taxi” and deletes the definition of the term “road licence”.

**Clause 3:** This clause deletes references of the words “road licence” wherever they appear in the Act.

**Clause 4:** This clause amends the Act by inserting a Part IA and sections 4A and 4B into the Act. Section 4A provides for the abolition of the payment of road tax after 1<sup>st</sup> July, 2018. Section 4B provides for the waiver of 75% of the road tax paid by persons between the period 11<sup>th</sup> June, 2018 and 1<sup>st</sup> July, 2018.

**Clause 5:** This clause amends the Act by repealing and replacing section 5 to provide for the registration of motor vehicles and the payment of registration fees in respect of registered motor vehicles.

**Clause 6:** This clause revises the Act by repealing and replacing section 5A and makes provision for the production of evidence of insurance where a person desires to register a motor vehicle in accordance with the Act.

**Clause 7:** This clause amends the Act to insert a section 5B to make provision for a sanction where a person fails to register a motor vehicle. This clause also amends the Act to insert a section 5C to make provision for the registration of bicycles.

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**Clause 8:** This clause amends section 6 of the Act by deleting the reference to the word “taxation” and substituting the word “licensing”.

**Clause 9:** This clause amends section 7(3) of the Act by inserting the words “Part I of” before the words “the *Second Schedule*”. The clause also amends section 7(5) of the Act by deleting the words “paragraph (a) of section 16(1)” and substituting the words “section 16(1)”.

**Clause 10:** This clause amends section 10(4) of the Act to insert the words “Part I of” before the words “the *Second Schedule*”. The clause also amends paragraph (a) of section 10(5) of the Act by deleting the words “pubic service vehicle” and substituting the words “commercial vehicle”.

**Clause 11:** This clause amends section 10A of the Act to insert the words “Part I of” before the words “the *Second Schedule*”.

**Clause 12:** This clause amends section 10B of the Act to insert the words “Part I of” before the words “the *Second Schedule*”.

**Clause 13:** This clause amends the Act by repealing and replacing section 10D to make provision for number plates assigned to commercial vehicles other than limousines.

**Clause 14:** This clause amends section 11(2) of the Act by inserting the words “Part I of” before the words “the *Second Schedule*”.

**Clause 15:** This clause amends section 12A(7) of the Act to insert the words “Part I of” before the words “the *Second Schedule*”.

**Clause 16:** This clause amends the Act by deleting the words immediately following the heading “Part III” and substituting the words “Licensing and Fees”.

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**Clause 17:** This clause amends the Act by repealing and replacing section 15 of the Act to make provision for the investigation of the condition of motor vehicles by the Licensing Authority.

**Clause 18:** This clause amends the Act to insert section 15C to make provision for the issuance of registration identifiers for motor vehicles by the Licensing Authority where the motor vehicles are registered.

**Clause 19:** This clause amends the Act by repealing and replacing section 16 to provide for the issuance of registration cards. The section provides that where a person uses a motor vehicle on the road, that person should possess the registration card in respect of the motor vehicle. The registration card should be produced by users of the motor vehicle when required by a member of a Police Force or a transport inspector. Where a person fails to produce the registration card when required to do so by a member of the Police Force or a transport inspector, the section mandates that the person shall produce the registration card at a police station designated by the member of the Police Force or transport inspector within 24 hours. Where a person fails to comply with the production of the registration card within the 24 hours, that person is liable on summary conviction to a fine of \$5000 or to imprisonment for 12 months or to both.

**Clause 20:** This clause amends the Act to insert a section 16A to make provision for the issuance of a registration sticker for a motor vehicle. The section imposes a requirement to affix the registration sticker to the top right hand corner of the rear number plate of the motor vehicle and mandates that a person shall not use a motor vehicle on a road which does not have a registration sticker that is affixed and designed in accordance with the Act. Where a person fails to comply, that person is liable on summary conviction to a fine of \$5000 or to imprisonment for 12 months or to both.

**Clause 21:** This clause amends the Act by repealing and replacing section 18. Section 18 makes provision for the procedures to be followed where the ownership of a vehicle is transferred to another person.

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**Clause 22:** This clause amends the Act by repealing and replacing section 19. The section outlines the procedure to be followed where a visitor to Barbados, who is visiting for 6 months or less, desires to import a motor vehicle for his use on a road while visiting.

**Clause 23:** This clause amends section 20 of the Act by deleting its shoulder note and substituting the words “Exemption from registration fee for motor vehicles used for agricultural purposes and the use on the road of such vehicles”. The clause also amends section 20 by deleting the word “taxation” in subsection (1) and substituting the words “registration fees”.

**Clause 24:** This clause amends section 21 of the Act by deleting its shoulder note and substituting the words “Exemption of other vehicles from registration fee”. The clause also amends section 21 by deleting the words “No tax is” in subsection (1) and substituting the words “No registration fee is”.

**Clause 25:** This clause amends the Act by repealing and replacing section 23. The section provides that a person shall give the name and address of the owner of the vehicle to a member of the Police Force when required to do so by the member of the Police Force. Where a person fails to do so, the person is liable on summary conviction to a fine of \$5000, to imprisonment for 12 months or to both.

**Clause 26:** This clause amends section 24 of the Act by deleting the word “tax” where ever it appears and substituting the words “registration fee”. The clause also amends section 24 by deleting the words “and taxes” in subsection (6).

**Clause 27:** This clause amends the Act by repealing and replacing section 25. Section 25 provides that fees payable pursuant to the Act may be recovered in summary proceedings or process on the complaint of the Licensing Authority.

**Clause 28:** This clause amends section 27 of the Act by repealing and replacing subsection (1) to make provision for the use of the term “fees”.

**Clause 29:** This clause amends section 29 of the Act by deleting the word “tax” in subsection (4) and substituting the word “fee”.

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**Clause 30:** This clause amends section 30 of the Act by deleting the word “tax” in subsection (4) and substituting the word “fee”.

**Clause 31:** This clause amends the Act by repealing and replacing section 34. The section provides that no person other than a person authorized by the Licensing Authority or the Licensing Authority shall manufacture a registration card or registration sticker. The section also provides that no person shall fraudulently imitate, use or alter a registration sticker or a registration card or fraudulently lend a registration card or registration sticker which is issued to him. Where a person contravenes this section, he is liable on summary conviction to a fine of \$5000, to imprisonment for 12 months or to both.

**Clause 32:** This clause amends section 37 of the Act by deleting the words “\$1000 or to imprisonment for a term of 6 months” and substituting the words “\$5000 or to imprisonment for a term of 12 months”.

**Clause 33:** This clause repeals sections 17, 22 and 41 of the Act. Section 17 formerly made provision for the payment of road tax, section 22 formerly addressed the penalty imposed where there was failure to pay road tax and section 41 formerly required persons to produce evidence of a valid insurance policy or security where a person paid road tax for a motor vehicle.

**Clause 34:** This clause repeals and replaces the *First Schedule* to the Act and provides for the particulars which are to be submitted with an application to register a motor vehicle.

**Clause 35:** This clause amends the *Second Schedule* to the Act to make provision for the design and dimensions of registration stickers.

**Clause 36:** This clause amends the *Fourth Schedule* to the Act to make provision for the symbols which should appear on number plates which are registered as commercial vehicles.

**Clause 37:** This clause provides for the amendments to be made to the enactments which are set out in

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**Clause 37 (Concl'd):** the *Second Schedule* to the *Road Traffic (Amendment) Bill, 2018*.

**Clause 38:** This clause directs that section 16A and Part II of the *Second Schedule* of the Act are to come into operation on a date to be fixed by proclamation.