

ACT

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THE ROAD TRAFFIC ACT, 2007

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PART I – PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires –

Act No. 4
of 1996.

“**Authority**” means the Road Transport Authority established by the Road Transport Authority Act, 1996;

“**carriage of goods**” includes haulage of goods;

“**class**” includes description;

“**commercial vehicle**” means a public service vehicle, a goods and passenger vehicle, a goods vehicle and a breakdown lorry;

“**cycle**” means a bicycle, motor cycle, tricycle, or a cycle having four or more wheels not being in any case a motor vehicle;

“**cycle track**” means track over which the public has a right of way in respect of cycles only;

“**dealer**” includes a person who stocks or exposes motor vehicles for sale, and a person who carries on business as a tester or repairer of motor vehicles;

“**disease**” includes any disability;

“**driver**” means any person who drives any vehicle or guides draught, pack or saddle animals or herds or flocks on a road or who is in active or physical control of the same;

“**footpath**” means a way over which the public has a right of way on foot or pedestrian walkway;

“**invalids carriage**” means a motor vehicle the weight of which unladen does not exceed 254 kilograms which is specially designed and constructed, and adapted for the use solely of a person with a physical disability;

“**Licensing Authority**” means the Road Transport Authority established by the Road Transport Authority Act, 1996 or any other person or organisation appointed under that Act as Licensing Authority;

“**Minister**” means the Minister responsible for transport;

“**motorcycle**” means a mechanically propelled vehicle, not being an invalids carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

“**motor vehicle**” means a mechanically propelled vehicle intended or adapted for use on roads;

“**owner**” means in relation to a motor vehicle, the person by whom the motor vehicle is kept and used and in the case of a motor vehicle which is the subject of an agreement for hire, hire purchase or loan, the person in possession of the motor vehicle under that agreement;

“**plated particulars**” means the particulars that are required to be marked on a cargo vehicle in pursuance of regulations under this Act;

“**to park**” means to stop a vehicle and to leave that vehicle stationary (whether the driver remains with or on it or not) on a road or other public place for period longer than is reasonably necessary to comply with a traffic direction or to take up and set down a passenger or goods; and cognate words shall be construed accordingly;

“**public service vehicle**” means any motor vehicle used for carrying passengers for hire or reward, whether at separate and distinct fares for their respective places or not, but does not include a goods and passenger vehicle;

“**road**” includes a street, highway and any other road or place to which the public has access by vehicle or cycle and the bridges over which a road passes;

“**spot fine**” means a fine payable at the place where the offence was committed or at the nearest office of the Authority;

“**traffic sign**” means any object or device (whether fixed or portable) for conveying to traffic on roads, or any specified description of traffic warnings, information, requirements, restrictions, or prohibition of any description approved by the Minister and erected, placed or maintained in accordance with section 128, and any line or mark on a highway for so conveying such warnings, information, requirements, restrictions or prohibitions;

“**trailer**” means a vehicle drawn or intended to be drawn by any motor vehicle but does not include a side-car attached to a motor-cycle;

“**vehicle**” includes any motor vehicle, trailer or semi-trailer, tractor, wagon, carriage, cart, van, lorry, hand-cart, truck, barrow and cycle or tricycle and all other machines for the carriage of goods or persons or both;

“**weights**” means the weights that are required to be marked on motor vehicles.

PART II – REGISTRATION AND LICENSING OF MOTOR VEHICLES AND TRAILERS

Registration of motor vehicles and trailers.

2. (1) A person shall not own or drive a motor vehicle or a motor trailer unless the motor vehicle or trailer is registered under this Act.

(2) A person seeking registration of a motor vehicle or a trailer shall apply in the prescribed form to the Licensing Authority.

(3) The Authority as the principal licensing authority shall be the central registrar of all motor vehicles and trailers and of all licences, and shall keep the prescribed registers and shall register therein in the prescribed manner all licences issued under this Act and the particulars of every motor vehicle and trailer registered by it or by other Licensing Authorities on its behalf.

(4) The registers kept under subsection (3) shall, during normal working hours, be open to inspection by the public on the payment to the Authority of a fee to be determined by the Authority.

3. (1) Subject to this Act, the owner of a motor vehicle or trailer may in accordance with regulations made under this Act, obtain a licence to use such vehicle for the period prescribed by application to the Licensing Authority in the manner prescribed and on payment of the prescribed fee and such licence shall be valid for the prescribed period. Licensing of motor vehicles.

(2) A licence issued under this section may be renewed on application and on payment of the prescribed fee subject to continued compliance with regulations made under this Act relating to the grant of such licence.

4. (1) Upon the registration of a motor vehicle or trailer under section 2, the Licensing Authority shall assign to the motor vehicle or trailer an identification mark comprising– Identification marks.

(a) the prescribed prefix indicating the registration area in which the motor vehicle or trailer is registered;

(b) a separate number; and

(c) the prescribed suffix indicating the year of the registration of the motor vehicle or trailer.

(2) The Licensing Authority may, in such circumstances as it may determine by regulations, decide whether to withdraw an identification mark for the time being assigned to a motor vehicle or trailer.

(3) The Licensing Authority shall upon any assignment or withdrawal made under subsection (2) make all necessary and consequential amendments to the register and the motor vehicle or trailer licence.

(4) Regulations may require the identification mark assigned to a motor vehicle or trailer to be fixed in a prescribed manner to the motor vehicle or trailer, to any other motor vehicle drawn by the motor vehicle or to both, prescribe the size, the shape, colour, the character of the identification mark to be fixed on any motor vehicle or trailer, and any other matter for the effective implementation of this section.

Using unregistered or unlicensed motor vehicle or trailer.

5. (1) A person who uses or keeps a motor vehicle or trailer not being an exempt motor vehicle on a road when the motor vehicle or trailer has not been registered or licensed by the Licensing Authority commits an offence and is liable on summary conviction to a fine not exceeding Le200,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) Notwithstanding anything contained in this section, the Licensing Authority may, by an authorisation in writing, permit the use of an unregistered or unlicensed vehicle for a specified purpose on a specified road for a specified period:

Provided that it shall be lawful for a member of any of the Armed Forces in the course of his duty as such, to drive a motor vehicle on a road if such motor vehicle is the property of the Armed Forces and carries an identification number approved by the Licensing Authority.

Failure to return registration document.

6. The registration document issued pursuant to regulations made under this Act remains the property of the Licensing Authority and, when required by the Licensing Authority to return the document, the registered owner, or any other person in possession of the document, who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Offence of not fixing identification mark.

7. The owner of a motor vehicle or trailer being used or kept on a road commits an offence where the identification mark is not fixed as required by regulations made under this Act and is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

Obscured identification mark.

8. When an identification mark fixed on a motor vehicle or trailer being used or kept on a road is in any way –

- (a) obscured, or
- (b) rendered, or allowed to become, not easily distinguishable,

the owner commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

9. (1) The Licensing Authority may on an application made to it and subject to prescribed conditions, issue a trade licence to – ^{Trade} licences.

- (a) a manufacturer of motor vehicles;
- (b) a tester of motor vehicles;
- (c) a motor vehicle dealer;
- (d) a person who satisfies the Licensing Authority that he intends to commence business as a motor vehicle dealer; or
- (e) a person authorized by the Licensing Authority to trade in trade licence plates, upon the payment of the prescribed fee.

(2) In the case of a motor vehicle dealer who is a manufacturer of motor vehicles, a trade licence is a licence for motor vehicles -

- (a) which are from time to time temporarily in the dealer's possession in the course of his business as a motor vehicle dealer;
- (b) kept and used by the dealer solely for the purpose of conducting research and development in the course of his business as a manufacturer; or
- (c) which are from time to time submitted to the dealer by other manufacturers for testing on roads in the course of that business.

(3) In the case of any other motor dealer, a trade licence is a licence for motor vehicles which are from time to time temporarily in the dealer's possession in the course of his business as a motor vehicle dealer.

(4) In the case of a vehicle tester, a trade licence is a licence for motor vehicles which are from time to time submitted to the tester for testing in the course of his business as a vehicle tester.

(5) In the case of a trader, in trade licence plates, the trade licence plate shall be issued by the Licensing Authority to the trader to be hired out for the temporary use of individual vehicle importers, fleet dealers and fleet owners.

Surrender of trade licence.

10. (1) A person may hold two or more trade licences.

(2) The holder of a trade licence may at any time surrender the licence to the Licensing Authority.

Appeal to Minister.

11. Where the Licensing Authority refuses an application for a trade licence, the applicant may, within 14 days of the refusal, appeal to the Minister, who shall within 14 days of the receipt of the appeal give a decision which shall be binding on the Licensing Authority.

Regulation of trade licence.

12. The Authority may by regulations provide for-

(a) the re-issue of a trade licence in place of a licence which is or may be lost, stolen, destroyed or damaged, and

(b) the fee to be paid on re-issue of the licence.

Use of vehicles by holders of trade licences.

13. (1) The holder of a trade licence is not entitled by virtue of the licence—

(a) to use more than one motor vehicle at any one time except in the case of a motor vehicle drawing a trailer and used for a prescribed purpose; or

(b) to use a motor vehicle for any purpose other than a purpose prescribed by regulations made under this Act.

(2) A motor vehicle in respect of which a trade licence has been granted shall not be used to carry any goods other than -

(a) a load which is carried solely for the purpose of testing or demonstrating the motor vehicle or any of its accessories or equipment and which is returned to the place of loading without having been removed from the motor vehicle except for that purpose or in the case of an accident;

(b) a load consisting of another motor vehicle used or to be used for travel from or to the place of delivery or collection in the case of a motor vehicle which is being delivered or collected;

(c) a load built in as part of the motor vehicle or permanently attached to it;

(d) a load which consists of parts, accessories or equipment designed to be fitted to the motor vehicle and of tools for fitting them to the motor vehicle; or

(e) a load which consists of a trailer but not a trailer which is for the time being defective or scrap.

14. A person who holds a trade licence or trade licences and uses — Misuse of trade licence.

(a) at any one time on a road a greater number of motor vehicles than the person is authorized to use by virtue of the trade licence or licences;

(b) a motor vehicle on a road for any purposes other than a purpose which has been prescribed by regulations, or

(c) the trade licence, or any of the trade licences, for the purposes of keeping on a road in any circumstances other than circumstances which have been prescribed, a motor vehicle, which is not being used on that road,

commits an offence and is liable on summary conviction to a fine of not less than Le500,000 and not exceeding Le1,000,000 or to a term of imprisonment for a term not exceeding 3 years or to both.

15. The Authority may, by statutory instrument, make regulations- Regulations in respect of registration and trade licences.

- (a) prescribing the details of the procedure for registration, the particulars to be included in the application and the registration fees to be charged;
- (b) requiring the identification mark assigned to a motor vehicle to be fixed in a prescribed manner to the motor vehicle, and prescribe the size, the shape, colour and the character of the identification mark to be fixed on any motor vehicle;
- (c) as to the mode of application for the allocation of identification marks;
- (d) for the transfer of identification marks allocated to a motor dealer in cases where the motor dealer dies or becomes incapacitated or bankrupt and cancellation of allocations of identification marks;
- (e) providing for the issue of a new trade licence for a trade licence stolen, destroyed, damaged or expired and the fee to be paid on the issue of the licence; and
- (f) prescribing the conditions subject to which trade licences or trade licence plates are to be issued, and any other matter or thing that needs to be prescribed for the purposes of registration of trade licences.

PART III – LICENSING OF DRIVERS

Driving licence.

16. (1) Except as otherwise provided in this Act, a person shall not drive a motor vehicle of any description or class on a road unless he is a holder of a driving licence authorizing him to drive a motor vehicle of that description or class:

Provided that it shall be lawful for a member of the Armed Forces in the course of his duty as such to drive a motor vehicle on the road where such motor vehicle is the property of the Armed Forces and the driver thereof is in the possession of a written permit to drive issued by the Armed Forces.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

17. (1) An application for a driving licence shall be made in the prescribed form to the Licensing Authority, and a true photograph of the applicant shall be affixed to every licence issued by the Licensing Authority. Application for driving licence.

(2) The following age limits shall apply to applications for licensing as follows:-

- (a) for public service vehicle, the applicant shall be 21 years or above;
- (b) for private cars, the applicant shall be 18 years or above;
- (c) for goods or cargo vehicles, the applicant shall be 18 years or above; and
- (d) for heavy trucks, the applicant shall be 21 years or above.

(3) Subject to this Act, every driver's licence shall continue for a period of one year from the date on which it is granted, but may be renewed from year to year on payment of the prescribed fee.

(4) For the purposes of granting driving licences, motor vehicles may be classified by regulations made under this Act and licences may be issued to drive every class of vehicles or may be restricted to any class or classes, and where a driving licence is restricted to any class or classes of vehicles, the licence may at any time during its period of validity be extended to any other class or classes of vehicles by the Licensing Authority where it is satisfied that the person applying for such extension has passed the necessary driving examination and is not disqualified from obtaining a licence in respect of such class or classes of vehicles.

18. (1) Every person who at any time has held a driving licence issued under this Act shall produce such licence or if he has held more than one licence the most recent of such licences, to the Licensing Authority when he applies for a renewal thereof or for a new driving licensing: Old licence to be produced on applying for renewal.

Provided that a Licensing Authority shall not refuse to renew a driving licence or issue a new licence if the applicant can give a satisfactory explanation of his inability to produce a former licence.

(2) It shall be lawful for the Authority to prohibit the issue or renewal of a driver's licence to or to revoke or suspend the licence held by any person who, by reason of his character or conduct or for any other sufficient cause is, in the opinion of the Authority, unfit to hold a driver's licence:

Provided that the powers conferred by this subsection shall not be vested in any authority or person other than the Authority itself.

Recognition of driving licences of other countries.

19. A driving licence issued under the corresponding provisions of any law in force in any other country may be recognized for conversion into driving licence issued under this Act, and under such conditions as the Licensing Authority may from time to time prescribe.

Test of competence to drive

20. (1) A driving licence shall not be granted to an applicant unless he has satisfied the Licensing Authority that he has—

- (a) passed the prescribed test of competence;
- (b) held a licence issued by the Licensing Authority, authorizing the applicant to drive a motor vehicle of the class or description;
- (c) held a licence issued by a competent authority in any other country authorizing the applicant to drive a motor vehicle of the class or description for which he would be authorized by the driving licence for which he is applying.

(2) A test of competence is sufficient for the granting of a licence authorizing the driving of motor vehicles –

- (a) of any class, if at the time the test was passed it authorized the granting of a licence to drive motor vehicles of that class;
- (b) of classes that are designated by regulations as a group, if at the time the test was passed

it authorized the granting of a licence to drive motor vehicles of any class included in the group; and

- (c) of classes included in a group other than a group referred to in paragraph (b).

(3) Regulations may provide for the retesting of licensed drivers-

- (a) every five years as from the commencement of this Act; or
- (b) as from the age of 70 or above, as the case may be.

21. (1) An application for the grant of a licence shall include a declaration by the applicant, stating—

Requirements as to physical fitness.

- (a) whether the applicant is suffering from any disease or disability, or
- (b) any other disability likely to cause the driving of a motor vehicle by the applicant to be a source of danger to the public.

(2) Where it appears from the applicant's declaration, or on inquiry the Licensing Authority is satisfied that the applicant is suffering from any disease, the Licensing Authority shall, subject to the following provisions of this section, refuse to grant the licence.

(3) Where as a result of a test of competence to drive or of information obtained, the Licensing Authority is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disease which is likely to be a danger to the public if that person drives any motor vehicle, the Licensing Authority shall, after giving to the licence holder notice, revoke the driving licence.

(4) A person whose licence is revoked by virtue of subsection (3) shall deliver the licence to the Licensing Authority and a person who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(5) A person who is licensed and authorized to drive a motor vehicle of any class, and who drives a motor vehicle of that class on a road commits an offence if the declaration made under subsection (1) in the application on which the licence was granted was one which the person knew to be false.

Revocation, suspension or cancellation of licence.

22. (1) The Licensing Authority may suspend, revoke or cancel a licence granted to any person under this Act.

(2) A licence which is suspended, revoked or cancelled, shall be returned to the Licensing Authority upon receipt of the notice referred to in subsection (3).

(3) The Licensing Authority shall serve notice in writing on the licence holder suspending, revoking or cancelling the licence with effect from the date specified in the notice and stating the reason for so doing.

(4) A person is not in breach of the requirement of subsection (2) if the person whose licence is revoked under subsection (1) is not in possession of the licence because the licence is surrendered to a police officer or an authorised person and the licence is delivered to the Licensing Authority immediately on its return.

Provision of information.

23. (1) If at any time during the period for which a licence remains in force, the licence holder becomes aware—

- (a) that he is suffering from a disease that can affect his ability to drive which the holder has not disclosed to the Licensing Authority; or
- (b) that a disease from which he has at any time suffered and which has been disclosed has become more acute since the licence was granted,

the licence holder shall notify the Licensing Authority in writing of the nature and extent of his disability.

(2) A person who fails to notify the Licensing Authority as required by subsection (1) commits an offence and is liable on summary conviction to a fine of not less than Le100,000 and not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(3) Where the prescribed circumstances that obtain in relation to a person who is an applicant for, or the holder of, a licence or if the Licensing Authority has reasonable grounds for believing that a person who is an applicant for or the holder of a licence may be suffering from a disease, subsection (4) shall apply for the purpose of enabling the Licensing Authority to satisfy itself whether or not that person may be suffering from that or any other disease.

(4) The Licensing Authority may by notice in writing served on the applicant or holder -

- (a) require the applicant or holder to provide the Licensing Authority, within a reasonable time specified in the notice, with an authorization as is mentioned in subsection (6); or
- (b) require the applicant or holder, as soon as is practicable, to arrange for that applicant or holder to be examined-
 - (i) by a registered medical practitioner appointed by the Licensing Authority; or
 - (ii) with respect to a disease of a prescribed description, by the officer of the Licensing Authority as may be so appointed,

for the purpose of determining whether or not the applicant or holder suffers or has at any time suffered from any disease.

(5) Where the application is for, or the licence held is a learner's licence, the Licensing Authority may by notice to the applicant require the applicant to submit to a test of competence to drive as directed in the notice.

(6) The authorization referred to in paragraph (a) of subsection (4) -

- (a) shall be in the prescribed form and contain the prescribed particulars specified in the notice by which it is required to be provided; and

- (b) shall authorize a registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned, to release to the Licensing Authority any information which the medical practitioner may have, or which may be available to the medical practitioner with respect to the question whether the applicant or the licence holder concerned may be suffering, or may at any time have suffered from the disease and if so, to what extent.

(7) Where a person on whom a notice is served under subsection (5)-

- (a) fails to comply with a requirement contained in the notice; or
- (b) fails a test of competence which that person is required to take under this section,

and the Licensing Authority is satisfied that the applicant or licence holder concerned is suffering from any disease, the Licensing Authority may revoke the driving licence of the holder or refuse to grant a licence to the applicant.

(8) Except where the requirement is made in the circumstances prescribed for the purposes of subsection (4), the Licensing Authority may defray any fees or other reasonable expenses of a registered medical practitioner in connection with -

- (a) the provision of information in pursuance of an authorization required to be provided under paragraph (a) of subsection (4), or
- (b) any examination which a person is required to undergo under paragraph (b) of subsection (4).

Driving after refusal or revocation of licence.

24. A person who drives a motor vehicle in respect of which the Licensing Authority has refused to grant a licence or has revoked the licence commits an offence punishable on summary conviction by a fine not exceeding Le250,000 or by imprisonment for a term not exceeding 12 months or by both.

25. (1) A person who drives a motor vehicle on a road while that person cannot comply with any requirement as to eyesight prescribed under this Part for the purposes of a test of competence to drive, commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Driving with uncorrected defective eyesight.

(2) Where a police officer suspects that a person driving a motor vehicle is likely to commit an offence under subsection (1), the officer may require that person to submit to a test for the purpose of ascertaining whether, using no other means of correction than the person used at the time of driving, the person can comply with the requirement concerned.

(3) A person who refuses to submit to the test commits an offence and is liable on summary conviction of a fine not exceeding Le100,000 or to imprisonment for a term not exceeding 6 months or to both.

26. (1) For the purposes of enabling a person to learn to drive a motor vehicle with a view to passing a test of competence to drive, the Licensing Authority may grant that person a learner's driving permit, subject to the person satisfying the conditions or other requirements prescribed by regulations under this Act.

Learner's permit.

(2) A learner's driving permit may, in the case of a person who appears to the Licensing Authority to be suffering from any disease or disability, be restricted to the driving of motor vehicles of a particular construction or design specified in the learner's driving permit.

(3) A learner's driving permit shall not authorize a person, prior to that person passing a test of competence to drive, to drive on a road a motor vehicle of any class except where that person has successfully completed an approved training and is driving the motor vehicle on the road as part of the training.

(4) For the purpose of being taught to drive, a person not holding a licence to drive a motor vehicle and who is -

- (a) not suffering from any disease or disability which is likely to cause the driving by that person of the class of motor vehicle which the person is being taught to drive, to be a source of danger to the public; and

- (b) eighteen years of age or over and in the case of a person being taught to drive a commercial vehicle, is twenty-one years of age or over,

may drive a motor vehicle, other than a motor cycle or heavy motor vehicle, if-

- (i) the person is accompanied for instruction by and sitting next to a licensed driver; and
- (ii) the motor vehicle displays conspicuously at the front and rear such plate or disc as may be prescribed:

Provided that the holder of a learner's permit and such licensed driver shall be jointly and severally liable for any injury or damage caused by such driving or any offence under this Act committed in the course thereof.

Licence granted in error.

27. (1) Where it appears to the Licensing Authority that a licence granted by it to any person was granted with a mistake or an omission in the particulars specified in the licence or particulars required to be endorsed on it, the Licensing Authority may serve notice in writing on that person requiring the surrender of the licence to the Licensing Authority and that person shall comply with the requirement.

(2) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder shall immediately surrender the licence to the Licensing Authority and provide it with particulars of the alterations to be made in the name or address.

(3) A person who fails to comply with a requirement or a duty under this section commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(4) On the surrender of a licence under subsection (1), the Licensing Authority-

- (a) shall, except where the licence is surrendered in pursuance of this section in consequence of an error or omission which appears to the Licensing Authority to be attributable to that

person's fault or in consequence of a current disqualification; or

- (c) may in such an excepted case which does not involve a current disqualification,

grant to that person free of charge a new licence expiring on the date on which the surrendered licence would have expired had it not been surrendered.

28. (1) A person who is aggrieved by the refusal of the Licensing Authority to grant a licence, the suspension, revocation or cancellation of a licence or a notice served in respect thereof or any other matter in respect of a licence may, within 28 days of the notice concerned, appeal to a Magistrate's court. Appeals relating to licences.

(2) On an appeal the court may make such order as it thinks fit having due regard for public safety.

29. (1) A person is disqualified from holding or obtaining a licence to drive- Disqualification of persons under age.

- (a) an invalid's carriage if that person is under eighteen years;
- (b) a motor cycle if that person is under sixteen years;
- (c) a commercial vehicle, including a public service vehicle, if that person is under twenty-one years;
- (d) a heavy truck if that person is under twenty-one years; or
- (e) other motor vehicles if that person is under eighteen years.

(2) Regulations may impose conditions or exemptions to subsection (1).

30. A person is disqualified from obtaining a licence authorizing him to drive a motor vehicle of any class so long as he is the holder of another licence authorizing him to drive a motor vehicle of a particular class, whether the licence is suspended or not. Disqualification to prevent duplication of licences.

Obtaining licence or driving while disqualified.

31. (1) A person commits an offence if, while disqualified from holding or obtaining a licence, he-

- (a) obtains a licence; or
- (b) drives a motor vehicle on a road.

(2) A licence obtained by any person who is disqualified is of no effect or, where the disqualification relates only to motor vehicles of a particular class, is of no effect in relation to those motor vehicles of that class.

(3) A police officer may arrest without warrant a person driving a motor vehicle on a road whom the police officer has a reasonable cause to suspect of being disqualified.

(4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

PART IV – DRIVING SCHOOLS

Driving schools to be registered.

32. (1) A person shall not operate a driving school unless the driving school has been registered by the Licensing Authority.

(2) A person seeking to operate a driving school shall submit to the Licensing Authority an application for registration which shall be in the prescribed form, accompanied by the prescribed fee and information.

(3) On the receipt of an application referred to in subsection (2), the Licensing Authority shall, if satisfied that the prescribed requirements for the registration of that driving school have been met, grade and register the driving school in the prescribed manner.

(4) The Licensing Authority may if a registered driving school no longer complies with the requirements referred to in subsection (3), suspend the registration of that driving school for such period as it may determine, or cancel the registration in the prescribed manner.

(5) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le2,500,000 or to a term of imprisonment not exceeding 5 years or to both.

33. (1) A person shall not operate as driving instructor unless he- Driving instructors.

- (a) has passed the prescribed examination;
- (b) holds a current driving licence granted under this Act;
- (c) is mentally and physically fit to act as an instructor; and
- (d) is registered as an instructor.

(2) A person referred to in subsection (1) shall only be registered as an instructor in respect of a class of motor vehicles which he is licensed to drive.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le1,000,000 or to a term of imprisonment not exceeding 3 years or to both.

34. (1) A person seeking to operate as an instructor in the driving of motor vehicles shall apply in the prescribed form to the Licensing Authority. Application for registration as driving instructor.

(2) The Licensing Authority shall issue the applicant with a certificate on the payment by the applicant of the prescribed fee.

(3) The Licensing Authority shall record in a register to be known as the Register of Driving Instructors the names of driving instructors registered under this Act.

(4) Before the requisite entry is made in the register, the applicant shall satisfy the Licensing Authority that he-

- (a) has passed the prescribed examination of ability to give instruction in the driving of motor vehicles;
- (b) is the holder of a valid licence which authorizes him to drive a motor vehicle under this Act;

- (c) has not, during any part of the period of four years ending with the day on which the application is made, been disqualified from holding or obtaining a licence to drive a motor vehicle; and
- (d) is a fit and proper person to have his name entered in the register.

(5) At any time when a person who held a valid learner's permit to drive a motor vehicle granted under this Act, passes the test of competence to drive a motor vehicle prescribed by this Act, he shall be regarded as holding the valid licence mentioned in paragraph (b) of subsection (4).

(6) The entry of a person's name in the register is subject to the condition that, so long as the person's name is in the register, he will, if at any time required to do so by the Licensing Authority, undergo the test prescribed for continued ability and fitness to give instruction in the driving of motor vehicles.

(7) Regulations may provide that persons of such class as may be specified in the regulations shall be exempted from the condition mentioned in paragraph (a) of subsection (4) as regards the whole or such part of the examination mentioned in that paragraph as may be so specified.

(8) The Licensing Authority shall, on making a decision on an application under subsection (4), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the applicant, shall state the grounds of the refusal.

Display of registration certificate.

35. (1) A person shall not give instructions in the driving of a motor vehicle unless that person wears in the course of instruction, an instructor's Identity Card issued by the Licensing Authority.

(2) An instructor's Identity Card shall not be valid unless the certificate number of the instructor is embossed on it.

(3) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to imprisonment for a term not exceeding 12 months or to both.

36. (1) A certification by the Licensing Authority of a registered instructor remains valid for a period of one year from the date of registration. a Duration of registration.

(2) The Licensing Authority shall remove from the register the name of an instructor upon the expiration of each registration year unless the instructor has applied for a renewal of the registration.

(3) A person may, before his name is removed under subsection (2), apply to the Licensing Authority, in the prescribed manner, for the retention of his name in the register for a further period of one year.

(4) A person whose name is removed from the register under subsection (2), may apply to the Licensing Authority for his name to be entered again in the register.

(5) On an application under this section, the applicant shall, on payment of the prescribed fee, have his name retained in the register for a further period of one year if he satisfies the Licensing Authority that -

- (a) he has not refused to undergo any test required of him;
- (b) his ability and fitness to give instruction in the driving of motor vehicles continues, having regard to any such tests which he has undergone during that period, to be of a satisfactory standard;
- (c) he is the holder of a valid licence;
- (d) he has not during any part of that period been disqualified from holding or obtaining a licence to drive a motor vehicle; and
- (e) he is a fit and proper person to have his name entered in the register.

37. (1) Where the Licensing Authority refuses to register an instructor or a driving school, the Licensing Authority shall give notice to the applicant in writing of the decision to refuse and the grounds for refusal within 28 days of the decision.

Refusal to register driving instructor or driving school.

(2) Where the Licensing Authority gives notice under subsection (1) -

- (a) the applicant may, within the period of 28 days beginning with the day on which the notice is given, make representations to the Licensing Authority;
- (b) the Licensing Authority shall not refuse the application until after the expiration of that period; and
- (c) the Licensing Authority shall take into consideration any representations made by the applicant within that period before deciding whether or not to refuse the application.

(3) A decision to refuse an application shall take effect-

- (a) where no appeal is brought against the decision, within the time limited for the appeal, on the expiration of that time;
- (b) where an appeal is brought and is withdrawn or struck out, on the day of the withdrawal or striking out of the appeal; or
- (c) where an appeal is dismissed, on the day of the dismissal of the appeal.

Removal of names from register of driving instructors.

38. (1) The Licensing Authority may remove the name of a person from the register of instructors if the Licensing Authority is satisfied that person-

- (a) does not hold a valid licence;
- (b) is disqualified from holding or obtaining a licence to drive a motor vehicle;
- (c) has refused to undergo a test of competence to drive a motor vehicle when required to do so;

- (d) has failed the test of competence;
- (e) is not a fit and proper person to have his name entered in the register; or
- (f) has died.

(2) A person whose name is removed from the register may apply to the Licensing Authority for his name to be entered again in the register after the condition leading to the removal has ceased to exist.

39. A person who is aggrieved by a decision of the Licensing Authority –

- (a) to refuse an application for the entry of his name in the register of instructors;
- (b) to refuse an application for the retention of his name in the register, or
- (c) to remove his name from the register,

may by notice in writing appeal to the Minister within 28 days beginning with the day on which notice of the decision was received in accordance with this Act.

40. (1) Where a person whose names is not in the register of driving instructors - Offences in respect of register.

- (a) takes or uses a title prescribed under this Act;
- (b) wears or displays a badge or certificate so prescribed; or
- (c) takes or uses any name, title, addition or description implying that his name is in the register,

he commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) Where a person carrying on business in the provision of instruction in the driving of motor vehicles -

- (a) uses a title or description so prescribed in relation to a person whose name is not in the register but is employed by him, or
- (b) issues an advertisement or invitation calculated to mislead the public with respect to the extent to which persons whose names are in the register are employed by him,

he commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Surrender of certificates or licences.

41. (1) Where the name of a person to whom a certificate is issued is removed from the register in pursuance of Part III or this Part that person shall on receipt of written notification from the Licensing Authority surrender the certificate to the Licensing Authority within fourteen days of the receipt of the notice.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to imprisonment for a term not exceeding 12 months or to both.

Production of certificates and licences to police officers and authorized persons.

42. (1) A person to whom a certificate is issued under Part III or this Part, shall, on being so required by a police officer or a person authorised by the Licensing Authority in that behalf, produce the certificate for examination.

(2) A person who is required under subsection (1) to produce a certificate and fails to do so, commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to imprisonment for a term not exceeding 12 months or to both.

Service of notices.

43. (1) A notice required to be given under Part III or this Part to a person may be given by-

- (a) delivering it to that person; or

(b) leaving it at that person's last known postal address or place of business; or

(c) by sending it to the person by post or by registered mail.

(2) For the purposes of this section, the last known postal address of a person is, in the case of a person whose name is included in the register, the person's address in the register, and in any other case the usual address or latest address known to the person giving the notice.

PART V – CONSTRUCTION AND USE OF MOTOR VEHICLES AND EQUIPMENT

44. (1) It shall not be lawful to sell or supply or to offer to sell or to supply for use on a road, a motor vehicle or trailer the construction of which does not conform to the regulations made under this Act.

Prohibition of sale of vehicles, etc. not complying with regulations as to construction.

(2) It shall not be lawful to alter a motor vehicle or trailer so as to render its structure such that the use thereof on a road in that condition would be unlawful by virtue of any regulations made under this Act.

(3) If a motor vehicle or trailer is sold, supplied, offered or altered in contravention of this section, any person who so sells, supplies, offers or alters it or causes or permit it to be sold, supplied, offered or altered, commits an offence.

(4) A person shall not be convicted of an offence under this section in respect of the sale, supply, offer or alteration of a motor vehicle or trailer if he proves that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Sierra Leone, or would not be so used until it had been put into a condition in which it might lawfully be so used.

45. (1) A person commits an offence if he causes or permits another person to use, a motor vehicle or trailer on a road when –

Use of vehicle in dangerous condition.

- (a) the condition of the motor vehicle or trailer, or of its accessories or equipment;

- (b) the purpose for which it is used;
- (c) the number of passengers carried by it, or the manner in which they are carried, or
- (d) the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person or damage to property.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

(3) The use of motor vehicles and trailers on the road their construction and equipment and the conditions under which they may be so used shall be prescribed by regulations made under this Act.

Contravention of requirement for brakes, steering-gear or tyres.

46. A person who –

- (a) contravenes or fails to comply with a road worthiness requirement for brakes or steering-gear;
- (b) uses on a road a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle to be so used; or
- (c) uses or permits to be used on a road, a motor vehicle or a trailer, the tyres of which are not of the required specification for the vehicle or trailer or that are worn out,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Failure to comply with requirements for carriage of goods and persons, weights, etc of commercial vehicles.

47. (1) The carriage of persons and goods mixed together, is hereby prohibited.

(2) A person who-

- (a) contravenes subsection (1); or
- (b) contravenes or fails to comply with a requirement of any weight applicable to -
 - (i) a cargo vehicle; or
 - (ii) a motor vehicle or trailer adapted to carry more than eight passengers; or
- (c) uses on a road a vehicle which does not comply with such a requirement, or causes or permits a motor vehicle to be so used,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

48. (1) A person shall not send or carry any hazardous goods by road except in accordance with this Part. Regulation of carrying hazardous goods.

(2) The Authority may make regulations to specify which goods, articles or materials carried on a road are hazardous goods.

(3) Without limiting the generality of subsection (2), the Authority may make regulations for-

- (a) the method of packing;
- (b) the quantity of goods which may be carried on a road;
- (c) the labelling on any package or container which contain goods;
- (d) precautions to be taken with respect to the carriage of the goods; and
- (e) the training and certification of drivers who transport hazardous goods.

(4) This section shall not apply to the carriage of military goods.

Carriage and labelling of hazardous goods. **49.** (1) A person shall not send or carry any hazardous goods by road without distinctly labelling in the prescribed manner on the outside of the outermost package that contains the goods—

- (a) the composition of the goods;
- (b) the name and address of the sender, owner or consignee.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

Refusal to carry hazardous goods by road. **50.** A driver of a motor vehicle may refuse to take on board any package or parcel that he suspects contains hazardous goods and may request the owner of the package or parcel to open and disclose the contents of the package or parcel.

Forfeiture of hazardous goods. **51.** (1) Where any hazardous goods sent by or carried on any road are the subject matter of an offence under sections 48 and 49, a court may order that those goods and any package or container for the goods be seized and forfeited to the State.

(2) The court may exercise the powers conferred on it under subsection (1) notwithstanding that—

- (a) the owner of the goods has not committed any offence in respect of the goods; or
- (b) the owner of the goods is unknown.

(3) The court shall prior to the forfeiture of the dangerous goods under this section, duly notify the owner, consignee or person in temporary possession of the goods pending forfeiture.

Contravention of other construction and use requirements. **52.** A person who—

- (a) contravenes or fails to comply with any road worthiness requirement other than one within paragraph (a) of subsection (1) of section 46,

or paragraph (b) of subsection (2) of section 47; or

- (b) uses on a road, a motor vehicle or trailer which does not comply with such a requirement, or causes or permits a motor vehicle or trailer to be so used,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or both.

53. When a person contravenes or fails to comply with a road worthiness requirement relating to the construction or equipment of a motor vehicle or trailer or the conditions under which it may be used on a highway, the owner as well as any other person who has custody or control of the motor vehicle or trailer also commits the offence of which that person is guilty. Liability for breach of road worthiness requirements.

54. The Authority may make regulations – Regulation of drivers of motor vehicles, construction and weight of motor vehicles.

- (a) to prescribe the fees to be paid for a licence, the duration of a licence and other matters which are incidental to the issue of a driving licence;
- (b) with respect to-
 - (i) the nature of test of competence to drive;
 - (ii) the qualifications, selection and appointment of persons by whom the test may be conducted;
 - (iii) evidence of the result of the test;
 - (iv) the nature of the courses of training;
 - (v) the approval by the Licensing Authority of the persons providing the courses;
 - (vi) the maximum amount of any charges payable by persons undergoing the training in consultation with proprietors of driving schools;

- (vii) certificates evidencing successful completion by persons of a course of training and the supply by the Licensing Authority of the forms which are to be used for the certificates;
- (viii) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Licensing Authority under the regulations; and
- (ix) training in respect of different classes of motor vehicles;
- (c) for requiring a person to submit to any part of an examination which consist of a written and practical test or to a test of continued fitness;
- (d) to alter or add to the conditions of which the Licensing Authority is required by this Part to be satisfied for the entry of a name in the register, for the retention of a name in the register, for the removal of a name from the register or omit any of those conditions;
- (e) for the width, height and length of motor vehicles and trailers and the load carried by them, the diameter of the wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (f) for the conditions under which weights may be tested; and
- (g) for any matter or thing that needs to be prescribed under this Part.

Interpretation
in respect of
Part V.

55. In this Part “construction and use requirements” means requirements, whether applicable generally or at specified times or in specified circumstances, imposed under this Act.

PART VI – TESTS OF VEHICLES AND ISSUE OF ROAD WORTHINESS CERTIFICATES

56. (1) A vehicle used on a road shall be submitted for examination in accordance with this Act or regulations made under this Act.

Tests of
condition of
motor
vehicles.

(2) Unless otherwise provided for under this Act in respect of cargo vehicles or any class of motor vehicles, this Part applies to all motor vehicles used on a road.

(3) The examination shall be conducted every six months in respect of commercial vehicles and once every year in respect of private vehicles or within such other prescribed period and shall be conducted to determine that -

- (a) the motor vehicle conforms to the prescribed requirements relating to the construction and condition of the motor vehicle, its accessories and other equipment; and
- (b) the condition of the motor vehicle is such that its use on the road will not involve a danger of injury to any person or damage to property.

(4) There shall be charged for any vehicle examination under this section such fee as may be prescribed by the Authority and for any vehicle that meets the prescribed standards of fitness, there shall be issued a certificate of fitness prescribed by the Authority and signed by the Manager of the testing station.

(5) A certificate of fitness shall -

- (a) be valid for a period not exceeding one year but the possession of a valid certificate of fitness does not relieve an owner or driver of a defective vehicle of any responsibility, whether civil or criminal, arising from the defect;
- (b) bear all relevant data, including the identity of the testing station that issued it, the expiry date and such other particulars as may be prescribed by the Authority.

Persons to conduct examination of vehicles.

57. (1) Subject to Part VII, the examination of vehicles shall be conducted by the Authority or any other examiner designated or authorised by the Authority.

(2) The Authority may for the purposes of its motor vehicle examination functions under this Act-

- (a) maintain motor vehicle centres where examinations may be conducted;
- (b) maintain the equipment for conducting the examinations, and
- (c) designate private motor vehicle testing stations where vehicle examinations may be conducted on its behalf.

Motor vehicle examiners.

58. (1) Subject to Part VII, the Authority may appoint vehicle examiners for the purpose of carrying out the functions conferred on it by this Act or under any other enactment.

(2) A vehicle examiner appointed under subsection (1) shall act under the general directions of the Authority.

Testing of condition of motor vehicles on roads.

59. (1) A vehicle examiner authorised under subsection (1) of section 58, hereinafter called an “authorized vehicle examiner”, may test a motor vehicle on a road for the purpose of ascertaining whether the motor vehicle’s-

- (a) construction and use requirements, under this Act; and
- (b) the requirement that the motor vehicle when used on a road, would not pose a danger or injury to any person or damage to property,

are complied with in respect of the motor vehicle.

(2) A police officer shall not stop a motor vehicle for a test unless that police officer is in uniform.

(3) Where it appears to a police officer that, by reason of an accident having occurred owing to the presence of a motor vehicle on a road, it is necessary that a test should be carried out immediately,

the police officer may require it to be carried out and, if the police officer is not to carry it out personally, may require that the motor vehicle shall not be taken away until the test has been carried out by the Licensing Authority.

(4) Where the presence of the vehicle may pose a danger, or damage property, the police officer may authorize the removal of the vehicle to a designated place for testing.

(5) A person who obstructs a police officer or a vehicle examiner acting under this section, or fails to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(6) A vehicle examiner shall produce the examiner’s authority to act for the purposes of this section if required to do so.

(7) In this section, references to a motor vehicle include reference to a trailer drawn by it.

60. (1) An authorized vehicle examiner or a police officer— Examination of commercial vehicles.

- (a) may at any time, examine a commercial vehicle and for that purpose detain the vehicle during such time as is required for the examination, and
- (b) may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which the examiner or officer has reason to believe that a commercial vehicle is kept and an authorized tester may exercise the powers given by paragraph (a) in relation to any commercial vehicle brought to a place of examination.

(2) The power conferred by subsection (1) to examine a commercial vehicle includes power to test it and drive it for the purpose of testing it.

(3) An authorized vehicle examiner or a police officer may at any time require a person in charge of a commercial vehicle and which is stationary on a road to proceed with the vehicle for the purpose of having it examined under this section to any place where an examination can be suitably carried out.

(4) A person in charge of a commercial vehicle who refuses or neglects to comply with a requirement made under subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding Le50,000 or to imprisonment for a term not exceeding 2 months or to both.

Power to prohibit driving of unfit motor vehicles.

61. (1) Where upon the examination of a motor vehicle, it appears to the vehicle examiner or an authorized tester or police officer that owing to any defects in the motor vehicle it is, or is likely to become, unfit for service, that examiner or tester or police officer may prohibit the driving of the motor vehicle on a road-

- (a) absolutely; or
- (b) for one or more specified purposes.

(2) Where, upon the examination, it appears to a police officer that owing to any defects in the motor vehicle, driving it would involve a danger or injury to any person the police officer may prohibit the driving of the motor vehicle on any highway-

- (a) absolutely; or
- (b) for one or more specified purposes.

(3) A prohibition under this section shall come into force at a time not later than ten days from the date of the examination as seems appropriate to the vehicle examiner or authorized tester or police officer imposing the prohibition, having regard to all the circumstances, and a prohibition shall continue in force until it is removed under this Act.

(4) A person imposing a prohibition under this section shall give notice in writing of the prohibition to the person in charge of the motor vehicle at the time of the examination-

- (a) specifying the defects which occasioned the prohibition;
- (b) stating the relevant prohibition; and
- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(5) Where a notice is given under subsection (4), any vehicle examiner or police officer may grant an exemption in writing for the use of the motor vehicle in such manner and subject to such conditions and for such purposes as may be specified in the exemption.

62. (1) Where it appears to the person imposing a prohibition under this Act that the motor vehicle is adapted to carry goods or passengers, or is a public service vehicle not so adapted to carry passengers or goods, the prohibition may be imposed with a direction not to remove the vehicle unless and until the motor vehicle has been examined at an official testing station.

Prohibition conditional on examination

(2) In any other case, a prohibition may be imposed with a direction not to remove the motor vehicle unless and until the motor vehicle has been examined in accordance with regulations made under this Act.

63. (1) Subsections (2) and (3) shall apply where a cargo vehicle or a motor vehicle adapted to carry passengers or goods has been weighed in pursuance of a requirement imposed under this Act and it appears to-

Power to prohibit driving of cargo vehicles.

- (a) a vehicle examiner;
- (b) a person authorized with the consent of the Licensing Authority to act for the purposes of this subsection; or
- (c) a police officer authorized to act for those purposes by a senior police officer;

that the limit imposed by construction and use requirements with respect to any description of weight which is applicable to that motor vehicle has been exceeded or would be exceeded if it were used on a road because of excessive overall weight or excessive axle weight on any axle and that, driving the motor vehicle would involve a danger or injury to any person or cause damage to property.

(2) A person referred to in subsection (1) may, whether or not a notice is given under this Act, give notice in writing to the person in charge of the motor vehicle prohibiting the driving of the motor vehicle on a road until -

- (a) the weight is reduced to that limit or it is no longer excessive; and
- (b) official notification in writing has been given to the person in charge of the motor vehicle that, it is permitted to proceed.

(3) A person referred to in subsection (1) may, also by direction in writing, require the person in charge of the motor vehicle to remove it to the place and subject to the conditions specified in the direction.

(4) Official notification for the purposes of subsection (2) may be withheld until the motor vehicle is weighed or reweighed in order to satisfy the person giving the notification that the weight has been reduced to the prescribed limit.

Offence in respect of unroadworthy or overloaded vehicles.

64. (1) A person who –

- (a) drives a motor vehicle in contravention of a prohibition under this Part;
- (b) causes a motor vehicle to be driven in contravention of such a prohibition; or
- (c) fails to comply within a reasonable time, with a direction under this Part,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) The Authority may by statutory instrument make regulations in respect of exemption under this section.

Removal of prohibitions.

65. (1) A prohibition may upon application therefore, be removed by an authorised officer of the Licensing Authority if the officer is satisfied that the motor vehicle is roadworthy.

(2) A person aggrieved by a refusal to remove a prohibition under subsection (1) or by a vehicle examiner or police officer may appeal to the Minister.

(3) The Minister may within a reasonable time, make such order on the appeal as the Minister thinks fit.

(4) Where the authorized officer removes a prohibition, the officer shall immediately give notice of the removal to the owner of the motor vehicle or other person who has custody or control of the motor vehicle.

(5) The Licensing Authority may require the payment of fees, in accordance with prescribed scales and rates, for the inspection of a motor vehicle with a view to the removal of a prohibition; and payment of fees may be required to be made in advance.

(6) Regulations may prescribe anything which may be prescribed under this section and for regulating the procedure, and fees payable, and appeals to the Minister under subsection (2).

66. (1) A person who–

- (a) supplies or fits a motor vehicle part to a motor vehicle; or
- (b) causes or permits a motor vehicle part to be fitted to a motor vehicle, in such circumstances that the use of the motor vehicle on a road would, by reason of that part being fitted to the motor vehicle, involve a danger or injury to any person or damage to property or constitute a contravention of, or failure to comply with, any of the construction and use requirements,

Fitting and supply of defective or unsuitable vehicle parts.

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) An authorized motor vehicle examiner may at any reasonable time enter premises, where, in the course of a business, motor vehicle parts are fitted to motor vehicles or are supplied, test and inspect any motor vehicle or motor vehicle part found on those premises, for the purposes of ascertaining whether -

- (a) a motor vehicle part has been fitted to a motor vehicle in such circumstances that the use of the motor vehicle on a road would, by reason of that part being fitted to the motor vehicle,

constitute a contravention of, or failure to comply with any of the construction and use requirements or involve a danger or injury to any person or damage to property, or

- (b) the motor vehicle part could not be supplied for fitting to a motor vehicle used on the road without the commission of an offence under this Act.

(3) For the purpose of testing a motor vehicle and any trailer drawn by the motor vehicle, the vehicle examiner may drive it and for the purpose of testing a trailer, may draw the trailer with the motor vehicle.

(4) A person who obstructs a vehicle examiner acting under subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding Le50,000 or to a term of imprisonment not exceeding 2 months or to both.

Weighing of motor vehicles.

67. (1) Subject to any regulations made under this Act, an authorized person may, on production of the person's authority, require a person in charge of a motor vehicle -

- (a) to allow the motor vehicle or trailer drawn by it to be weighed either laden or unladen, and the weight transmitted to the road by any parts of the motor vehicle or trailer in contact with the road to be tested, and
- (b) for that purpose, to proceed to a weighbridge or a machine for weighing motor vehicles.

(2) For the purpose of enabling a motor vehicle or a trailer drawn by it to be weighed or a weight to be tested, the authorized person may require the person in charge of the motor vehicle to drive the motor vehicle or to do any other thing in relation to the motor vehicle or its load or the trailer or its load which is required to be done for that purpose.

(3) A person in charge of a motor vehicle who-

- (a) refuses or neglects to comply with a requirement under this section; or
- (b) obstructs an authorized person in the exercise of that person's functions under this section,

commits an offence and is liable on summary conviction to a fine not exceeding le50,000 or to a term of imprisonment not exceeding 2 months or to both.

68. (1) Where a motor vehicle or motor vehicle with a trailer is weighed and found to be in compliance with the applicable weight, a certificate of weight shall be given to the person in charge of the motor vehicle and the certificate of weight shall exempt the motor vehicle and the trailer if any, from being weighed so long as it is during the continuation of the same journey and carrying the same load. Liability for driving overloaded vehicle or trailer.

(2) Where a person in charge of a weighing station suspects that the driver of a motor vehicle has tampered with any load already weighed, the person shall require that the motor vehicle and the trailer, if any, be reweighed.

(3) Where the motor vehicle or the vehicle and trailer if any, is weighed and it is found to be overloaded -

- (a) the excess load shall be offloaded immediately at the cost of the person in charge of the vehicle;
- (b) there shall be imposed on the person a penalty charge of such amount as shall be prescribed under this Act.

(4) Where a person fails to pay the penalty charge under subsection (3) within such period as is prescribed, the person shall be charged with the offence of being in charge of over-loaded vehicle and shall on summary conviction be liable to a term of imprisonment not exceeding 12 months.

Offences to do with reflectors, tail lamps and cycles. **69.** (1) A person who sells, or offers or exposes for sale, any appliance adapted for use as a reflector or trailer lamp to be carried on a motor vehicle in accordance with this Act or of any regulations made under it, not being an appliance applicable to the class of motor vehicles, trailer or cycle for which the appliance is adapted, commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who sells or supplies, offers to sell or supply or exposes for sale or supply, a cycle in contravention of any prohibition imposed by regulations made under this Act commits an offence, unless the person proves-

- (a) that it was sold, supplied or offered for export, or
- (b) that the person had reasonable cause to believe that it would not be used on a road in Sierra Leone or would not be so used until it had been put into a condition in which it might lawfully be so used.

PART VII – VEHICLE EXAMINATION CENTRES AND STATIONS

Vehicle examination centres or stations. **70.** The Authority may designate authorized private testing stations where examination of such motor vehicles as are prescribed by the Authority may be carried out, and in this Part, “testing station” refers to “private motor vehicle testing station”.

Facilities and equipment of testing stations. **71.** (1) Every testing station shall provide and maintain to the satisfaction of the Authority the following equipment for use in carrying out a test-

- (a) an approved roller brake-testing machine;
- (b) a head lamp tester;
- (c) exhaust emission testers for petrol or diesel engines or both;

- (d) a jacking beam of a size and weight limit appropriate to the station’s authorization;
- (e) either an approved vehicle lift fitted with captive turning plates, or an inspection pit of appropriate size, also fitted with captive turning plates;
- (f) a small lever or bar to apply load to the suspension system;
- (g) a small official tapping and scrapping “hammer”;
- (h) an approved tyre depth gauge;
- (i) an approved portable declinometer for use, if the roller brake machine fails

(2) The brake testing equipment and the emission testing machines shall be properly calibrated and periodically checked for calibration in accordance with regulations made under this Act.

(3) The Authority shall report to the Minister any testing station which, in the opinion of the Authority, is, having regard to subsection (1), inadequately equipped or in possession of inadequately maintained equipment or both, and the Minister may, after such inquiries as he deems fit, order the testing station to cease operations until remedial measures are taken, in addition to any penalty which may be imposed by regulations made under this Part.

72. (1) Each testing station shall have only one authorized vehicle examiner as the person or organization appointed by the Authority, as being suitable or qualified to assume the ultimate legal responsibility for the conduct of tests at the station. Authorized examiners and testers.

(2) A testing station shall have as many testers as may be required for the purposes of the station, each of whom -

- (a) shall be a motor mechanic with qualification not below the Motor Vehicle Technicians Certificate of the City and Guilds of London Institute with a minimum of five years’ workshop experience, two of which must be at supervisory level;

- (b) must have received training in vehicle examination for fitness organized by the Authority for not less than six weeks and passed the Authority's test for qualification and been granted a tester's number.

(3) The positions of authorized vehicle examiner and authorized tester are held at the discretion of the Authority who may withdraw them, where after consultation with the Minister, he is of the opinion that the holder has committed a serious breach of the testing regulations made under this Act.

(4) A change of the ownership of a testing station shall be with the approval of the Authority.

Tester's manual or check list.

73. (1) A vehicle examination shall be conducted by a tester in accordance with the procedures laid down in the inspection manual or check list provided by the Authority for the purpose, a copy of which shall be kept for use at all testing stations.

(2) The inspection manual or check-list shall, at a minimum, provide for or identify the three criteria for failing testable items on a vehicle at the time of inspection as follows:-

- (a) testable item so worn as to adversely affect the road worthiness of the vehicle;
- (b) testable item that is clearly in need of replacement or adjustment;
- (c) testable item such as tyres, lamps or brakes in a condition which appear to break the law.

Testing station register.

74. (1) Every testing station shall have and maintain a register in which shall be kept the following:-

- (a) the full details of the vehicle tested;
- (b) the result of the test, whether the vehicle passes or fails or a re-test is done;

- (c) the test certificate number issued.

(2) A vehicle examination under this Act shall not be conducted unless the vehicle is accompanied by-

- (a) the relevant insurance policy of the vehicle; and
- (b) the vehicle registration certificate.

75. (1) An examiner who knowingly-

- (a) certifies a defective vehicle as fit or roadworthy; or
- (b) back-dates a certificate of fitness,

Offence in connection with vehicle examination or testing.

commits an offence and is liable on conviction, for a first offence, to a fine of not less than Le2,000,000 or to a term of imprisonment not exceeding 12 months or to both, and for a second or subsequent offence, to a fine not exceeding Le4,000,000 or to a term of imprisonment not exceeding 2 years.

(2) The owner of a testing station where an offence referred to in subsection (1) is committed also commits an offence and is liable to the same penalties prescribed in that subsection unless he can prove that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised, having regard to all the circumstances.

(3) A vehicle owner or driver or any person who is in possession of a false certificate of fitness commits an offence and is liable on summary conviction to a fine not exceeding Le2,000,000 or to a term of imprisonment not exceeding 2 years or to both.

76. Regulations shall be made by the Authority under this section for the better carrying out the provisions of this Part.

Vehicle inspection regulations.

PARTVIII—LICENSING OF DRIVERS OF COMMERCIAL VEHICLES

Obligation of drivers of commercial vehicles to be licensed.

77. (1) A person shall not drive a commercial vehicle unless he obtains in respect of such vehicle the relevant licence issued by the Licensing Authority.

(2) A licence issued under this section shall be valid for the period specified in the licence and may be renewed upon application.

(3) A person who drives a commercial vehicle without a relevant licence under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Grant of licences; fitness as regards conduct.

78. (1) The Licensing Authority shall not grant to an applicant a licence unless it is satisfied, having regard to the applicant's conduct, that the applicant is a fit and proper person to hold the licence.

(2) Where a question arises under subsection (1) relating to the fitness of an applicant for a licence, having regard to the applicant's conduct, the Licensing Authority may require the applicant to furnish the Licensing Authority with such information as it may require and may by notice to the applicant require the applicant to attend before an officer of the Licensing Authority at the time and place specified by the Licensing Authority.

(3) Where the applicant fails without reasonable excuse to furnish information or to attend before or answer questions properly put by the officer when required to do so under subsection (2), the Licensing Authority shall refuse to grant the licence.

(4) Regulations shall prescribe what constitutes fitness for the purposes of this section.

Registration and licensing of commercial motor cycles.

79. (1) A person shall not operate as a commercial motor cycle rider unless—

(a) the motor cycle is registered for the purpose; and

(b) he has in that regard a licence issued by the Licensing Authority.

(2) Sections 78 and 80 to 83 shall, with the necessary modifications, apply to a licence to operate as a commercial motor cycle rider.

(3) Every person operating as a commercial motor cycle rider—

(a) shall wear a reflectorised apron and shall comply with section 114 with regard to the wearing of protective crash helmets by himself and his passengers respectively and with section 122 with regard to the number of passengers; and

(b) shall have hours of work not exceeding 10 hours in every 24 hours.

(4) Any person operating as a commercial motor cycle rider in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le200,000.

80. (1) A licence issued under subsection (1) of section 78 shall be revoked or suspended if the holder's conduct is such as to make the holder unfit to hold that licence.

Revocation or suspension of licences.

(2) Where the licence is suspended under subsection (1) it shall during the time of suspension be of no effect.

81. (1) Where the Licensing Authority revokes a commercial vehicle driver's licence, the Licensing Authority may —

Disqualification on revocation of licence.

(a) disqualify the holder indefinitely or for such period as the Licensing Authority thinks fit; or

- (b) except where the licence is a learner's permit, if it appears to the Licensing Authority that, owing to the conduct of the holder of the licence, it is expedient to do so, may require the holder to comply with the prescribed conditions applicable to learners' permit s under this Act until the holder passes the prescribed test of competence to drive commercial vehicles of any class.

(2) If, while the holder of a commercial vehicle driver's licence is disqualified under subsection (1), the circumstances prescribed cease to exist in the case of the driver, the Licensing Authority shall on an application made by the driver for the purpose, remove the disqualification.

(3) Where the holder of a licence is disqualified under paragraph (b) of subsection (1), the Licensing Authority shall not afterwards grant a licence to drive a commercial vehicle of any class unless it is satisfied that, that person has since the disqualification passed the prescribed test of competence to drive motor vehicles of that class, and until the person passes that test, any licence obtained by the person is of no effect.

(4) Where the disqualification of the holder of a large cargo vehicle or passenger-carrying vehicle driver's licence continues in force, a commercial vehicle driver's licence shall not be granted to that person and any such licence obtained by that person is of no effect.

Surrender, return and endorsement of revoked or suspended licences.

82. (1) Where the Licensing Authority revokes or suspends a licence, the Licensing Authority shall serve notice on the holder of the licence requiring the holder to deliver the licence immediately to the Licensing Authority, and the holder of the licence shall comply with the requirement.

(2) A holder of a licence who fails without reasonable excuse to comply with the request under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,00 or imprisonment for a term not exceeding 12 months.

(3) On the delivery of the licence by the holder to the Licensing Authority under subsection (1), the Licensing Authority—

- (a) shall in the case of a revoked licence, issue to the driver, on payment of the prescribed fee, a licence authorising the driving of the classes of motor vehicles which are unaffected by the revocation; or
- (b) shall in the case of a suspended licence, endorse the licence with particulars of the suspension and return the licence to the holder.

83. (1) A person who, being the holder of, or an applicant for, a commercial vehicle driver's licence, is aggrieved by the Licensing Authority's— Appeal to court.

- (a) refusal or failure to grant such a licence;
- (b) suspension or revocation of such a licence;
- (c) or ordering of disqualification;

may appeal to a court of competent jurisdiction after giving to the Licensing Authority notice of an intention to do so.

(2) On an appeal under subsection (1), the court may make such order as it thinks fit taking into consideration public safety; and the order shall be binding on the Licensing Authority.

84. Regulations made under this Act, may provide for the operation of handcarts and other non-motorised vehicles.

Regulation of handcarts and other non-motorised vehicles.

PART IX—GENERAL PROVISIONS AND OFFENCES

Spot fines. **85.** (1) A police officer of the rank of an Inspector or above on an authorised person may impose a spot fine on a person who commits an offence provided for in regulations made under this Act where—

- (a) the offence is committed in the presence of the police officer or authorised person; and
- (b) the relevant fine for the offence is one that may, under regulations made under this Act, be levied on the spot.

(2) Where a person pays a spot fine for the commission of an offence no prosecution shall be brought against that person in respect of the same offence.

(3) Where a person denies the commission of an offence or fails to pay the spot fine, the case shall be processed for court.

(4) The Authority may in writing authorise any other person, body or institution to impose and collect the spot fine provided for under this section, and any person, body or institution so authorised shall account for the fines in accordance with directives given by the Authority.

(5) Regulations may provide further for matters relating to spot fines.

Power of police officers and other authorised persons. **86.** (1) A person driving a motor vehicle or riding a cycle on a road shall stop the motor vehicle or cycle on being required to do so by a police officer or a person authorised by Authority in writing.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

- 87.** (1) A person—
- (a) driving a motor vehicle on a road;
 - (b) whom a police officer or vehicle examiner has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road;
 - (c) whom a police officer or vehicle examiner has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road;
 - (d) who supervises the holder of a learner’s permit while the holder is driving a motor vehicle; or
 - (e) whom a police officer or vehicle examiner has reasonable cause to believe was supervising the holder of a learner’s permit while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the learner’s permit in relation to the use of the vehicle on a road,

Power of police officers and vehicle examiners to require production of driving licences.

shall, on being so required by a police officer or vehicle examiner, produce his licence for examination, so as to enable the police officer or vehicle examiner to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it is issued.

(2) A person required by a police officer or a vehicle examiner to produce his licence shall in the prescribed circumstances, on being so required by the police officer or vehicle examiner state his date of birth.

(3) Where the Licensing Authority has revoked a licence and the holder of the licence fails to deliver it to the Licensing Authority, a police officer or a vehicle examiner shall require that person to produce the licence, and upon it being produced may seize it and deliver it to the Licensing Authority.

(4) Where a police officer or a vehicle examiner has reasonable cause to believe that the holder of a licence, or any other person, has knowingly made a false statement for the purpose of obtaining the grant or renewal of a licence, the police officer may require the holder of the licence to produce it.

(5) Where a police officer or a vehicle examiner to whom a learner's licence has been produced by a person driving a motor vehicle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for drivers of motor vehicles, the police officer shall require the holder to produce the prescribed certificate of completion of such a training course.

(6) Where a person is required under this section to produce a licence or a certificate or any other document relevant to driving a motor vehicle or motor cycle, the person shall produce it immediately or within twenty-four hours of being so required.

(7) Where a person required under this section to produce a licence or a certificate of completion of a training course for drivers of motor vehicles fails to do so that person commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Power of police officers to obtain information, etc.

88. (1) A person –

- (a) who drives a motor vehicle other than an invalid's carriage on a road;
- (b) whom a police officer has reasonable cause to believe to have been the driver of a motor vehicle other than an invalid's carriage at a time when an accident occurred owing to its presence on a road;

or

- (c) whom a police officer has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle other than an invalid's carriage on a road,

shall on being so required by a police officer, give his name and address and the name and address of the owner of the motor vehicle and produce the vehicle licence, the certificate of insurance and any other certificate issued in respect of the motor vehicle.

(2) A person who fails to comply with a requirement under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 to a term of imprisonment not exceeding 12 months or to both.

(3) A person–

- (a) who supervises the holder of a learner's permit granted under this Act while the holder is driving a motor vehicle other than an invalid's carriage on a road; or
- (b) whom a police officer or vehicle examiner has reasonable cause to believe was supervising the holder of such a permit while driving, at a time when an accident occurred owing to the presence of the motor vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the learner's permit in relation to the use of the motor vehicle on a road,

shall, on being so required by a police officer or vehicle examiner, give his name and address and the name and address of the owner of the motor vehicle.

(4) A person who fails to comply with a requirement under subsection (3), commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(5) In this section “owner” in relation to a motor vehicle which is the subject of an agreement for hire, hire purchase or loan, includes each party to the agreement.

Power to arrest for dangerous or careless driving or cycling.

89. (1) A police officer may arrest without warrant the driver of a motor vehicle or the rider of a cycle who within the police officer’s view commits an offence under this Act.

(2) Notwithstanding any law to the contrary, a person other than a police officer may without warrant arrest any driver who in his presence drives a commercial vehicle -

- (a) recklessly or dangerously;
- (b) carelessly; or
- (c) while under the influence of alcohol or drug contrary to this Act.

(3) Any person who, when arrested under this section -

- (a) refuses to give his name or address or such other information;
- (b) gives false name or address or false information, when the information is demanded by the person effecting the arrest, commits an offence and is liable on summary conviction to a fine not exceeding Le50,000 or imprisonment for a term not exceeding 2 months or both.

(4) A person arrested under subsection (2) shall be taken to the nearest police station for interrogation and may be charged by the police with the appropriate offence.

Failure to give particulars.

90. The driver of a motor vehicle or the rider of a cycle who is alleged to have committed an offence under this Act who refuses, on being required by an authorized person to give his name or address, or gives a false name or address, commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

91. (1) This section applies in a case where, owing to the presence of a motor vehicle on a road, an accident occurs by which—

Duty of driver to stop, report accident and give information or documents.

(a) personal injury is caused to a person other than the driver of that motor vehicle, or

(b) damage is caused—

(i) to a motor vehicle other than that motor vehicle or a trailer drawn by that motor vehicle; or

(ii) to domestic animal other than a bird and an animal in the game reserve in or on that motor vehicle or a trailer drawn by that vehicle; or

(iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent to such land.

(3) Where the driver fails to give his name and address under subsection (2), the driver of the motor vehicle shall report the accident to the nearest police station.

(4) A person who fails to comply with subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(5) A person who fails to comply with a duty under this section commits an offence, but shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within seven days of the occurrence of the accident, the certificate or other evidence is produced at a police station that was specified by the person at the time when the accident was reported.

Duty of owner of motor vehicle in respect of compulsory insurance.

92. (1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of this Act on any occasion when the driver was required to produce a certificate of insurance, or other evidence, the owner of the vehicle shall give such information as the owner may be required to give, by or on behalf of a police officer not below the rank of Assistant Superintendent.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

False statements and withholding material information.

93. (1) A person who makes a false statement for the purpose of –

- (a) obtaining the grant or renewal of a licence under this Act, to the Licensing Authority or police officer, or to any other person authorised in that behalf;
- (b) preventing the grant or renewal of any such licence;
- (c) procuring the imposition of a condition or limitation in relation to any such licence; or
- (d) securing the entry or retention of the name of a person in the register of driving instructors maintained under this Act,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) A person who in supplying information or producing documents for the purposes of this Act or of regulations made under this Act–

- (a) makes a statement which the person knows to be false in a material particular; or
- (b) produces, provides, sends or otherwise makes use of a document which the person knows to be false in a material particular or provides, sends or otherwise makes use of a document which is false in a material particular,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

94. A person who issues or tenders–

- (a) a certificate of insurance;
- (b) a vehicle licence;
- (c) a plating certificate;
- (d) a certificate of temporary exemption under regulations made under this Act; or
- (e) a notice removing a prohibition under this Act, which is false,

Issue or tender of false documents.

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

95. (1) Where a police officer or vehicle examiner has reasonable cause to believe that a document produced to the police officer or examiner is a document in relation to which an offence has been committed under this Act, the police officer or examiner may seize the document.

Power to seize articles involved in offences.

(2) When a document is seized under subsection (1), the person from whom it was taken shall, unless –

- (a) the document has been previously returned to the person; or
- (b) the person has been previously charged with an offence under this Act,

be summoned before a court to account for the person's possession of the document.

(3) A person who obtains unlawful possession of a document seized under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

Impersonation of persons employed by Licensing Authority.

96. A person who falsely represents himself to be an employee of the Licensing Authority commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Taking motor vehicle or cycle without authority.

97. (1) A person who –

- (a) takes and drives away a motor vehicle without the consent of the owner of the vehicle or other lawful authority; or
- (b) knowing that a motor vehicle has been taken without the owner's consent, drives it or allows himself to be carried in it without such consent or authority; or
- (c) without the consent of the owner or other lawful authority enters any motor vehicle or tampers with the motor vehicle or any part of it, commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) A person who, without the consent of the owner or other lawful authority, takes a pedal cycle for his own or another

person's use commits an offence and is liable on summary conviction to a fine not exceeding to a term of imprisonment not exceeding 6 months or to both.

(3) A police officer may arrest without warrant a person committing, attempting to commit or reasonably suspected of having committed, an offence under this section.

98. A person who–

Forgery of licence.

- (a) without authority prints, manufactures or procures any licence or identification mark or any document in relation to a licence or identification mark or facilitates the production of any such licence, identification mark or document;
- (b) forges or defaces, alters, mutilates or adds anything to any licence or identification mark;
- (c) exhibits or uses a licence which has been forged, defaced, altered, mutilated or added to;
- (d) lends or allows to be used by a person other than the owner, a licence or identification mark;
- (e) uses on one vehicle a licence or identification mark pertaining to another vehicle; or
- (f) uses a driving licence which belongs to another person or exhibits or uses a licence or uses any colourable imitation of a licence,

commits an offence and is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

PART X—PRINCIPAL ROAD SAFETY PROVISIONS

Dangerous driving.

99. (1) A person who drives a motor vehicle dangerously on a road commits an offence and is liable on summary conviction –

- (a) where–
 - (i) no bodily injury; or
 - (ii) a minor bodily injury,

occurs to any person other than the driver, to a fine not less than and not exceeding Le200,000 or to a term of imprisonment not exceeding 9 months or to both;
- (b) where bodily injury of an aggravated nature occurs to any person other than the driver to a minimum fine of Le250,000 and not exceeding Le500,000 or to a term of imprisonment of not less than 12 months and not exceeding 2 years or to both; or
- (c) where death occurs, to imprisonment for a term of not less than 3 years;
- (d) where there is damage to State property, to a fine of not less than Le100,000 and payment for the damage caused in an amount determined by the court.

(2) The court may, upon the conviction of any person under subsection (1)–

- (a) order the payment of such compensation as the court may consider appropriate to an injured person or to the estate of the person; or
- (b) order the withdrawal of the licence for a period of not less than 3 years and not more than 5 years.

(3) For the purposes of subsection (1), a person drives dangerously if–

- (a) the way that person drives falls below what is expected of a competent and careful driver; or
- (b) it is obvious to a competent and careful driver that it would be dangerous driving the vehicle–
 - (i) in that manner, or
 - (ii) in its current state.

(4) In determining what is expected of, or obvious to, a competent and careful driver in any particular case, regard shall be had to–

- (a) the circumstances of which the accused could be expected to be aware;
- (b) any circumstances shown to have been within the knowledge of the accused; and
- (c) the conditions of the road at the relevant time.

(5) In determining for the purpose of subsection (3), the state of a motor vehicle, regard may be had to anything attached to or carried on or in it and the manner in which it is attached or carried.

100. (1) There is hereby established a penalty-points system for the disqualification of habitual traffic offenders, ranging from one to twelve points and reflecting the degree of the traffic offence.

Disqualification of drivers by penalty-points system.

(2) The Authority shall maintain a “totting-up” system for every driver under which after each successful prosecution of a traffic offence in the court of competent jurisdiction, the driving licence of the offending driver shall be stamped by the Authority with the appropriate point for the offence and other details of the prosecution recorded by the Authority.

(3) A driver whose penalty points reach or exceed 11 within 3 years shall be disqualified from driving for at least 1 year and subjected thereafter to another driving test for a new driving licence.

(4) Penalty points which accrue within three years, but do not reach or exceed 11 during that period shall not count against the driver concerned.

(5) A driver disqualified under this section who is found driving during the period of disqualification commits an offence and is liable on summary conviction to a fine not exceeding 2 million leones or to a term of imprisonment not exceeding 12 months or to both and to a further period of disqualification for 1 year.

(6) Regulations made under this section shall provide for the penalty points that may be assigned to each prescribed traffic offence.

Careless and inconsiderate driving.

101. A person who drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road commits an offence and is liable on summary conviction to a fine not exceeding Le2,000,000 or to a term of imprisonment not exceeding 5 years or to both.

Driving under influence of alcohol or drugs.

102. (1) A person who, while driving or attempting to drive a motor vehicle on a road, is under the influence of alcohol or drugs to such a degree as to be incapable of having proper control of the vehicle commits an offence and is liable on summary conviction –

(a) where–

(i) no bodily injury; or

(ii) a minor bodily injury occurs to any person other than the driver, to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both;

(b) where bodily injury of an aggravated nature occurs to any person other than the driver, to a minimum fine of Le250,000 and not exceeding Le500,000 or to a term of imprisonment of not less than 1 year and not exceeding 2 years or to both; or

(c) where death occurs, to a fine of not less than Le1,000,000 and not less than Le2,000,000 or to a term of imprisonment of not less than 3 years and not exceeding 5 years or to both.

(2) A person shall be taken to be under the influence of alcohol where the alcohol concentration in that person's blood or breath as shown by any competent medical evidence or any other competent evidence, is 0.08 percent or more when measured within two hours of the time of operating or attempting to operate the motor vehicle.

(3) The court may, upon conviction of any person under this section, order the payment of such compensation as the court may consider appropriate to any injured person or to the estate of the person.

103. A person who drives or attempts to drive a motor vehicle on a road after consuming a quantity of alcohol that the proportion of it in that person's breath, blood or urine exceeds the prescribed limit commits an offence and is liable on summary conviction to a fine of not less than Le500,000 and not exceeding Le2,000,000 or to a term of imprisonment not exceeding 5 years or to both.

Driving when alcohol concentration is above prescribed limit.

104. (1) Where a police officer has reasonable cause to suspect that a person–

When breath test is required.

(a) driving or attempting to drive on a road has alcohol in that person's body or has committed a traffic offence while the motor vehicle was in motion; or

- (b) has been driving or attempting to drive a motor vehicle on a road with alcohol in his body and that person still has alcohol in his body;

the police officer may, subject to section 106 required that person to provide a specimen of breath for a breath test.

(2) Where an accident occurs owing to the presence of a motor vehicle on a road, a police officer may, subject to section 107, require any person who the police officer has reasonable cause to suspect was driving or attempting to drive the motor vehicle at the time of the accident to provide a specimen of breath for a breath test.

(3) A person may be required under subsection (1) or (2) to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) and the police officer making the requirement thinks fit, at a police station specified by the police officer.

Failure to provide breath for test.

105. (1) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of section 104 commits an offence and is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

(2) A police officer may arrest a person without warrant if—

- (a) as a result of a breath test the police officer has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit; or
- (b) that person has failed to provide a specimen of breath for a breath test when required to do so and the police officer has reasonable cause to suspect that that person has excess alcohol in his body;

but a person shall not be arrested by virtue of this subsection when that person is at a hospital as a patient.

(3) A police officer may, require a person to provide a specimen of breath where the police officer has reasonable cause to suspect that an accident that has occurred involved injury to another person or property.

(4) A provision of a specimen other than a specimen of breath may be required in pursuance of section 104 and the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken the specimen shall be the specimen of urine.

(5) A blood or urine test for the purposes of section 104 shall be carried out by a qualified person.

(6) The result of any test or analysis under section 104 shall be conclusive evidence of the level of alcohol in the breath, blood or urine of the person providing the breath, blood or urine.

106. (1) A person who is at a hospital as a patient shall not be required to provide a specimen for a breath test or to provide a specimen of urine or blood for a laboratory test unless the medical practitioner in immediate charge of that person's case authorized it and the specimen is to be provided at the hospital.

Protection for hospital patients.

(2) The medical practitioner referred to under subsection (1) shall not authorize a specimen to be taken where it is prejudicial to the proper care and treatment of the patient.

107. (1) A person required to provide a specimen of breath, blood or urine may be detained at a police station until it appears to the police officer that, were that person then driving or attempting to drive a motor vehicle on a road, that person would not be committing an offence under this Act.

Detention of persons.

(2) A person shall not be detained under subsection (1) if it appears to the police officer that there is no likelihood of the person driving or attempting to drive the motor vehicle while the person's ability to drive safely is impaired or while the proportion of alcohol in that person's blood or urine exceeds the prescribed limit.

(3) A police officer shall consult a medical practitioner on any question arising under this section whether a person's ability to drive safely is or might be impaired by reason of drugs and the police officer shall act on the advice of the medical practitioner.

Interpre-
tation of
specified
terms in
sections
102 to 107.

108. In sections 99 to 104 unless the context other wise requires—

“breath test” means—

- (a) in a case of a test on a specimen required to be provided under subsection (1) or (2) of section 101, a preliminary test for the purpose of obtaining by means of a device of a type approved by the Minister, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit; and
- (b) in the case of a requirement to provide further specimen for test, a test for the purpose of obtaining, by means of the same or another such device, confirmation that the proportion of alcohol in a person's breath or blood exceeds the prescribed limit;

“drug” includes any intoxicant;

“fail” includes refuse;

“prescribed limit” means, as the case may require —

- (a) 35 microgrammes of alcohol in 100 millilitres of breath;

- (b) 80 milligrammes of alcohol in 100 millilitres of blood;
- (c) 107 milligrammes of alcohol in 100 millilitres of urine; or
- (d) such other proportion as may be prescribed by regulations made under this Act.

109. A person who promotes or takes part in a race or trial of speed between motor vehicles on a road other than a road authorised for motor racing commits an offence and is liable on summary conviction to a fine not exceeding Le1,000,000 or to a term of imprisonment not exceeding 3 years or to both. Motor racing.

110. The Authority may by statutory instrument prescribe regulations for competition or trials involving motor vehicles. Regulation of motoring events.

111. A person of 18 years or above who—

- (a) drives a motor vehicle on a road; or
- (b) sits on the front or rear seat of a motor vehicle being driven on a road,

Seat belts and other safety equipment.

without wearing a seat belt commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

112. (1) A person who drives a motor vehicle on a road when a child of five years or under five years is in the front seat of the motor vehicle and unaccompanied commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to imprisonment for a term not exceeding 6 months or to both. Carrying of children in motor vehicles.

(2) A person who drives a motor vehicle on a road, when a child between the ages of five and eighteen years who is sitting on the front seat of the vehicle is not wearing a seat belt commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(3) A person commits an offence if that person drives a motor vehicle on a road when—

- (a) a child under the age of 18 years is in the rear of the motor vehicle; and
- (b) the child is not wearing the seat belt.

Regulation of safety equipment for children in motor vehicles, etc.

113. (1) The Authority may prescribe types of safety equipment that are recommended as conducive to the safety of children in the event of an accident to be fitted in such classes of motor vehicles as may be prescribed.

(2) If a person sells or offers for sale equipment prescribed under subsection (1) and the equipment—

- (a) is not of the prescribed type; or
- (b) is sold or offered for sale in contravention of regulations made under this section,

that person commits an offence and is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 2 years or to both.

(3) For the purposes of this section, safety equipment in respect of a motor vehicle includes—

- (a) a restraining and safety device for a child or for a carry-cot; or
- (b) an equipment designed for the use by a child in conjunction with any other restraining device; or
- (c) equipment of any description, such as eye protectors or earphones designed or adapted for use on medical grounds with any headgear, or being attached to or placed on the head.

(4) References in this section to selling or offering for sale include references to letting, hiring and offering to let or hire.

114. (1) A person who rides or is ridden on a motor cycle on a road shall wear a protective crash helmet of a type prescribed by regulations made under this Act

Wearing of protective crash helmets.

(2) A person who fails to wear a prescribed crash helmet in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not less than Le100,000 and not exceeding Le200,000 or to a term of imprisonment not exceeding 9 months or to both.

(3) A protective crash helmet shall by shape, construction or other quality be of a type recommended as providing protection from injury in the event of an accident to a person driving or riding on a motor cycle.

(4) Where a person sells or offers for sale a crash helmet that is not of a type prescribed by regulations that person commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(5) Where a person riding or being ridden on a motor cycle on a road uses an equipment and that equipment –

- (a) is not the type prescribed; or
- (b) is otherwise used in contravention of regulations made under this Act,

that person commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

115. (1) Every motor vehicle shall be equipped with a reflective triangle of such specification as may be prescribed by regulations made under this Act for use in the event of a break down, to warn approaching vehicles of the presence of the vehicle well in advance and as a distress, hazard or other warning signal.

Use of reflective triangles.

(2) A person in charge of a vehicle on a road in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

Obligation to switch on vehicle lights.

116. (1) While on a road, vehicle lights shall be switched on—

- (a) from 7.00 p.m. daily;
- (b) at any time in foggy or rainy weather; and
- (c) in the case of motorcycles, at all times when in use.

(2) Any person who fails to comply with any requirement under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le50,000 or to a term of imprisonment not exceeding 2 months or to both.

PART XI—RESTRICTIONS ON ROAD USE FOR ROAD SAFETY

Prohibition of parking of motor vehicles in certain places.

117. (1) A person who parks a motor vehicle wholly or partly—

- (a) on the verge or shoulder of a road;
- (b) on any land situated between two carriageways and which is not a footway;
- (c) on a footway;
- (d) on a pedestrian crossing; or
- (e) on a place reserved for the physically challenged,

commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) In this section—

“carriage way” means a way constituting or comprised in a road, being a way, other than a cycle track over which the public have a right of way for the passage of motor vehicles;

“footway” means a way comprised in a road which also comprises a carriageway, being a way over which the public have a right of way on foot only.

118. (1) Notwithstanding anything to the contrary contained in any enactment, the Authority may by order made by statutory instrument specify streets in which parking of a motor vehicle shall be by a parking permit limited to –

(a) the following eligible persons or organizations:-

- (i) local residents;
- (ii) suppliers of goods and services and their employees;
- (iii) business customers;
- (iv) employees of Government, diplomatic missions and registered non-governmental organizations; and

(b) in respect of the following vehicles:-

- (i) private vehicles;
- (ii) commercial vehicles;
- (iii) diplomatic vehicles;
- (iv) NGO vehicles;
- (v) Government vehicles.

(2) Any eligible person or organization wishing to obtain a parking permit shall apply in the prescribed form to the Authority which shall grant the permit where it is satisfied that the applicant is eligible and has paid the prescribed fees.

Prohibition of driving or parking on cycles tracks.

119. A person who, without lawful authority drives, rides or parks a motor vehicle wholly or partly on a cycle track commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Leaving vehicles or trailers in dangerous position.

120. (1) A person in charge of a motor vehicle who causes or permits the motor vehicle or a trailer drawn by it to remain at rest on a road in such circumstances as to constitute a danger or cause injury to any other person using the road, commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) An offence under subsection (1) shall include the repair of a broken down vehicle on the carriage-way of major streets.

Causing danger to road users.

121. (1) A person commits an offence, if without lawful authority or reasonable excuse he—

- (a) causes anything to be on or over a road;
- (b) interferes with a motor vehicle, trailer or cycle; or
- (c) interferes, directly or indirectly, with any traffic equipment,

in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(3) For the purposes of subsection (1)—

“dangerous” includes danger of injury to a person while on or near a determining for the purposes of that subsection what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which an accused person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused person.

“traffic equipment” includes—

anything placed on or near a road by a road agency under the Ministry;

a traffic sign lawfully placed on or near a road by a person other than a road authority; and

any fence, barrier or light lawfully placed on or near road -

(i) in pursuance of the provisions of an enactment providing for guarding and lighting in streets where works are undertaken; or

(ii) by a police officer,

(4) For the purposes of subsection (3) anything placed on or near a road shall, unless the contrary is proved, be taken to have been lawfully placed there.

(5) In this section “road” does not include a foot path.

122. (1) A person shall not carry more than one other person on a motor cycle unless it is constructed or adapted for the carriage of more than one person.

Restriction of carriage of persons on motor cycles.

(2) If a person is carried on a motor cycle in contravention of subsection (1), the rider of the motor cycle and the persons so carried on the motor cycle each commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

Restriction of carriage of persons on bicycles.

123. (1) A person riding a bicycle on a road shall not carry any other person on the bicycle unless it is constructed or adapted for the carriage of an additional person.

(2) Where a person is carried on a bicycle in contravention of subsection (1), the rider and each of the persons carried commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

Tampering with motor vehicles.

124. A person who tampers with a motor vehicle with the intent of causing the mal-functioning of the brake or other part of its mechanism commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

Holding or getting on to motor vehicle while in motion.

125. (1) A person who for the purpose of being carried without lawful authority or reasonable excuse takes or retains hold of, or gets on to, or alights from a motor vehicle or trailer while the motor vehicle is in motion on a road, commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who for the purpose of being drawn, takes or retains hold of a motor vehicle or trailer while the motor vehicle is in motion on a road, commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

Registration of conductors and apprentices.

126. (1) A person shall not serve as a conductor or apprentice on a commercial vehicle unless he is 15 years or above and is registered for that purpose by the Authority.

(2) Any person who wishes to be registered for the purposes of subsection (1) shall apply to the Authority and shall be registered if in the opinion of the Authority, he is a fit and proper person to be registered.

(3) After registration, the Authority shall, upon the payment by the applicant of such fees as the Authority may prescribe, issue to the applicant an identification badge to be worn by him while on duty as a conductor or apprentice.

(4) Any person who serves as a conductor or apprentice—

(a) in contravention of subsection (1); or

(b) without wearing the identification badge referred to in subsection (3);

commits an offence and shall be liable on summary conviction to a fine not exceeding Le50,000 or to a term of imprisonment not exceeding 3 months or to both.

127. (1) Where a police officer or an authorised person is engaged in the directing of traffic on a road, a person driving a motor vehicle or riding motor cycle or bicycle who neglects or refuses— Drivers to comply with traffic directions.

(a) to stop the motor vehicle, motor cycle or bicycle, or

(b) to make it proceed in or keep to, a particular line of traffic,

when directed to do so by the police officer or authorized person commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) Where a traffic survey of any description is being carried out on or in the vicinity of a road and a police officer or an authorized person gives to a person driving a motor vehicle or riding a motor cycle or bicycle a direction—

- (a) to stop the motor vehicle, motor cycle or bicycle;
- (b) to make it proceed in or keep to, a particular line of traffic; or
- (c) to proceed to a particular point on or near the road on which—
 - (i) the motor vehicle is being driven or propelled;
 - (ii) the motor cycle or bicycle is being ridden or propelled;

being a direction given for the purpose of the survey, the person commits an offence if that person neglects or refuses to comply with the direction and is liable on summary conviction to a fine not exceeding Le100,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) The power to give a direction referred to in subsection (2) shall be exercised in a manner as not to cause any unreasonable delay to a person who indicates an unwillingness to provide any information for the purposes of the survey.

Drivers to
comply with
traffic signs.

128. (1) Where a traffic sign—

- (a) of a prescribed size, colour and type; or
- (b) of another character authorized by the Minister or a road authority,

has been lawfully placed on or near a road, a person driving a motor vehicle or riding a motor cycle or a bicycle who fails to comply with the indication given by the sign commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless—

- (a) the indication given by the sign is an indication of a statutory information, warning, prohibition, restriction or requirement; or
- (b) it is expressly provided by or under a provision of this Act or any other law that this section shall apply to the sign or to the signs of a type of which the sign is one;

and, where the indication in paragraph (a) is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of a failure to comply with the indication unless the person has failed to comply with the warning, prohibition, restriction or requirement to which the sign relates.

(3) For the purposes of this section, a traffic sign placed on or near a road shall be deemed—

- (a) to be of the prescribed size, colour and type, or of another character authorized by the Minister by regulations unless the contrary is proved; or
- (b) subject to subsection (2), to have been lawfully so placed.

(4) Where a traffic survey is being carried out on or in the vicinity of a road, this section shall apply to a traffic sign by which a direction is given for the purposes of the survey—

- (a) to stop a motor vehicle or motor cycle;
- (b) to make the motor vehicle or motor cycle proceed in, or keep to, a particular line of traffic; or

- (c) to make the motor vehicle or motor cycle proceed to a particular point on or near the road on which –
- (i) the motor vehicle is being driven or propelled; or
 - (ii) the motor cycle is being ridden or propelled.

Directions to pedestrians.

129. (1) Where a police officer or an authorised person is directing vehicular traffic on a road, a person on foot, on horse back or operating a tractor who proceeds across or along the carriageway in contravention of a direction to stop given by the police officer or the authorized person, commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

(2) A person who jaywalks or ignores traffic light signal, commits an offence and is liable on summary conviction to a fine not exceeding Le50,000 or to a term of imprisonment not exceeding one day.

Dangerous cycling.

130. (1) A person who rides a cycle dangerously on a road commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both.

(2) For the purposes of subsection (1), a person is to be regarded as riding dangerously if–

- (a) the way the person rides falls below what would be expected of a competent and careful cyclist; and
- (b) it would be obvious to a competent and careful cyclist that riding in the manner would be dangerous.

(3) In subsection (2) “dangerous” includes danger either of injury to any person or of serious damage to property; and in determining for the purposes of that subsection what would be obvious to a competent and careful cyclist in a particular case, regard shall be had not only to the circumstances of which the cyclist could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(4) Where a cycle track is provided alongside a road, a person riding a bicycle who fails to use the cycle track commits an offence and is liable on summary conviction to a fine not exceeding Le50,000 or to imprisonment for one day.

(5) A person who rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road or place, commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

131. (1) A person who, when riding a cycle on a road is unfit to ride by reason of alcohol or drugs to such an extent as to be incapable of having control of the cycle commits an offence and is liable on summary conviction to a fine not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both. Cycling under the influence of alcohol or drugs.

(2) A police officer may arrest without warrant a person committing an offence under subsection (1).

(3) Subject to subsections (4) and (5), a person arrested under subsection (2) may be detained at a police station until it appears to the police officer that, he is in a position to ride safely home.

(4) A person shall not be detained in pursuance of subsection (3) if it appears to the police officer that there is no likelihood of the person riding the cycle, whilst his ability to ride safely is impaired.

(5) A police officer shall consult a medical practitioner on any question arising under this section whether a person’s ability to ride properly is or might be impaired by reason of drugs and shall act on the medical practitioner’s advice.

(6) In this section “drug” includes any intoxicant.

Regulation of
cycle racing
on roads.

132. (1) A person who promotes or takes part in a race or trial of speed between cycles on a road commits an offence, unless the race or trial is authorized and is conducted in accordance with regulations made under this Act.

(2) Without prejudice to any other powers exercisable in that behalf, a police officer may give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions necessary or expedient to be given in relation to that period to prevent or mitigate—

- (a) congestion or obstruction of traffic; or
- (b) danger to or from traffic,

in consequence of the holding of a race or trial of speed authorized by or under regulations made under this section.

(3) Directions under subsection (2) may include a direction that any road or part of a road specified in the direction shall be closed during that period to vehicles or to vehicles of a class so directed.

Prohibition of
driving
motor
vehicles
anywhere
other than
on roads.

133. A person who drives a motor vehicle—

- (a) on to or upon land which is not a road;
or
- (b) on any road which is a footpath or a pedestrian walkway,

commits an offence and is liable on summary conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding 6 months or to both.

134. (1) Street trading is prohibited on any street specified by the Authority by order made by statutory instrument or by any other authority empowered in that behalf by any other enactment. Prohibition of
street
trading.

(2) Any person who trades in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding 12 months or to both.

135. (1) The Highway Code issued by the Minister and in existence immediately before the coming into force of this Act is continued in force subject to such revision and changes as the Authority may make from time to time. Highway
Code.

(2) The Highway Code shall be printed and copies of it shall be made available to the public at such price as the Authority may determine.

(3) Failure on the part of a person to observe a provision of the Highway Code constitutes an offence under this Act which may be relied upon by any party to any proceedings as tending to establish or negate any liability which is in question in those proceedings.

136. The Authority may by statutory instrument make regulations— Regulations in
respect of
Part XI.

- (a) providing for the holding on a road of races or trials of speed of any class or description, or of a particular race or trial of speed;
- (b) prescribing the procedure to be followed and the particulars to be given, in connection with applications for authorizations under the regulations;

PART XII – MISCELLANEOUS

Control of vehicular traffic on bridges.

137. (1) The person responsible for the maintenance of any bridge may cause to be placed in a conspicuous place on or near such bridge a notice to the effect that—

- (a) the bridge is insufficient to carry more than a certain weight or axle weight;
- (b) a vehicle exceeding a certain breadth or height cannot with safety be driven on or over such bridge;
- (c) a vehicle may not exceed a specified speed when crossing the bridge,

and thereafter any person who contravenes or fails to comply with the terms of such notice commits an offence.

(2) For the purposes of this section and section 138—

- (a) weight means weight laden;
- (b) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an “axle weight” of that vehicle and, for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle.

Liability of owner and driver for damage to bridge.

138. When any bridge is damaged—

- (a) by reason of any vehicle when passing over it in contravention of section 137;
- (b) by reasons of any vehicle when passing over the bridge coming into contact with any portion thereof other than the surface of the highway,

the owner of the vehicle and the person driving or propelling the same shall be jointly and severally liable to the person responsible for the maintenance of the bridge, for the damage done thereto.

139. Where—

- (a) any person is tried for the committal of any offence whereby any traffic sign is damaged or destroyed; or
- (b) any bridge is damaged for any of the reasons set out in section 138,

Certificate to be *prima facie* evidence.

a certificate under the hand of an engineer employed by a person responsible for the maintenance of such traffic sign or bridge, stating the amount of the cost of making good such damage or destruction, as the case may be, shall, without proof of signature, be *prima facie* evidence of such cost.

140. No person responsible for the maintenance of a road or the regulation of traffic on a road shall be under any liability in respect of any injury, damage or loss which may accrue to any person or property through the failure of any road to sustain any vehicle.

Exclusion of Government and local council liability.

141. (1) Any person responsible for the maintenance of any road and any person authorised by such person may, at any time by notice displayed on such road, restrict or prohibit temporarily the use of any such road or part thereof by any vehicle, class of vehicle or vehicle of specified construction where owing to the likelihood of serious damage to the road or injury to the public, it appears necessary that such restriction should be enforced immediately, and any such notice shall contain information relating to an alternative route, if any, available for traffic:

Closing of roads.

Provided that such restriction or prohibition may not extend for a period longer than three months without the consent of the Ministry responsible for roads.

(2) Any person using a road in contravention of the terms of a notice displayed in accordance with subsection (1) commits an offence, and is liable on summary conviction to a fine not exceeding Le10,000 or to a term of imprisonment not exceeding 6 months or to both..

General penalty.

142. A person who commits an offence under this Act for which a penalty has not been prescribed is liable on summary conviction to a fine not less than Le50,000 and not exceeding Le250,000 or to a term of imprisonment not exceeding 12 months or to both and for a second or subsequent offence to a further fine not less than Le100,000 and not exceeding Le500,000 or to a term of imprisonment not less than 6 months and not exceeding 12 months or to both.

General regulations.

143. (1) The Authority may make regulations generally as to the use of vehicles on roads, their construction and equipment and the conditions under which they may be used and otherwise for carrying this Act into effect.

(2) Without prejudice to the generality of subsection (1), the Authority may make regulations with respect to any of the following matters:—

- (a) determining and regulating the size, shape and character of the identification marks and the mode in which they shall be fixed to motor vehicles and trailers and rendered easily distinguishable;
- (b) as to the registration of motor vehicles and trailers and the particulars to be entered in the register and prescribing the fees to be paid;
- (c) as to the notification of a change in the ownership of a motor vehicle or trailer and as to registration thereafter;

- (d) prescribing the different categories within which motor vehicles and trailers may be licensed and the purpose for which vehicles so licensed may be used;
- (e) regulating the issue and use of special trade licences;
- (f) prescribing the fees to be paid for licences for motor vehicles and trailers or for any class of vehicles or trailers;
- (g) (i) prescribing conditions relating to the purposes for which public service vehicles and goods and passenger vehicles may be used;
 - (ii) with respect to the number of persons and goods which may be carried in public service vehicles and goods and passenger vehicles and the carrying of manifest for such goods and passengers;
 - (iii) requiring omnibuses and goods and passenger vehicles designed for the sole purpose of carrying persons and their luggage to carry a conductor;
 - (iv) prohibiting persons from smoking on public service vehicles and from driving public service vehicles and goods and passenger vehicles, or from acting as conductors on public service vehicles required to carry conductors, unless they wear badges issued by the Authority and, in the case of the conductors, are registered by the Authority, and requiring the surrender

- of such badges in cases where the Authority considers the holder to be unsuitable to drive a public service vehicle or goods and passenger vehicle or to be a conductor on a public service vehicle, as the case may be, and prescribing fees for such badges and for the registration of conductors;
- (v) prescribing the form and the procedures to be used in appeals against the refusal to grant or renew or the revocation or suspension of licences under this Act;
- (vi) prescribing the constructional and mechanical requirements for commercial vehicles;
- (vii) without prejudice to the Road Transport Corporation Act, 1964, empowering any person to fix the maximum and minimum fares and rates which may be charged in the case of commercial vehicles;
- (viii) without prejudice to the to the Road Transport Corporation Act, 1964 empowering any person to –
- (a) fix timetables for public service vehicles on any route;
- (b) determine the days and hours during which public service vehicles may ply for hire on any specified route;
- (c) require the fitting to hackney carriages of meters or other similar devices to indicate authorised fares;

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- (ix) providing for the additional examination of public service vehicle drivers before the issue of a badge;
- (h) as to the examination of applicants for driver's licences, including medical examination, and as to the licences and permits which may be granted and the fees to be paid and providing for the taking and recording of the fingerprint impressions of professional drivers;
- (i) prohibiting or restricting the driving of vehicles or any class of vehicles on any specified road or part of a road or empowering any specified officer or other authority to impose such prohibitions or restrictions;
- (j) regulating the use of hand carts or other forms of non-motorised method of carrying goods or persons on the road;
- (k) with respect to the speed at which motor vehicles or any class of motor vehicle may be driven either generally or on any specified road or within any defined area or place;
- (l) prescribing precautions to be taken in the interests of the safety and convenience of the public travelling in motor vehicles or otherwise using roads, and providing for the periodical inspection of motor vehicles;
- (m) providing in respect of drivers of commercial vehicles–
- (i) the hours they may be employed without a rest;

- (ii) the periods of rest from driving or other employment which must be allowed differentiating, if necessary, between day and night and between drivers who are required only to drive the vehicle and those who have other duties to perform in addition to driving;
- (n) exempting, or authorising a specified officer or other authority to exempt, from all or any of the provisions of any regulations made hereunder—
 - (i) any specified class of vehicle or trailer; or
 - (ii) vehicles or trailers belonging to any particular class of persons; or
 - (iii) any specified areas; or
 - (iv) any specified class of person in the public or military services of the Government and prescribing any conditions of such exemptions;
- (o) for the purpose of enabling effect to be given to any international agreement for the time being in force in respect of Sierra Leone, making provision—
 - (i) for the grant and authentication of any passes, certificates or other documents relating to vehicles or the drivers of vehicles which may be required for the purposes of travel abroad by persons resident in Sierra Leone;
 - (ii) for the modification in relation to vehicles brought temporarily into Sierra Leone by persons resident abroad, and in relation to persons so resident who are temporarily in Sierra Leone, or any of the provisions of this Act relating to vehicles or the drivers of vehicles;

- (p) fixing the fees to be paid for passes, certificates and other documents issued in connection with international requirements;
- (q) with respect to the construction of motor vehicles and trailers and the compulsory examination at any time of motor vehicles or trailers or any class or description thereof and the places and the manner of such examination;
- (r) with respect to—
 - (i) appointment of certifying officers of motor vehicles and trailers or any class thereof;
 - (ii) the payment of fees for such examination by the owners of such vehicles;
 - (iii) the duties and powers of such certifying officers in regard to such examination;
- (s) for the cancellation or suspension of any licence issued in respect of any motor vehicle or trailer, which since the issue of the licence is in such condition as to be a source of danger to persons travelling in the vehicle or trailer or to other users of the roads or to be injurious to the roads themselves;
- (t) prescribing fees and charges for any service for which provision is made by such regulations;
- (u) prescribing anything which may be prescribed under this Act;
- (v) regulating the use of mobile phones while driving a motor vehicle or riding a motor cycle or bicycle on a road;

- (w) for the removal of broken-down, disabled or abandoned vehicles;
- (x) prescribing penalties for the breach of any regulation or rule made under this Act including spot fines:

Provided that no such penalty shall exceed imprisonment for a term of six months or a fine of Le200,000 or both.

(3) Regulations made under this section may be either general or be restricted in their application to any particular class of motor vehicle, trailer or person or to any specified area.

Appropriation of fees. **144.** Except as otherwise provided, all fees paid under this Act shall form part of the funds of the Authority.

Repeal of Act No.62 of 1964 and savings. **145.** (1) The Road Traffic Act, 1964 is hereby repealed.
(2) Notwithstanding the repeal effected by subsection (1), any rules or regulations under the Act thereby repealed and in force immediately before the commencement of this Act shall continue in force until revoked under this Act.

Passed in Parliament this *21st* day of June, in the year of our Lord two thousand and seven.

A. A. KEMOKAI,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

A. A. KEMOKAI,
Clerk of Parliament.