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CHAPTER 156

TRAFFIC

Acts Nos. 13 of 1958, 7 of 1966, 20 of 1966, 21 of 1973, 12 of 1975, 24 of 1976, 26 of 1976, 21 of 1978, 9 of 1981, 17 of 1987, 46 of 1988

AN ACT TO CONSOLIDATE THE LAW RELATING TO MOTOR VEHICLES TO ROAD TRAFFIC AND TO COMMERCIAL TRANSPORT SERVICES CARRIED ON BY MEANS OF MOTOR VEHICLES

Commencement.

[1st January, 1959]

Short title.

1. This Act may be cited as the Traffic Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“agricultural purpose” means a purpose concerned directly with the management of a farm, but, except in the case of transport from one part of a farm to another part of the same farm or from one farm to another adjoining farm which is owned or managed by the same person, does not include the transport on a road of the produce of or requisites for a farm;

“agricultural tractor” means a tractor that is used exclusively for agricultural purposes and is not used on any road except when proceeding to or from a farm or when being inspected, serviced or repaired;

- “agricultural trailer” means a trailer used exclusively for agricultural purposes; *(Inserted by Act 21 of 1973.)*
- “boat trailer” means a trailer used exclusively for the carriage of boats; *(Inserted by Act 21 of 1973.)*
- “built up or congested area” means an area so prescribed by regulations made under this Act;
- “certificate of registration” means a certificate issued under section 6(1) of this Act;
- “dealer” means a person who is carrying on business as a manufacturer of motor vehicles or as a dealer in motor vehicles;
- “district” means each of the Administrative Districts of Tongatapu, Ha‘apai and Vava‘u;
- “goods vehicle” means a motor vehicle which is constructed or adapted or is primarily used for the carriage of goods, merchandise or any burden of any description in connection with trade, business or agriculture; *(Inserted by Act 21 of 1973.)*
- “heavy goods vehicle” means a goods vehicle with a net weight exceeding 1500 kilograms; *(Inserted by Act 21 of 1973 and Amended by Act 9 of 1981.)*
- “heavy plant” means any mechanically propelled vehicle, other than a goods vehicle, used in the construction and operation of roads, harbours, airports, buildings and other allied services and includes scrapers, excavators, bulldozers, mobile cranes, road rollers, forklifts and like vehicles; *(Inserted by Act 21 of 1973.)*
- “invalid carriage” means a motor vehicle specially designed and constructed for the use of persons suffering from some physical defect or disability; *(Inserted by Act 21 of 1973.)*
- “licence” means a licence under this Act;
- “light goods vehicle” means a goods vehicle with a net weight of 1500 kilograms and under; *(Inserted by Act 21 of 1973 and Amended by Act 9 of 1981.)*
- “mentally defective” means a person so declared by the Director of Health of the Government of Tonga;
- “motor cycle” means a motor vehicle running on two wheels, or on not more than three wheels when fitted with a side car, and includes a power cycle;
- “motor vehicle” means a vehicle that is drawn or propelled by mechanical power, and includes a trailer, but does not include—
- (a) a trailer that is designed exclusively for agricultural

purposes and is not used on any road except when proceeding to or from a farm, or

- (b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power;

“motorised tricycle” means any motor cycle which has been adapted to run on three wheels, without a side car; (*Inserted by Act 21 of 1973.*)

“net weight” means the weight of any vehicle together with a full supply of fuel, water, tools, spare wheels or rims and tyres normally carried on the vehicle but excludes load carried; (*Inserted by Act 21 of 1973.*)

“owner”, in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where the motor vehicle is subject to a bailment for a period not exceeding 28 days, in which case “owner” means the person who, but for the bailment, would be lawfully entitled to possession of the motor vehicle, and “ownership” has a corresponding meaning;

“passenger” means any person, other than the driver, carried on a vehicle, whether fare-paying or not; (*Inserted by Act 12 of 1975.*)

“passenger bus” means a motor vehicle specially constructed for carrying over 7 passengers; (*Inserted by Act 21 of 1973.*)

“passenger lorry” means a goods vehicle which has been adapted for carrying passengers; (*Inserted by Act 21 of 1973.*)

“Police Officer” means any member of the Police Force and includes the Minister; (*Inserted by Act 21 of 1973.*)

“power cycle” means a pedal bicycle or pedal tricycle that for alternative propulsion is fitted with a motor attachment (whether detachable or not) the total cylinder capacity of which does not exceed 60 cubic centimetres;

“prescribed” means prescribed by regulations made under this Act;

“Principal Licensing Authority” means the Minister of Police; (*Inserted by Act 21 of 1973.*)

“private motor vehicle” means a motor vehicle other than a goods vehicle, tractor, heavy plant or invalid carriage or public service vehicle; (*Inserted by Act 21 of 1973 and Amended by Act 24 of 1976.*)

“public service vehicle” means a motor vehicle carrying passengers for hire or reward and includes a taxi (whether

three wheeled or four wheeled), rental car, passenger bus and passenger lorry; *(Inserted by Act 21 of 1973.)*

“registration plate” means a registration plate for a motor vehicle issued under section 6(1) of this Act and includes a dealer’s plate issued under section 12 of this Act;

“rental car” means a motor vehicle regularly let on hire or available to be let on hire, with or without a driver, not being a taxi; *(Inserted by Act 21 of 1973.)*

“road” means any street, road, highway, market place, bridge, wharf or other way lawfully used by the public; *(Amended by Act 21 of 1973.)*

“taxi” means a public service vehicle constructed or adapted for carrying seven or less passengers including the driver; *(Inserted by Act 21 of 1973.)*

“tractor” means a motor vehicle (not being a traction engine) that is designed exclusively for the purposes of traction, and not for the carriage thereon of passengers (other than the driver) or of goods;

“traffic” means and includes bicycles, tricycles, motor vehicles, vehicles, all animals being ridden, driven or led and pedestrians on any road; *(Inserted by Act 21 of 1973.)*

“trailer” means a vehicle without motive power that is drawn or propelled or is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include—

(a) a side car attached to a motor cycle, or

(b) a vehicle normally propelled by mechanical power while it is being temporarily towed without use of its own power;

“vehicle” means a contrivance that is equipped with wheels or revolving runners upon which it moves or is moved but does not include a pushcart, wheel-barrow, perambulator moving machine or any other contrivance which is normally operated only by a person on foot. *(Amended by Act 21 of 1973.)*

PART I.—ADMINISTRATION

3. (1) The Principal Licensing Authority shall be charged with the administration of this Act, and with such other functions as may from time to time be lawfully conferred upon him. *(Amended by Acts 20 of 1966 and 21 of 1973.)*

Principal
Licensing
Authority.

(2) The Principal Licensing Authority, may, by notice in the Gazette, appoint such Licensing and Examining Officers and delegate

such powers under this Act to such Officers as may be necessary for the due carrying out of the provisions of this Act or any Regulations made hereunder: Provided that such Licensing Officers shall be Police Officers not below the rank of Sergeant, or in charge of a Police Station. (*Inserted by Act 21 of 1973.*)

**PART II.—REGISTRATION AND LICENSING OF MOTOR VEHICLES AND
LICENSING OF MOTOR DRIVERS**

Motor
vehicle to be
registered.

4. (1) Except as specially provided in this Part of this Act, no person shall knowingly use any motor vehicle on any road, or permit any motor vehicle to be so used, unless—

- (a) the motor vehicle is registered in accordance with this Act, and
- (b) registration plates for the motor vehicle and a licence to use the motor vehicle for the current licensing period have been issued in accordance with this Act and are affixed to the motor vehicle in the prescribed manner.

(2) Every person who uses a motor vehicle in contravention of this section or in contravention of the provisions of any motor vehicle licence, or who permits any motor vehicle to be so used, commits an offence against this Act and shall be liable to a fine not exceeding \$40. (*Amended by Act 21 of 1973.*)

(3) The fact that any motor vehicle is used on any road without having registration plates or an annual licence affixed thereto in the prescribed manner shall be sufficient evidence, until the contrary is proved, that the motor vehicle has not been registered or licensed as the case may be, in accordance with this Act.

(4) The provisions of subsection (3) of this section shall not apply to any Examining Officer or to any person who uses a vehicle for the purposes of—

- (a) taking the vehicle to an Examining Officer for examination; or
- (b) taking the vehicle to a Licensing Officer for licensing; or
- (c) taking the vehicle to a place where it is intended to be used, other than on a road; or
- (d) taking the vehicle to a garage for repair and subsequent testing (if necessary) by a licensed motor mechanic. (*Inserted by Act 21 of 1973 and Amended by Act 24 of 1976.*)

(5) A motor vehicle shall only be registered and licensed for the purpose for which it was officially imported into the Kingdom unless permission to the contrary shall first have been obtained in writing from the Principal Licensing Authority. (*Inserted by Act 24 of 1976.*)

Application
for
registration.

5. (1) Application for the registration of any motor vehicle shall be made by the owner of that motor vehicle to the Principal Licensing Authority. (*Amended by Act 21 of 1973.*)

(2) Except as provided in subsection (3) hereof every application under this section shall be accompanied by the appropriate registration fee.

(3) No fee shall be payable in respect of the registration of any agricultural tractor or of any trailer that is drawn or propelled exclusively by an agricultural tractor.

(4) Every application for the registration of a motor vehicle shall be accompanied by or combined with an application for a licence for the motor vehicle.

6. (1) Upon receipt of an application for the registration of any motor vehicle under this part the Principal Licensing Authority, if the application is in order, shall assign a number to the motor vehicle and shall issue to the applicant registration plates bearing such vehicle number for the motor vehicle and a certificate of registration of the motor vehicle: Provided that each motor vehicle shall have affixed thereto such number of registration plates as may be prescribed, and the owner shall forthwith refund to the Principal Licensing Authority the cost of such plates. (*Amended by Act 21 of 1973.*)

Registration.

(2) The particulars of the registration of motor vehicles and the issue and transfer of licences under this Act shall be recorded in books kept for the purpose at the police offices in the Districts of Tongatapu, Ha'apai, Vava'u, 'Eua, and Niuatoputapu, and Niuafu'ou. (*Amended by Act 21 of 1973.*)

(3) Any person shall on application to the Principal Licensing Authority in writing and upon payment of the prescribed fee be entitled to such particulars as may be required from books kept in pursuance of subsection (2) hereof. (*Amended by Act 21 of 1973.*)

(4) Unless the registration is cancelled the registration of any motor vehicle shall continue in force without renewal but a new number or distinguishing mark may be assigned to the motor vehicle whenever new registration plates are issued for it.

(5) No person shall be registered as the owner of any motor vehicle unless he is 18 years of age or over. (*Inserted by Act 21 of 1973.*)

7. (1) The owner of every motor vehicle shall apply to the police office of the District in which he resides for a motor vehicle licence.

Annual
licences.

(2) No licence shall be issued for any motor vehicle that is not for the time being duly registered under this part of this Act.

(3) No licence shall be issued for any motor vehicle which has not been examined in the manner prescribed by regulations to this Act: Provided that a licence issued without such examination may be suspended by the Principal Licensing Authority. (*Inserted by Act 21 of 1973.*)

Issue of licence and affixing of plate.

8. (1) On receipt of an application for a licence of any motor vehicle and of the prescribed fee in respect thereof the Principal Licensing Authority if satisfied that the application is in order shall issue the appropriate licence for the motor vehicle. (*Amended by Act 21 of 1973.*)

(2) While the licence and registration plates therefor are affixed to the motor vehicle in the prescribed manner it may be used on any road in Tonga during the period in and for which the licence was issued.

Penalty for use of motor vehicle with unauthorized or obscured registration plates or licences.

9. (1) Every person who affixes or causes to be affixed to any motor vehicle any registration plate or licence which is not authorized by this Act or any regulations hereunder or which is not issued for that motor vehicle for the current period commits an offence against this Act.

(2) If any registration plate or licence affixed to a motor vehicle in accordance with this Part of this Act is in any way obscured, or is rendered or allowed to become not easily distinguishable, whether by night or by day, every person who uses the motor vehicle while any such condition continues commits an offence against this Act.

Change of ownership.

10. (1) Within 7 days after the sale or other disposal of any registered motor vehicle the person selling or otherwise disposing of the same shall in writing notify the police officer at whose office the motor vehicle is for the time being registered of the fact of the disposal and of the name and address of the new owner.

(2) Subsection (1) of this section shall apply with the necessary modifications in every case where—

- (a) a vehicle subject to a hire purchase agreement is repossessed by the owner who shall give the required notice;
- (b) a vehicle is sold in pursuance of a lien, charge or distress warrant by the holder thereof or the bailiff who shall give the required notice.

(3) Every notice pursuant to subsection (1) of this section shall be accompanied by the certificate of registration of the vehicle:

Provided that the Principal Licensing Authority may dispense with production of a certificate of registration. (*Amended by Act 21 of 1973.*)

(4) No person who becomes the owner of any motor vehicle pursuant to any sale or disposal as aforesaid shall use the motor vehicle on any road or permit it to be so used unless and until he has received the certificate of registration duly endorsed with the transfer thereof.

(5) Every person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act for which he shall be liable to a fine not exceeding \$10.

11. If any registered motor vehicle is destroyed or becomes permanently useless or is removed permanently from Tonga the registration of the same may be cancelled upon receipt by the proper officer of notice in writing of such destruction or removal.

Cancellation
of
registration.

12. (1) Any dealer may make application in the prescribed form to the Principal Licensing Authority for one or more sets of special registration plates, and for the issue of a special licence in respect of the same. (*Amended by Act 21 of 1973.*)

Dealers'
plates and
licences.

(2) Every application for a dealer's licence shall be accompanied by the prescribed fee and upon receipt of the application and the fee the Principal Licensing Authority may if satisfied that the application is in order issue to the applicant the plates and licences applied for. (*Amended by Act 21 of 1973.*)

(3) Any dealer may in any year use any motor vehicle on any road if the motor vehicle is held by the dealer for the purpose of sale and if the plates and licence provided for in this section are duly affixed thereto.

13. (1) Any person who being a visitor, imports into the Kingdom a motor vehicle of which he is owner, shall notify the Principal Licensing Authority within 48 hours of the importation and furnish at the same time particulars of the registration and registration plates of the vehicle in the country where it was last registered and unless some other registration plate is assigned by the Principal Licensing Authority, the registration plates of the country where the vehicle was last registered shall be used by such motor vehicle for the purposes of this Part of this Act.

Visitors'
motor
vehicles.

(2) Subject to subsection (1) hereof such visitor's motor vehicle shall be exempt from the requirements as to registration and licensing specified in this Part of this Act until—

- (a) the expiration of 6 months from the date on which the vehicle was last brought into Tonga;
- or
- (b) the visitor's motor vehicle is sold or otherwise disposed of by the visitor to any other person,

whichever first occurs. (*Inserted by Act 21 of 1973.*)

14. (1) It shall not be lawful for any person to drive a motor vehicle on any road unless he is the holder of a valid motor driver's licence. (*Amended by Act 21 of 1973.*)

Unlicensed
persons not
to drive
motor
vehicle.

(2) No person shall employ another person to drive a motor vehicle on any road unless the person so employed is the holder of a valid motor driver's licence. (*Amended by Act 21 of 1973.*)

(3) A permit may be issued for any period not exceeding 3 months to any person who is not under the age of 18 years to learn to drive a motor vehicle other than a heavy goods vehicle, passenger bus, passenger lorry or heavy plant:

Provided that a person to whom such a learner's permit has been granted shall—

- (a) be accompanied, whilst driving such motor vehicle, by a licensed driver in possession of a valid driving licence, occupying the front passenger seat (except in the case of a motor or power cycle);
- (b) not carry, on such motor vehicle any passengers other than the person specified in the preceding paragraph; and
- (c) display clearly on the extreme front and rear of such motor vehicle the "L" plates prescribed by regulations to this Act.

(Substituted by Act 26 of 1976.)

(4) A person driving under a learner's permit and the licensed driver accompanying him shall each be liable for any offence committed against any of the provisions of this Act. *(Inserted by Act 21 of 1973.)*

Driver's
licences.

15. (1) The licensing officer may upon the payment of the prescribed fee issue a motor driver's licence to any person who satisfies him that he is qualified to be the holder of a motor driver's licence, entitling such person to drive any one or more of the following classes of motor vehicles—

- (a) Motor Cycle;
- (b) Motorised Tricycle;
- (c) Private Motor vehicle;
- (d) Taxi or Rental Car;
- (e) Passenger Bus or Passenger Lorry;
- (f) Light Goods Vehicle;
- (g) Tractor;
- (h) Heavy Plant;
- (i) Invalid Carriage;
- (j) Heavy Goods Vehicle.

(Amended by Act 21 of 1973.)

(2) A motor driver's licence shall not be issued to any person who is under the age of 18 years.

(3) A motor driver's licence shall remain in force for 12 months from the date of its issue, and may be renewed upon payment of the prescribed fee, unless the holder is disqualified as hereinafter provided; provided that no person under the age of 21 years shall be issued with a public service vehicle driver's licence. *(Amended by Act 21 of 1973.)*

(4) No person shall be granted a driver's licence for a public service vehicle of classes (b), (d) and (e) above unless he—

- (i) had or has already held a driving licence for class (a), (c), (f) or (j) above for a period of not less than 6 months, and
- (ii) has passed a re-test by an Examining Officer.

(Inserted by Act 24 of 1976.)

16. Any person who holds a valid driving licence issued by another country, may, on production of such driving licence to the Principal Licensing Authority and on payment of the prescribed fee and passing such driving test as may be prescribed by the Principal Licensing Authority for such persons, be issued with a motor driver's licence entitling such person to drive the same class of motor vehicle as his own licence entitles him. (Inserted by Act 21 of 1973.)

Recognition of foreign driving licences.

17. (1) Subject to this Act, where a person is convicted of an offence against this Act or of any other offence involving the driving of a motor vehicle, the Principal Licensing Authority may—

Convicted persons' disqualification, suspension, endorsement.

- (a) if the person convicted is the holder of a motor driver's licence under this Act, cancel the licence or suspend the same for such time as he shall think fit, or
- (b) if the person convicted is not the holder of a motor driver's licence under this Act, refuse to grant a licence to drive any motor vehicle for such time as he shall think fit.

(Amended by Act 21 of 1973.)

(2) Any person whose licence is cancelled or who is refused a licence under subsection (1) of this section may appeal in writing to Cabinet against the decision of the Principal Licensing Authority, and Cabinet may affirm or reverse the Principal Licensing Authority's decision.

(Amended by Act 21 of 1973.)

(3) Where any person is charged with manslaughter arising out of the driving of a motor vehicle or with an offence against section 25 or 26 of this Act, his driver's licence will be suspended until completion of his trial.

18. (1) The court before whom any such person referred to in section 17(3) is convicted shall—

Court to endorse particulars.

- (a) cause particulars of the conviction to be endorsed on the defendant's driver's licence (if any);
- (b) forthwith upon endorsement, forward the accused's driver's licence to the Principal Licensing Authority who shall record the same in a book to be kept for the purpose.

(Amended by Act 21 of 1973.)

(2) Any person so convicted shall be guilty of a further offence against this Act if he fails to produce his licence to the Court for endorsement within 7 days after having been requested to produce it.

Power to refuse driver's licence.

19. The Principal Licensing Authority shall have the power to refuse a motor driver's licence to a person who—

- (a) is mentally defective,
- (b) is physically handicapped,
- (c) has defective eyesight, or
- (d) is completely deaf.

(Substituted by Act 21 of 1973.)

Duration of licences.

20. Licences other than driver's licences shall be for one year, 9 months, 6 months or 3 months and licence fees shall be payable on or before the first day of January, the first day of April, the first day of July, or the first day of October in each year as in each case shall be required.

Duplicates.

21. Any person having power to issue any certificate, licence, or permit under this Act shall, on proof to his satisfaction that such certificate, licence or permit has been lost, defaced or destroyed, and on payment of the prescribed fee, issue a duplicate thereof to the person entitled thereto. *(Inserted by Act 21 of 1973.)*

PART III.—DRIVING AND OTHER OFFENCES

Speed limit.

22. Subject to section 24 of this Act, no person shall drive any motor vehicle at a speed exceeding 65 kilometres per hour on any road provided that this limit shall be reduced in any built up or congested area to 40 kilometres per hour. *(Amended by Acts 12 of 1975, and 9 of 1981.)*

Principal Licensing Authority may exhibit notices etc. to regulate traffic.

23. (1) The Principal Licensing Authority may exhibit or cause to be exhibited notices, signs or devices in or near any road or public place for the purpose of indicating the speed limits or regulating the movement of traffic or indicating the route to be followed by traffic on a road or public place, or for the purposes of excluding persons, vehicles, or animals from any road or public place during any public procession or public function or ceremony or in the event of any road being impassable or unsafe for traffic. *(Amended by Act 21 of 1973.)*

(2) Any person driving or riding or in charge of any vehicle or animal or walking on any road or public place who, unless otherwise directed by a member of the Police Force, fails to conform to the indication given by any such notice, sign or device commits an offence against this Act. *(Substituted by Act 7 of 1966.)*

(3) Any person who—

- (a) without the permission of the Principal Licensing Authority, erects or causes to be erected any traffic sign on or near any road, or
- (b) unlawfully damages, defaces, moves or in any manner interferes with any traffic sign lawfully placed in or near any road, commits an offence against this Act.

(Inserted by Act 21 of 1973.)

24. It shall be a defence to any person charged with driving a motor vehicle at a speed in excess of any speed limit fixed under this Act or any other Act or under any regulation if he proves that at the time of the alleged offence he was driving a motor vehicle while—

Special defences.

- (a) used as an ambulance and being at the time used on urgent ambulance service; or
- (b) conveying a police officer engaged on urgent public business or in the exercise of his duty; or
- (c) used by a fire brigade for attendance at fires and at the time responding to the call of fire;
- (d) used by a medical officer to attend an urgent medical case;
- (e) used by an employee of the power board to attend to emergencies involving public safety.

(Amended by Act 21 of 1973.)

25. (1) Every person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for the persons using the road is guilty of an offence against this Act, and is liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding 4 months or to both such fine and imprisonment.

Reckless driving and drunken driving

(2) Every person who—

- (a) drives a motor vehicle on a road recklessly, or at a speed and in a manner which, having regard to all the circumstances, is or might be dangerous to the public, or
- (b) while under the influence of drink or a drug to such extent as to be incapable of having proper control of the motor vehicle, drives or attempts to drive any motor vehicle on any road,

commits an offence against this Act, and is liable to a fine not exceeding \$100 or to imprisonment for not more than 2 years or to both such fine and imprisonment.

(Substituted by Act 21 of 1973.)

Charge of motor vehicle while under influence of drink.

26. Every person commits an offence against this Act who, while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, is in charge of a motor vehicle on any road, but not as to be liable for conviction for an offence under section 25 of this Act.

Road races, etc.

27. Any person who aids, abets, counsels, procures or takes part in a race or trial of speed between motor vehicles on a road shall be guilty of an offence and shall be liable to a fine not exceeding \$100 or to imprisonment for a term not exceeding 4 months, or to both such fine and imprisonment. (*Inserted by Act 21 of 1973.*)

Restrictions on prosecution.

28. Where a person is prosecuted for an offence under the provisions of this Part relating to the maximum speed at which a motor vehicle may be driven or to careless, reckless, or dangerous driving, he shall not be convicted unless either;

(1) he was warned at the time of the offence that he may be prosecuted under one or other of the above-mentioned provisions, or

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

(3) within 14 days of the commission of the offence, a notice of intended prosecution in the prescribed form specifying the nature of the alleged offence and the date, time and place where it is alleged to have been committed was served on, or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

(a) failure to comply with this requirement shall not be a bar to the conviction of the accused—

(i) under section 94 of the Criminal Offences Act, or

(ii) in any case where the court is satisfied that neither the name and address of the accused nor the name and address of the registered owner of the motor vehicle could, with reasonable diligence, have been ascertained in time for a summons or notice of intended prosecution to be served or sent, or the accused by his own conduct contributed to such failure, and

(b) the requirement of this section shall, in every case be deemed to have been complied with unless and until the contrary is proved.

(*Inserted by Act 21 of 1973.*)

Cap.18

Cancellation of licence.

29. (1) Upon the first conviction of any person for an offence against section 25 or section 26 of this Act committed by him while under the influence of drink or a drug to such an extent as to be

incapable of having proper control of a motor vehicle the Court shall make an order cancelling his motor driver's licence and disqualifying him from obtaining any motor driver's licence for a period of one year from the date of conviction.

(2) Upon a second and subsequent conviction for any such offence, unless for special reasons the Court thinks fit to order otherwise, and without prejudice to the power of the Court to order a longer period of disqualification, the Court shall make an order cancelling his motor driver's licence (if any) and disqualifying him from obtaining any motor driver's licence for a period of 5 years from the date of conviction and thereafter until the Court, upon application made after the expiration of that period, orders the removal of the disqualification.

30. If any person who under the provisions of this Act is disqualified from holding or obtaining a driver's licence applies for or obtains a licence, while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, or if any person who has been refused a licence applies for or obtains a licence without disclosing such refusal, he shall be guilty of an offence and the licence obtained by such person shall be invalid. *(Inserted by Act 21 of 1973.)*

Disqualified drivers.

31. Every person commits an offence against this Act who, while he is in a motor vehicle used for the carriage of passengers for hire or reward, takes any intoxicant or offers any intoxicant to the driver of the vehicle or to any other person.

Taking liquor in vehicle.

32. Any Police Officer who on reasonable and probable grounds believes that any person has committed an offence against this part of this Act may arrest that person without warrant. *(Amended by Act 21 of 1973.)*

Arrest without warrant.

33. (1) Where any Police Officer is of opinion that any person who is for the time being in charge of any motor vehicle is, by reason of physical or mental condition, however arising, incapable of having proper control of the motor vehicle, he may—

Power of Police Officer.

- (a) forbid that person to drive the motor vehicle;
- (b) require that person to deliver up forthwith all ignition or other keys of the motor vehicle in his possession;
- (c) take such steps as may be necessary to render the motor vehicle immobile or to remove it to a place of safety.

(Amended by Act 21 of 1973.)

(2) Every person commits an offence against this Act who fails to comply with any direction given to him under subsection (1) of this section or does any act that is for the time being forbidden under that subsection.

Compensation may be ordered.

34. (1) Where any person is convicted of an offence under section 25 or section 26 of this Act, he may as part of the sentence be ordered to pay a sum not exceeding \$500 in any case, as compensation to any person who may have suffered injury by reason of the act or default of the person convicted, or to the dependants of any person who may have been killed by reason of that act or default. (*Amended by Act 46 of 1988.*)

(2) Any amount so ordered to be paid shall be recoverable in the same manner as if it was a fine.

(3) Such an order shall not prejudice or affect the rights of any person to any civil claim for damages and the amount so ordered to be paid shall where appropriate be set off against any damages recovered in a civil claim.

Obligations of driver where accident occurs.

35. (1) Where an accident arising directly or indirectly from the use of a motor vehicle occurs to any person or to any horse or vehicle in charge of any person, the driver of the motor vehicle shall stop, and shall ascertain whether he has injured any person, in which event it shall be his duty to render all practicable assistance to the injured person.

(2) In the case of any such accident (whether any person has been injured or not) the driver of the motor vehicle shall, if required, give to any Police Officer or to any person concerned his name and address and also the name and address of the owner and the numbers assigned to the registration plates and annual licence of the motor vehicle. (*Amended by Act 21 of 1973.*)

(3) If the accident involves injury to any person the driver shall report the accident in person at the nearest police station or to a Police Officer as soon as reasonably practicable, and in any case not later than one hour after the time of the accident, unless the driver is incapable of doing so by reason of injuries sustained by him in the accident. (*Amended by Act 21 of 1973.*)

(4) Every driver who fails to comply with any obligation imposed on him by this section in any case where any other person is injured or killed shall be liable to a fine not exceeding \$100 or in any case where no person is injured or killed to a fine not exceeding \$40.

(5) Where an accident arises involving a motor vehicle on a road a Police Officer or an Examining Officer may inspect any vehicle in connection with which the accident arose and for that purpose may enter at any reasonable time any premises where the vehicle is and if any person obstructs such Police Officer or Examining Officer in the

performance of his duty under this section he shall be guilty of an offence:

Provided that if the motor vehicle is on private property, no entry into such private property may be made without permission of the owner or his agent except under a warrant issued for such purpose.

(Inserted by Act 21 of 1973.)

36. (1) The driver of a motor vehicle shall stop at the request or signal of any Police Officer in uniform and on demand shall give his name and address and shall produce his licence and the licence or certificate of registration applicable to the vehicle. If he is not the owner of the motor vehicle he shall give the name and address of the owner. If he fails to produce his driver's licence he shall be guilty of an offence unless he produces such licence to the nearest Police Station of his choice within 48 hours of being so demanded. *(Amended by Act 21 of 1973.)*

Driver to stop at signal of Police Officer.

(2) Any driver who on demand fails to stop or refuses to give such name and address, commits an offence against this Act and may be arrested by any Police Officer without warrant. *(Amended by Act 21 of 1973.)*

(3) Any driver who having stopped in compliance with this section gives any false information to a Police Officer shall be guilty of an offence. *(Amended by Act 21 of 1973.)*

(4) A Police Officer may in his discretion detain any vehicle which is not registered or licensed in accordance with this Act. *(Amended by Act 21 of 1973.)*

37. If any person:

Offences.

- (a) fraudulently imitates, alters, mutilates, destroys, or uses or fraudulently lends or allows to be used by any other person any registration plate, motor vehicle licence, certificate of registration, driving licence or learner's permit issued or deemed to have been issued under this Act; or
- (b) without permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof, or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing; or
- (c) throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object on any road whereby injury or damage to any motor vehicle or trailer may be occasioned; or

- (d) wilfully loiters or remains on any road in such a manner or in such circumstances as to be likely to cause danger or obstruction to persons driving or propelling vehicles on the road; or
- (e) uses or drives or permits to be used or driven any motor vehicle or trailer on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public or to other users of the road; or
- (f) being the owner of a motor vehicle refuses on the request of any Police Officer—
 - (i) to give the name and address of the driver thereof, such driver having been authorised by such owner to drive the said motor vehicle; or
 - (ii) to give all such information in his possession as would assist in the discovery or identity of the driver; or
- (g) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being registered as a public service vehicle in its appropriate class, on being so required by a Police Officer refuses to give a statement as to his presence in such vehicle; or
- (h) being the driver of a public service vehicle, stands for hire in any urban area at any road or place not appointed for the purpose; or
- (i) being the owner or driver or person acting on behalf of the owner or driver of a public service vehicle plying for hire makes any noise or sounds any instrument in order to attract the attention of the public or of a possible passenger; or by troublesome and frequent demands or by persistent following holds out the vehicle for hire to the public in such manner as to constitute a nuisance, or acts in any way so as to cause annoyance or inconvenience to any person; or
- (j) on a road rides on the running board or wings of a motor vehicle or on the outside of such motor vehicle except on a properly constructed seat or a tray (*Amended by Act 21 of 1978.*); or
- (k) being in a motor vehicle, in any way obstructs the driver of such motor vehicle whilst the same is in motion; or
- (l) in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle, or a driving licence or a learner's permit, or in connection with the endorsement of such a licence or permit, or any change or

correction in a motor vehicle licence or the registration of a motor vehicle or in giving any information lawfully demanded or required under this Act or Regulations made under this Act, makes any statement which is to his knowledge false or in any material respect misleading; or

- (m) rides, drives or propels or causes to be ridden, driven or propelled any animal or vehicle, not being a motor vehicle, on a road carelessly, negligently or recklessly or at a speed or in a manner which is dangerous to the public or to property having regard to all the circumstances of the case, including the amount and nature of the traffic which actually is at the time, or might reasonably be expected to be, on such road; or
- (n) rides, drives or propels or is in charge of any animal or vehicle, not being a motor vehicle, on a road whilst drunk or while his efficiency for such purpose is impaired by drink or drugs; or
- (o) whilst driving any vehicle omits to give the following signals:—
 - (i) when about to stop or slow down, holding the right forearm and hand vertical, outside the vehicle;
 - (ii) when about to turn to the right, holding the right arm and hand horizontally straight out from the right side of the vehicle;
 - (iii) when about to turn to the left, holding the right arm and hand horizontally straight out from the right side of the vehicle and revolving them in a anti-clockwise direction;
 - (iv) when requesting a person driving any other vehicle to pass extending the right arm and hand below the level of the shoulder on the right side of the vehicle and moving them backwards and forwards:

Provided that if the motor vehicle is fitted with a mechanical signalling apparatus approved by the Principal Licensing Authority which is capable of carrying out as nearly as possible the signalling specified in paragraphs (i), (ii), (iii) and (iv) of this subsection, the driver may operate such mechanical apparatus for the purpose aforesaid; or
- (p) when riding any animal omits to keep as close as is practicable to the left of the roadway or omits to give the signals set out in paragraph (o) hereof; or
- (q) leads or rides any animal or draws or drives any vehicle along any footpath or fastens any animal in such a manner

that it can or does stand across or upon the footpath or roadway; or

(r) leaves in any public way any vehicle to which a horse is harnessed without leaving some competent person in charge thereof; or

(s) when riding any animal or driving any animal not being a motor vehicle on any road neglects or refuses to stop upon the request or signal of a Police Officer in uniform or neglects or refuses to proceed in such a manner and direction as such Police Officer shall deem necessary; or

(t) places or leaves or causes to be placed or left any obstruction whatsoever upon any road,

he shall be guilty of an offence. (*Inserted by Act 21 of 1973.*)

Taking a motor vehicle without owner's consent.

38. (1) If any person takes and drives away any motor or other vehicle without the consent of the owner or other lawful authority, he shall be guilty of an offence:

Provided that if the court is satisfied that the accused acted in a reasonable belief that he had lawful authority, or in the reasonable belief that the owner would have given his consent if he had been asked, the accused shall not be liable to be convicted.

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

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

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

(3) If on the trial for stealing any motor or other vehicle, the court is of the opinion that the defendant was not guilty of stealing the vehicle, but was guilty of an offence under this section, the court may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(*Inserted by Act 21 of 1973.*)

Removal of vehicle from road.

39. (1) Where any vehicle has been left on any road or other public place in such circumstances as to make it appear that such vehicle has been abandoned or should be removed to a place of safety, or where any vehicle has been left on a road in a position which causes or is likely to cause danger to other road users and the owner or driver cannot be readily found, it shall be lawful for any Police Officer to take the vehicle or cause the vehicle to be taken, to a Police Station or other place of safety by such method, route and

under such conditions as he may consider necessary having regard to all the circumstances.

(2) Where under the provisions of the preceding subsection it is necessary to have a vehicle towed, transported, driven or otherwise removed, or where it is considered necessary to carry out emergency repairs or to adjust or off-load any part of the load of such vehicle, any expense incurred thereby shall be payable by the owner of the vehicle and no such vehicle shall be released from the Police Station or other place of safety until either—

- (a) such expenses have been paid to the person to whom they are due; or
- (b) such person certifies in writing that he is willing to allow the vehicle to be removed before he receives such expenses due to him.

(3) A Police Officer who orders the removal of a vehicle under the provisions of this section shall not be held liable for any damage to or loss of any item from such vehicle during its removal to or detention at a police station or other place of safety.

(Inserted by Act 21 of 1973.)

PART IV.—MISCELLANEOUS

40. The Principal Licensing Authority with the consent of the Cabinet may make regulations for all or any of the following purposes—

Principal
Licensing
Authority to
make
regulations.

- (a) registration of motor vehicles, issue of number plates and licences, and requiring production of information in connection with application for registration or licence;
- (b) providing for the granting of different classes of motor drivers' licences and prescribing the effect of licences of each class;
- (c) providing for the special examination and testing of holders of motor drivers' licences in any case where it appears to the Principal Licensing Authority to be necessary and for revocation of licences of persons refusing or failing to submit to the examination or testing or if they are found for any reason to be unfit;
- (d) providing for the examination and testing of applicants for motor drivers' licences and prescribing the persons by whom the tests and examinations are to be carried out;
- (e) providing forms of documents that may be required for the purposes of this Act;
- (f) classifying vehicles, regulating the width and thickness of the tyres of vehicles, regulating the loads of vehicles and in particular the number of passengers and the quantity and weight of goods;

- (g) regulating, controlling or prohibiting exceptional traffic;
- (h) prohibiting or restricting, subject to the erection of prescribed signs, the stopping of vehicles on any specified road;
- (i) restricting or prohibiting the use of vehicles that, owing to defects of construction or disrepair, are unsuitable for safe use;
- (j) prescribing the provision of brakes, lamps, bells, alarms, reflectors, directors, direction indicators, and other instruments for giving notice of the approach position or course of vehicles; prescribing the kinds thereof to be used in different classes of vehicles;
- (k) prescribing the maximum weight and the maximum dimensions of any vehicle, and any load thereon, that may be used on any road, the maximum weight and the maximum air pressure of the tyres of any vehicle;
- (l) providing for the periodical examination of motor vehicles and prescribing fees, in respect of those examinations; (*Amended by Act 17 of 1987.*)
- (m) prescribing the duties and regulating the conduct of persons using roads for any purpose, and in particular of persons in charge of or riding in vehicles or bicycles on roads and of persons in charge of or riding or driving animals on roads;
- (n) generally regulating traffic of all classes, whether vehicular, pedestrian, animal, or otherwise, and prohibiting traffic or any class of traffic, either absolutely or conditionally, on any specified road;
- (o) generally regulating the use of vehicles and prescribing the conditions upon or subject to which they may be used;
- (p) prescribing areas to be declared built up or congested areas;
- (q) prescribing penalties not in excess of a fine of \$100 or imprisonment for one year for breach of regulations; (*Amended by Act 21 of 1973.*)
- (r) prescribing the fees payable in respect of registration and licences for different classes of motor vehicles and for driver's licences for such vehicles. (*Inserted by Act 21 of 1973.*)

Penalties.

41. (1) Every person who fails to comply with any of the provisions of this Act or who does any act in contravention thereof commits an offence against this Act.

(2) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to a fine not exceeding \$100 or to imprisonment for not more than one year, or to both such fine and imprisonment. (*Amended by Act 21 of 1973.*)

(3) Jurisdiction to hear a charge of any offence against this Act shall be determined in accordance with the Magistrates' Courts Act.

(4) Prosecutions under this Act shall be brought within 6 months after the date of the offence.

42. All moneys received under this Act shall be paid into the Fees Treasury for the benefit of the revenue of the Kingdom. (*Substituted by Act 21 of 1973.*)

CHAPTER 156

SUBSIDIARY LEGISLATION

TRAFFIC REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

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SECTION 40—Traffic Regulations

Made by the Principal Licensing Authority

G.S. 45/74, G.S. 9/75, G.S. 26/76, G.S. 25/77, G. 178/78, G.S. 163/86

- Short title. 1. These regulations may be cited as the Traffic Regulations.
- Interpretation. 2. The definitions in the Traffic Act shall apply equally to these Regulations, and unless the context otherwise requires:
- “Act” means the Traffic Act;
 - “built up area” means any area encompassed by any township or village and demarcated by speed limit signs;
 - “congested area” means any area so declared by the Principal Licensing Authority to be a congested area, whether permanent or temporary, and includes a pedestrian crossing;
 - “driver” means the person in physical control of a vehicle;
 - “hours of darkness” means the hours between sunset and sunrise;
 - “intersection” means the ground which is common to two or more roads which cross each other and includes a T-junction;
 - “pedestrian crossing” means any area of road, demarcated in the prescribed manner, which is used for the safe passage of pedestrians from one side of the road to the other.
- (Amended G. 9/75.)
- Forms. 3. For the purposes of the Act and of these Regulations the forms set out in the First Schedule or forms to the like effect shall be used in cases to which they refer.
- Registration. 4. (1) All applications for the registration of a motor vehicle or trailer shall be made to the Principal Licensing Authority on Form I of the First Schedule.
- (2) A certificate of Registration shall be in Form IA of the First Schedule.
 - (3) The registration number plates to be carried by a motor vehicle or trailer in pursuance to section 6 of the Act shall consist of two plates, which must conform as to size, lettering, numbering and otherwise, with the provisions set out in Diagram 1 of the Second Schedule:
Provided that a motor cycle shall be required to have only one registration number plate.
 - (4) The “L” plates required to be displayed on a private motor vehicle driven by a person under a learner’s permit must conform as to size, lettering and colouring with the provisions set out in Diagram 2 of the Second Schedule.
 - (5) Letters and numbers prescribed in the Second Schedule, painted or otherwise fixed to the motor vehicle or trailer may, if approved by the Licensing Officer, be used instead of plates. Any reference to plates in these regulations shall be construed to include a reference to the numbers and letters so painted or fixed and any reference to the fixing of plates to include a reference to the numbers and letters so painted or fixed.

5. (1) Except in the case of a motor cycle the registration number plates carried by a motor vehicle or trailer shall be fixed, one on the front and the other on the back of the motor vehicle or trailer, in such a position as may be directed by the Licensing Officer, so that every letter or figure on the plate is vertical and easily distinguishable.

Number
plate of
motor
vehicle or
trailer.

(2) The registration number plate carried by a motor cycle shall be fixed at the back thereof in such a position as may be directed by the Licensing Officer.

6. (1) All applications for a dealer's registration number plate shall be made on Form 2 of the First Schedule.

Dealer's
registration
number
plates.

(2) Dealer's registration number plates shall:—

(a) consist of two plates, each bearing some distinguishing letter or letters, and each having placed thereon or annexed thereto some distinguishing number;

(b) have the colouring different from that used for ordinary registration number plates; and

(c) have the lettering and numberings so far as possible similar to those required in the case of ordinary registration number plates.

(3) A motor vehicle bearing a dealer's registration number plate assigned under the provisions of the Act and of this regulation shall not be used for purposes other than those specified in section 12(3) of the Act.

7. (1) All applications for the licensing or the renewal of a licence of any motor vehicle shall be made on Form 3 of the First Schedule.

Licensing.

(2) All motor vehicle licences issued under the Act and these Regulations shall be on Form 3A of the First Schedule.

(3) All expired motor vehicle licences must be removed from the motor vehicle and the current licence shall be affixed by the licensee to the windscreen as follows:—

(a) at the bottom left hand corner in the case of a motor vehicle which is driven from the right hand side; and

(b) at the bottom right hand corner in the case of a motor vehicle which is driven from the left hand side:

Provided that in the case of a motor cycle or motor tricycle such licence shall be affixed on such place as approved by the Licensing Officer.

8. All applications for a learner's permit shall be made to a Licensing Officer who if satisfied that the applicant is not under the age of 18 years, shall issue a learner's permit on Form 4 of the First Schedule.

Learner's
permit.

9. (1) All applications for a motor driver's licence or the renewal thereof shall be made on Form 5 of the First Schedule, and shall be accompanied by two passport-size photographs showing the full-face view of the applicant.
(Amended G.S. 9/75.)

Motor
driver's
licence.

(2) The Principal Licensing Authority may require applicants for a driver's licence to undergo in accordance with the Traffic (Driving Test) Regulations a driving and/or medical test and may also require the holder of a licence to submit to such a test and may cancel or refuse to issue a driver's licence.
(Amended G.S. 26/76.)

(3) A motor driver's licence shall be in the form of Form 5A of the First Schedule and such licence shall not be valid unless signed by the licensee and

have a passport-size photograph affixed to the inside front cover. (*Amended G.S. 9/75.*)

Examination
of motor
vehicle.

10. (1) The owner of every motor vehicle shall present the vehicle for examination by the Examining Officer or other person appointed by the Principal Licensing Authority on such day in each year as may be fixed by reasonable notice by the Principal Licensing Authority. (*Amended, G.S. 9/75.*)

(2) If the Principal Licensing Authority has reasonable grounds for believing that a vehicle is unsafe he may order a special examination of the same at any time.

(3) If at any examination as prescribed by subregulations (1) and (2) hereof it shall be found that in the opinion of the Examiner the vehicle is not safe the Examiner shall notify the Chief Police Officer of the district who shall thereupon cancel the licence issued in respect of such vehicle:

Provided that the Principal Licensing Authority may order such repairs as shall appear to be necessary to be effected and may suspend the licence for such vehicle until his order is carried out to his satisfaction.

(4) The Examining Officer shall keep a register in Form 6 of the First Schedule of all vehicles examined by him and if satisfied he shall issue a warrant of fitness in respect of such vehicle in Form 6A of the First Schedule.

Lights.

11. (1) Save as hereinafter provided, no person shall operate a motor vehicle during the hours of darkness unless it is equipped as provided in this regulation, and no person shall drive, stand, park, or leave a vehicle while on any road during the hours of darkness unless the lamps required by this regulation display lights in the manner herein prescribed.

(2) Every motor vehicle other than a motor cycle shall be equipped with not less than 2, and not more than 4 headlights attached thereto, which shall:—

- (a) be of approximately equal candle power;
- (b) be placed one towards each side of the vehicle and in such manner that they direct a beam of light ahead of the vehicle;
- (c) display beams of light of sufficient power to enable substantial objects and the nature of the road surface to be clearly visible during the hours of darkness under normal driving and atmospheric conditions to a driver of normal vision at a distance of at least 150 feet directly in front of the vehicle; and
- (d) be amber-coloured with amber-coloured glass or painted with amber-coloured paint, in either case as approved by the Principal Licensing Authority.

(3) In addition to the headlights aforesaid every motor vehicle other than a motor cycle shall be equipped with two, and not more than two, forward facing lamps (hereinafter referred to as parking lamps) of low and approximately equal candle power, one being fitted on each side of the vehicle.

(4) The headlamps attached to any motor vehicle shall be focussed and adjusted so that under all conditions of use the centre of the main beam of light from each lamp:—

- (a) does not rise above a horizontal plane when the vehicle is on a horizontal surface; and
- (b) is projected either parallel to the longitudinal centre line of the vehicle or leftwards from such parallel position.

(5) (a) In this subregulation, references to the dipped position of a lamp

are references to the adjustment, temporary or otherwise of a lamp that when the motor vehicle to which it is attached is on a horizontal surface the centre line of the beam of light from such lamp descends at the rate not less than four inches in ten feet measured horizontally.

- (b) In this subregulation references to dipping the lights are references to the control of the lamps attached to a motor vehicle so that lights from both headlights assume a dipped position.
- (c) The driver of a motor vehicle shall dip the lights when approaching and passing another vehicle travelling in the opposite direction and when following another vehicle.
- (d) The driver of a motor vehicle shall dip the light when approaching an intersection for the time being under the control of a Police Officer.
- (e) Subject as hereinafter provided, the driver or person in charge or control of a stationary motor vehicle may use parking lamps where these have been fitted.

(6) Every motor vehicle shall be equipped with a tail lamp which shows a red light visible at least 300 ft. to the rear and which, except in the case of a motor cycle, is attached to each side of the rear thereof:

Provided that it shall be sufficient if every trailer is equipped with reflectors or lights to be approved by the Principal Licensing Authority.

(7) The registration number plate carried on the rear of every motor vehicle shall be illuminated by a white light, the beams of which are not visible to the rear, so as to render the figures and letters thereon clearly visible at the distance of 60 ft.

(8) The lights from the side lamps shall be covered with frosted glass, a diffusing lens, or other material which has the effect of diffusing the light.

(9) None of the lights prescribed by this regulation need be displayed while the vehicle is stationary on the roadway, provided that the vehicle is lighted from some artificial source so that its position on the road is clearly visible at the distance of 150 ft.

(10) Except as permitted by this regulation no vehicle shall be equipped with a lamp that displays towards the rear any light other than a red light or with a lamp or reflecting surface that displays towards the front any light other than an amber light.

(11) No spot lights or other similar swivelling lights shall be fitted to any motor vehicle without the authority of the Principal Licensing Authority who may authorise such lights at his discretion and subject to such conditions as he may impose.

12. (1) In this regulation, unless the context otherwise requires:—

Brakes.

“foot-brake” means a brake readily operated by use of the driver’s foot;

“hand-brake” means a brake readily applicable by use of the driver’s hand and capable of remaining applied for an indefinite period without further attention than the initial application;

“independent brake” means a brake of which the entire operating mechanism or system is either:—

- (a) distinct and separate from all parts or connections of any other brake or brake systems, so that the brake in question cannot be adversely affected by the operation or failure of any other brake; or

(b) is a single efficient braking system having two independent means of operation.

(2) No person shall operate a motor vehicle unless it is equipped with two independent brakes, one being a foot-brake and the other being a hand-brake, and each complying with the requirements of this regulation so far as applicable.

(3) No person shall operate a motor vehicle with its load (including any trailer and its load which may be attached), upon a hard, dry, level roadway free of loose material, and without assistance from the compression of the engine unless:—

- (a) the foot-brake is capable of bringing the vehicle to a standstill within a distance of 42 feet from a speed of 20 miles per hour; and
- (b) the hand-brake is capable of bringing the vehicle to a standstill within a distance of 70 feet from a speed of 20 miles per hour, and is also capable of holding the vehicle at rest on a grade of 1 in 5.

(4) The provisions of subregulations (2) and (3) of this regulation shall not apply to any trailer or vehicle propelled by steam power, or a vehicle of the self-laying track type, or a motor cycle with or without a sidecar attached.

(5) No person shall operate a trailer the weight of which when loaded exceeds two tons unless it is equipped with a hand-brake which when applied on the loaded trailer alone is capable of meeting the requirements of a hand-brake prescribed in subregulation (3) of this regulation.

(6) No person shall operate a motor vehicle propelled by steam power or of the self-laying-track type unless it is equipped with a brake or brakes adequate to control its movements and to stop and hold such vehicle.

(7) Every brake referred to in this regulation which simultaneously applies the braking-pressure on two wheels or drums with a common axis shall be so adjusted or fitted that the braking effect is approximately the same on each road wheel.

(8) Every brake referred to in this regulation shall be capable of easy adjustment, and shall be maintained so that at all times it is efficient and in good working order.

Horn-
warning
device.

13. (1) No person shall operate a motor vehicle except with the written approval of the Principal Licensing Authority unless it is equipped with a mechanical warning device approved by the Principal Licensing Authority in good working order capable of emitting sound audible under normal conditions from the distance of not less than 300 feet.

(2) No person shall at any time use a warning device otherwise than as a reasonable traffic warning or make any unnecessary or unreasonably loud, harsh, or shrill sound by means of a warning device.

(3) No person shall sound any warning device between the hours of 10 p.m. and 6 a.m. within the limits of Nuku'alofa, except for emergency purposes.

Noise-
silencer.

14. A person commits an offence if he drives on a road a motor vehicle—

- (a) without an efficient silencer affixed to the exhaust pipe of the vehicle and used in such a manner that the exhaust is projected through the silencer; or
- (b) which causes undue noise by:—
 - (i) being in a state of disrepair; or
 - (ii) the manner in which the vehicle is loaded; or

- (iii) the construction or condition of the adjustment of the machinery of the vehicle; or
- (iv) the construction or condition of adjustment of the silencer.

15. No person shall operate any motor vehicle having the steering column to the left of the longitudinal centre line of the body of the vehicle without the prior approval in writing of the Principal Licensing Authority and subject to such conditions as he may impose. Left hand drive.

16. (1) No person shall without the consent of Cabinet operate any motor vehicle or trailer if it: Standards and sizes.

- (a) exceeds seven feet in width;
- (b) exceeds 20 feet 6 inches in length.

(2) No person shall operate any loaded motor vehicle or trailer if the load:—

- (a) extends further forward than 18 inches from the foremost part of the vehicle;
- (b) extends further back than 9 feet 6 inches behind the axis of the rear wheels of 4 feet behind the body whichever is the greater distance:

Provided that a red flag shall be fixed to the end of any load projecting beyond the rear of a vehicle.

17. Except for Police or Defence purposes or except in pursuance of a permit issued by the Principal Licensing Authority, no person shall operate a motor vehicle on which is carried any loaded firearm. Loaded firearms.

18. (1) No person shall operate any motor vehicle which is being used to tow another vehicle if the space between the vehicles exceeds 12 feet unless written permission of the Principal Licensing Authority is obtained. Towing.

Provided that where a vehicle is being towed a red cloth at least 18 inches long and 9 inches wide is attached midway between the vehicles.

(2) No person shall during the hours of darkness tow any vehicle unless the towed vehicle is fitted with a white light at the front which is sufficient to show the towing connection and with a tail light to comply with the provisions of these Regulations.

(3) No person riding a motor cycle shall tow or be towed by, another vehicle.

19. (1) A person shall not park any vehicle on its incorrect driving side of any road, or otherwise than on the side of the road nearest the left hand side of the vehicle, except in the case of a one way road when both sides thereof may be utilised. Parking.

(2) A vehicle shall be parked where possible off the road or as far to the correct side as is possible.

(3) No person shall park a vehicle within 30 feet of an intersection or any other junction where two roads meet.

(4) No person shall park a vehicle on a footpath, in front of any access road, gateway or other opening to which any other vehicle has a right of way.

(5) No person shall park a vehicle on a pedestrian crossing or within 20 feet of either side of a pedestrian crossing, on a Bus Stop, or within any part of the road prohibited by a traffic sign or a road marking.

(6) No driver of any vehicle parked on a road shall join the stream of traffic without first ensuring that the road is clear and indicating his intention to do so either by mechanical or manual signal.

- (7) (a) Public service vehicles other than a passenger bus and a passenger lorry may while awaiting hire, park at any public stand appointed by the Principal Licensing Authority as a taxi rank;
- (b) passenger buses and passenger lorries shall park only at the place appointed as the Bus Depot for passenger buses, in the Third Schedule;
- (c) when parked, passenger buses and passenger lorries shall as far as is possible stand in line one behind the other not less than 3 feet and not more than 5 feet apart from each other;
- (d) where passenger buses and passenger lorries form more than one line when parking there shall not be less than 10 feet and not more than 15 feet between such lines;
- (e) no vehicle other than a passenger bus and a passenger lorry, may park in a Bus Depot appointed as such under these Regulations;
- (f) no passenger bus or passenger lorry shall overtake another on approaching a Bus Depot;
- (g) nothing hereinbefore contained shall preclude the parking of a passenger bus, passenger lorry or a taxi on private premises.

Rules to be
observed by
drivers.

20. (1) Every driver of a motor vehicle shall keep the vehicle as close as is practicable to his left of the road.

(2) Save where otherwise directed by a Police Officer at controlled intersections every driver of a motor vehicle shall when overtaking a vehicle pass on the right or offside of the overtaken vehicle, and shall not then move into the line of passage of the other vehicle until clear from it by at least 18 feet.

(3) Subject to subregulation (4) of this regulation, every driver of a motor vehicle intending to turn at an intersection from any road into another road to his right shall, when approaching and turning, maintain his position to his left of the road out of which he is turning until he enters the area of the intersection:

Provided that where the road on which he is travelling has room for more than one lane between the centre line of the road and the left hand side of the road he shall keep to the right hand lane.

(4) Every driver when approaching or crossing any intersection which any other vehicle is approaching or crossing, shall unless the intersection is controlled by a Police Officer or by a traffic sign, give way to such other vehicle and allow the same to pass before him, and if necessary for that purpose, stop his vehicle in the following circumstances—

- (a) if such vehicle (not being a horse drawn vehicle) is approaching from his right;
- (b) if such other vehicle (being a horse drawn vehicle) is approaching in any direction;
- (c) if he is turning his vehicle in any direction.

(5) Whenever a motor vehicle has stopped or slowed down to yield the right of way in terms of subregulation (4) of this regulation, it shall be unlawful for the driver of any other motor vehicle approaching from the rear to overtake and pass such vehicle.

(6) No driver shall overtake or attempt to pass any vehicle proceeding in the same direction in the following circumstances—

- (a) at an intersection or within a distance of 30 feet before an intersection;
- (b) unless the driver has a clear view of the road and the traffic thereon for a distance of at least 300 feet in the direction in which he is travelling and the road is clear of traffic travelling in the opposite direction and the driver is personally satisfied that he is able to safely comply with this provision.

(7) No driver shall turn at an intersection at any speed which exceeds 15 miles per hour. (*Amended, G.S. 9/75.*)

(8) No person shall drive a vehicle on to any road verge or area which shall have been marked as a prohibited area by the Principal Licensing Authority.

(9) A driver of a vehicle shall give way to pedestrians crossing a road at a pedestrian crossing or other congested area and no driver shall overtake such vehicle.

(10) No driver shall cause a motor vehicle to travel backwards on a road for a greater distance or time than may be necessary for the safety or convenience of the occupants of the motor vehicle and of the persons and other traffic on the road and he shall not cause the motor vehicle to travel backwards at the junctions of any roads or round a corner.

(11) No driver shall when in the motor vehicle, be in such a position that he cannot have full control over the same, or that he cannot obtain a full view of the road and traffic ahead of the motor vehicle.

(12) The driver shall before leaving a motor vehicle stop the engine and apply the hand brakes so as to maintain such motor vehicle in a stationary position without the use of any other device whatsoever. The engaging of the gears of the motor vehicle shall not be deemed the equivalent of, or a substitute for, the applying of the brakes.

(13) (a) In the case of goods vehicles and public service vehicles, not more than one person shall sit by the side of the driver unless such vehicle has been certified by an Examining Officer to have been constructed for the purpose of accommodating more than one person beside the driver.

(b) No person shall sit on the right side of the driver of any motor vehicle unless such motor vehicle has been constructed with a left hand drive, in which case no person shall sit on the left side of the said driver.

(14) No driver shall, when turning to his right at any intersection or other road junction, drive his vehicle to the right of the centre line of the road into which he is turning.

(15) A driver shall not draw up his motor vehicle alongside any other motor vehicle on a road nor shall he reverse the motor vehicle to the kerb stone of any footpath or to the side of any road except for the purpose of turning or parking.

(16) A driver shall not permit sparks, smoke or visible vapour which would cause annoyance or danger to the public to come from any motor vehicle in his charge on or near any road and he shall take proper precautions to prevent the discharge of lubricating oil on any road.

(17) The driver shall not allow the motor vehicle to carry more persons than it is licensed to carry. It shall be an offence to carry passengers in a taxi, passenger lorry or passenger bus in excess of the number allowed by the Principal Licensing Authority.

(18) The driver shall not leave or permit to be left on any road any motor vehicle which has broken down without taking the necessary steps to indicate its presence and position, by lighting or otherwise, to other persons using the

road, and shall take immediate steps to have it removed as near to the left of the road as possible.

(19) The driver of a motor vehicle shall, on the approach of any ambulance, fire engine, police vehicle or power board vehicle which is exhibiting the appropriate flashing light approved by the Principal Licensing Authority on the top of such vehicle and/or is sounding a siren or other similar warning apparatus, draw up close to the left hand side of the road and stop, leaving the centre of the road clear for the passage of such vehicle and no two motor vehicles shall stand abreast.

(20) Any person who shall put petrol into any receptacle on or adjacent to any motor vehicle or into the tank of a motor vehicle while the engine is running, or while any light, other than an electric light, is alight on the vehicle, and any person who shall smoke or light a match or expose a naked light in close proximity while petrol is being so filled, shall be guilty of an offence against these Regulations.

(21) Every motor vehicle shall be equipped with a reflecting mirror so constructed and fitted to the motor vehicle as to enable the driver of such motor vehicle to be or become aware of the presence in the rear thereof of any other vehicle:

Provided that this requirement shall not apply to a motor vehicle when drawing a trailer if a person is carried on the trailer in a position which affords an uninterrupted view to the rear, and such person is provided with efficient means of communicating to the driver the effect of signals given by the drivers of other vehicles in the rear thereof.

(22)(a) All tyres of a motor vehicle or trailer shall at all times be maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road, or danger to persons in or on the vehicle or to any persons using the road:

Provided that a person shall not be convicted under this subregulation if he proves to the satisfaction of the Court that he could not by reasonable diligence have become aware of the defect.

(b) Any pneumatic tyre from which all the tread pattern has been worn on any section of the outer surface of the tyre, whether such surface bears on the road or not, shall be deemed to be defective, and it shall be an offence to use such a tyre on any vehicle. (*Amended, G.S. 26/76.*)

Motorized
tri-cycles.

21. Save as hereinafter provided, regulations 11, 12 and 29(7)(h) only in so far as they relate to the equipment of motor vehicles, shall not apply to motorized tri-cycles. Persons are authorised to operate motorized tri-cycles until further notice subject to their compliance with the following minimal requirements—

- (a) every motorized tri-cycle shall during the hours of darkness be equipped with two headlamp and two red coloured tail-lamp;
- (b) every motorized tri-cycle shall be equipped with one single braking system having two independent means of operation operating on at least two wheels capable of easy adjustment and maintained at all times in good working order, and which is capable of bringing the vehicle when fully loaded to a standstill within a distance of 50 feet from a speed of 20 miles an hour upon a hard dry level surface, free of loose material.

22. (1) No person shall during the hours of darkness operate a motor cycle unless it is equipped with one headlamp and tail-lamp which shall conform to the standards prescribed for headlamps and tail-lamps of motor vehicles generally. Motor cycles.

(2) No person shall operate a motor cycle unless it is equipped with at least one brake capable of bringing the motor cycle to a standstill within a distance of 42 feet from a speed of 20 miles per hour upon a hard dry level roadway free of loose material which is capable of easy adjustment and is maintained at all times in good working order.

(3) No person shall operate a motor cycle unless adequate footrests are attached thereto for the use of any person carried thereon otherwise than in a sidecar.

(4) No person shall operate or drive a motor cycle—

- (a) carrying any person or object of any description whatsoever on the motor cycle in front of the driver;
- (b) without sidecar and carrying more than two persons including the driver or carrying any person seated otherwise than astride and facing forward;
- (c) with sidecar and carrying more than 3 persons in all, including the driver.

(Amended, G.S. 9/75.)

(5) No person shall drive or ride as a passenger on a motor cycle unless he is wearing a crash helmet of a kind approved by the Principal Licensing Authority.

(6) Crash helmets worn pursuant to this regulation shall be securely and closely fastened under the chin.

23. (1) No person shall ride any bicycle during the hours of darkness unless it has attached at the front thereof a lamp throwing in a forward direction a light substantially white in colour of sufficient brilliance to be visible under normal atmospheric conditions for a distance of at least 300 feet, and the tail light or reflector hereinafter mentioned. Bicycles—
Riding
during
darkness etc.

(2) No person shall ride a bicycle or a tricycle unless—

- (a) it is equipped with either a red tail light of sufficient brilliance to be visible under normal atmospheric conditions for a distance of 300 feet, or a red reflector approved by the Principal Licensing Authority placed at the back so as to reflect to the rear a light shining towards it from the rear; and
- (b) it displays to the rear a white surface of at least 12 square inches or reflecting type of at least 8 square inches maintained in a clean condition at a place where such surface is not likely to be obscured from the rear by the rider or his clothes; and
- (c) it is equipped with at least one efficient brake attached thereto and operating on the rear wheel; and
- (d) it is equipped with a bell as a warning device capable of being heard under normal conditions at a distance of 100 feet.

(3) No person shall ride a tricycle during the hours of darkness unless it is equipped with such lights and reflectors as shall be specifically approved by the Principal Licensing Authority.

(4) No young person under the age of 8 years shall ride a bicycle or a tricycle on a road unless accompanied by an adult rider.

(5) No person shall ride a bicycle on a footpath.

Bicycles—
Riding on
left and
overtaking.

24. (1) Every rider shall keep the bicycle as close as it is practicable to his left of the road.

(2) No rider of a tricycle or bicycle when approaching a bend in the road shall travel to the right of any other vehicle proceeding in the same direction unless he has a clear view of the road for at least 150 feet ahead.

(3) No rider of a bicycle shall travel on the right of more than one bicycle proceeding in the same direction as himself nor travel on the right of another bicycle when overtaking any vehicle nor except while overtaking it travel on the right of any vehicle other than a bicycle proceeding in the same direction as himself.

(4) No rider shall permit the bicycle to be towed by any other vehicle in motion on any road.

(5) No rider shall carry another person on the handlebar of a bicycle.

(6) No rider shall carry more than one person on a bicycle.

Cart or horse
drawn
vehicle.

25. Every driver of a cart or horse drawn vehicle shall keep the same as close as is practicable to the left of the road.

Riding a cart
or horse.

26. (1) No person shall drive a cart on a road at night unless it carries a light which is clearly visible to other users of the road.

(2) No person under the age of 8 years shall ride a horse on a road unless accompanied on the same horse by an older person.

Pedestrian to
keep on
footpath.

27. When a pedestrian is walking along a road where a reasonably adequate footpath is available he shall keep to the footpath as much as is practicable and if there is no footpath he shall keep as near as possible to the edge of the right-hand side of the roadway so as to face the oncoming traffic.

Pedestrian
crossing.

28. A pedestrian when crossing a road shall whenever possible use a pedestrian crossing and in the absence thereof he shall cross at right angles to the kerb or side of the road.

Passengers in
taxi,
passenger
lorry or bus.

29. (1) The number of passengers which may be carried in a taxi, a passenger lorry or a passenger bus shall be as determined by the Principal Licensing Authority and the number shall be compatible with the safety of the public.

(2) The Principal Licensing Authority shall keep a record of all taxis, passenger lorries and passenger buses in each licensing district.

(3) No truck or lorry licensed as a passenger lorry shall carry passengers unless the same shall be fitted with the following and approved by the Licensing Officer—

(a) a guard rail surrounding the tray thereof; and

(b) sufficient fixed seating for the number of passengers carried in accordance with the licence; and

(c) a fixed shelter for the protection of passengers.

(4) For offences under subregulation (3) of this regulation and subregulation 17 of regulation 20, the owner, hirer, driver or other person in actual charge or in legal control of a vehicle may be prosecuted.

- (5) Every passenger bus and passenger lorry shall be fitted with—
- (a) a device by which a passenger may signal to the driver when required;
 - (b) a speedometer;
 - (c) a fire extinguisher;

all of which shall be approved by the Licensing Officer and kept in working order. (*Amended, G.S. 26/76.*)

(6) No glass, except that fitted to the lights of the vehicle, shall be fitted to a passenger bus unless it is non-splinterable glass approved by the Examining Officer.

(7) The driver of a public service vehicle shall comply with the following regulations—

- (a) he shall not use a horn or other instrument for the purpose of calling passengers;
 - (b) he shall not smoke whilst any passenger is being carried on the vehicle;
 - (c) he shall not make use to any passenger any abusive language or insulting gestures;
 - (d) he shall not loiter for the purpose of procuring passengers or otherwise;
 - (e) he shall not, while waiting to pick up passengers, race his engine or make any loud or unnecessary noise with his engine;
 - (f) he shall at the request of any passenger immediately stop (in the case of a passenger bus or passenger lorry at the next bus stop) in order to enable such passenger to alight, provided that he does not thereby cause an obstruction;
 - (g) he shall maintain the public service vehicle in a sound superstructural and mechanical and clean and sanitary condition;
 - (h) he shall carry at least one spare inflated tyre in good condition fixed to the rim, spare wheel or other device, capable of being fitted to a wheel or axle and in place of the tyre or wheel removed.
- (8) (a) in this regulation “stop” means to remain stationary for so long as may be reasonably necessary to allow passengers to alight from or to get on a public service vehicle;
- (b) when stopping, a passenger bus shall draw up on the left side of the road, facing the direction in which it is proceeding, and the driver thereof shall observe all rules of the road and other regulations as may be provided for the safety of road users when stopping a vehicle.
- (9) (a) All passenger buses shall display on the outside of the front in a conspicuous place on board or other sign as may be approved by the Principal Licensing Authority showing the destination to which the vehicle is proceeding. Such boards or signs shall be so constructed and placed as not to interfere with the view of the driver and the safety of the vehicle or other road users.
- (b) There shall be exhibited in a conspicuous place inside every passenger bus a notice specifying the prescribed fares and stopping places and the number of persons which the bus is licensed to carry.
- (c) The owner of a passenger bus shall be responsible for providing all such notices above-mentioned.

(10) No passenger bus or passenger lorry shall travel in any part of the town of Nuku'alofa which does not lie on the route upon which such passenger bus is employed except for the purpose of being refuelled or of having repairs effected thereto or for the purpose of loading or unloading goods and in every such case no passengers shall be carried thereon. Nothing in this regulation shall preclude any passenger bus or passenger lorry where the necessity arises by reason of the situation of its garage, from travelling along any street in the town of Nuku'alofa for the purpose of garaging or of taking up its stand at a parking place, provided the shortest route is used, and normal road restrictions are observed.

- (11) (a) Passenger buses and passenger lorries shall travel only on the routes specified by the Principal Licensing Authority, or on such other routes as may be prescribed by special permit granted by the Principal Licensing Authority;
- (b) before a passenger bus or passenger lorry travels on any route, the owner thereof must obtain a permit in writing from the Principal Licensing Authority;
- (c) the Principal Licensing Authority shall state on any permit governing the route on which a passenger bus or passenger lorry may travel the following details:—
- (i) the name of the owner;
 - (ii) the registration number of the passenger bus or passenger lorry;
 - (iii) the route on which the passenger bus or passenger lorry is permitted to travel;
 - (iv) the time table in accordance with which the passenger bus or passenger lorry is to be operated.
- (d) permits for travel on specified routes shall be valid for one year from the date of their coming into operation;
- (e) permits for travel on routes other than those specified by the Principal Licensing Authority shall be valid for one day only.

(Amended, G.S. 163/86.)

Refusing to
be hired etc.

30. The driver of a public service vehicle other than a passenger bus or passenger lorry (hereinafter called a taxi) shall not without reasonable excuse—

- (a) refuse to be hired when the taxi is standing at a public stand; or
- (b) refuse or neglect to drive the taxi to any accessible place indicated to the driver; or
- (c) refuse or neglect to carry such number of passengers, not exceeding the number specified in the motor vehicle licence, as he may be required to carry by the hirer; or
- (d) refuse or neglect to accept with a hirer a reasonable amount of luggage.

Property left
in vehicle.

31. The driver of a public service vehicle wherein any property is left shall within 24 hours deposit such property, if not sooner claimed, at a Police Station.

Entrance and
exit of bus.

32. The driver of a passenger bus on any road shall not permit passengers to enter or leave such passenger bus otherwise than by the entrance and exit provided.

33. Passenger lorries and passenger buses shall not stop on any road (within the township of Nuku'alofa) for the purpose of embarking or disembarking passengers or for receiving or discharging goods except at a Bus Depot and at a place marked by a "Bus Stop" sign erected by authority of the Principal Licensing Authority. Bus depot or bus stop.

34. The fees for registration and licensing of all vehicles, for the licensing of drivers, for the issuing of permits, and other incidental matters shall be those set out in the Fourth Schedule. (*Amended, G.S. 163/86.*) Fees.

35. (1) Any vehicle the property of Their Majesties the King and the Queen shall be exempt from registration. (*Amended, G. 162/74.*) Exemptions from registration.

(2) The following persons and classes of persons shall be exempt from the payment of fees for licensing and the registration of motor vehicles:—

- (a) Their Majesties the King and the Queen;
- (b) a diplomatic Agent recognized by the Minister for Foreign Affairs as having diplomatic privileges and immunities under the Diplomatic Relations Act, in respect of motor vehicles for the official or personal use, or for the use of the family, of any such person;
- (c) a consular officer recognised as such by the Minister for Foreign Affairs under the Consular Relations Act, in respect of motor vehicles for the official or personal use, or for the use of the family, of any such person;

Provided that the exemptions conferred by paragraphs (b) and (c) shall not apply to any such person unless he—

- (i) is a national of the country which he represents; and
 - (ii) is not otherwise engaged in any gainful occupation in Tonga;
- (d) any person for the time being recognized by the Minister for Foreign Affairs as a representative in Tonga of any organization to which the provisions of section 2 of the Diplomatic Privileges Act applies and upon whom the immunity and privileges set forth in Part II and Part IV of the Schedule to that Act have been conferred under the provisions of that Act, in respect of motor vehicles for the official or personal use, or for the use of the family, of any such person.
- (e) any other person declared to be exempt by Cabinet.
- (3) No fees shall be charged for the driver's licences in respect of—

- (a) Their Majesties the King and the Queen; and
- (b) All persons referred to in paragraphs (b), (c), (d) and (e) of sub-regulation 2 hereof.

36. No person shall stand on the tray of any lorry or trailer not licensed to carry passengers while the same is in motion and it shall be the responsibility of the driver of such lorry or trailer to ensure that all persons carried thereon shall comply with this requirement. Standing on tray of lorry etc.

37. A person removing a vehicle, whether registered in his name or not, from one district to another shall first notify the Police Officer in charge of the district from which he is removing the vehicle. Removing vehicle from one district to another.

38. A notice of intended prosecution under section 28(3) of the Act shall be on Form 7 of the First Schedule. Notice of prosecution.

Offence and
penalty.

39. (1) Every person who—

- (a) knowingly supplies any false or misleading information relating to his obligations under these regulations;
- (b) omits or refuses to supply any information herein required to be given by such person;

shall be deemed to have committed an offence against these regulations.

(2) Every person who—

- (a) fails to carry out any order, duty or obligations provided under these regulations; or
- (b) contravenes or fails to comply with any of these regulations;

shall be guilty of an offence against these regulations.

(3) Every person who commits an offence against these regulations shall be liable to a fine not exceeding \$100 or in default of payment of such fine to imprisonment for a period not exceeding 12 months and the driving licence of such person may be cancelled or suspended by the Principal Licensing Authority for such period of time as he may deem fit.

Savings.

40. (1) The Traffic Regulations 1963–1968 are hereby repealed.

(2) Notwithstanding the above all proclamations, orders, rules, regulations, certificates, licences, warrants, permits, registers, records, registration, entries, instruments and generally all acts of authority which originated under the above Regulations and are subsisting or in force at the time of repeal of those Regulations shall remain in force for the purposes of these regulations as fully and effectively as if they had originated under the corresponding provisions of these Regulations, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the repealed Regulations and pending or in progress at the time of the repeal of these Regulations, may be continued, completed and enforced under these Regulations.

FIRST SCHEDULE

FORM I

APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE

(Traffic Regulations—Regulation 4(1))

1. Full name of Owner
2. Date of Birth
3. Male/Female
4. Full Postal Address
5. Type of Vehicle
6. Colour
7. Make and Year of Manufacture
8. Engine No.
9. Chassis No.
10. No. of cylinders
11. Cubic Capacity
12. L.H./R.H. Drive
13. Net Weight
14. Length ft. ins.
15. Breadth ft. ins.
16. 2/4 Door
17. Fuel
18. Intended for
 - (a) Private Use
 - (b) Carriage of Goods
 - (c) Public Service Vehicle
19. Position of Registration Plates.

Signature of Owner

Date

Fee paid \$ Receipt No.

N.B. It is an offence under the Traffic Act to give any particulars which are not correct.

FORM IA

CERTIFICATE OF REGISTRATION OF A MOTOR VEHICLE

(Traffic Regulations—Regulation 4(2))

Distict Serial No.
Motor Vehicle Registration No.
the property of
of

is hereby registered for use within the Kingdom of Tonga
in accordance with the provisions of the Traffic Act and Regulations.

Licensing Officer

Date

DETAILS

1. Type of Vehicle
 2. Colour
 3. Make and Year of Manufacture
 4. Engine No.
 5. Chassis No.
 6. No. of Cylinders
 7. Cubic Capacity
 8. L.H./R.H. Drive
 9. Net Weight
 10. Length ft. ins.
 11. Breadth ft. ins.
 12. 2/4 Door
 13. Fuel
 14. Purpose for which intended
- Memorandum of Transfer of Registration shown on reverse

Memorandum of Transfer of Registration

Date	New Owner	Address	Licensing Officer

FORM 2

APPLICATION FOR DEALER'S LICENCE AND REGISTRATION PLATES

(Traffic Regulations—Regulation 6(1))

- 1. Full Name of Dealer
- 2. Postal Address
- 3. Business Address
- 4. Makes/Types of Vehicle to be traded.....
- 5. Previous Dealer's Licence.....
- 6. Registration Plates (sets) required.....

Signature of Dealer

Date

N.B. It is an offence under the Traffic Act to give particulars which are not correct.

FORM 2A

DEALER'S LICENCE

(Traffic Act—Section 12(2))

M.....

Business

Address.....

being a dealer(s) in motor vehicles has/have been allocated sets of dealers' registration plates numbers to inclusive.

The provisions of Section 13, subsections (1) and (2) of the Traffic Act have been complied with.

Dealer's fee paid \$ Receipt No.

Date Licensing Officer.....

FORM 3

APPLICATION FOR MOTOR VEHICLE LICENCE AND RENEWAL THEREOF

(Traffic Regulations—Regulation 7(1))

1. Full Name of Registered Owner
 2. Full Postal Address
 3. Vehicle Registration Number
 4. Type of Vehicle
 5. Colour
 6. Net Weight (for licensing purposes cwts.)
 7. Maximum Weight Load
 8. Maximum number of passengers
 9. Whether intended for
 - (a) Private Use
 - (b) Carriage of Goods
 - (c) Public Service Vehicle
 10. Examining Officer's Warrant No. Date
 11. Insured with
 12. Number of Policy Expiry Date
- Date Owner's Signature
- N.B. It is an offence under the Traffic Act, to give particulars which are not correct.

FORM 3A

DIAGRAM (VEHICLE LICENCE)

(Traffic Regulations—Regulation 7(2))

Ser. No.	Reg. No.
Colour	Type
Max. Pass (excl. driver):	
Maximum Weight Load:	
Licensed for:	
.....	
Licensing Officer	

NOTES:

1. Adhesive Paper—colour changed annually.
2. Size $3\frac{1}{2}$ inches x $2\frac{1}{2}$ inches.
3. Figures 3, 6, 9, 12 superimposed, depending on quarter for which licensed.
4. Franked with Traffic Dept. Stamp.

FORM 5

APPLICATION FOR MOTOR DRIVER'S LICENCE OR RENEWAL THEREOF

(Traffic Regulations—Regulation 9(1))

- Mr
Mrs
Miss
1. Full Name of Applicant
 2. Full Postal Address
 3. Date of Birth
 4. Learner-driver's Permit No.
 5. Previous Licence No.
 6. Date of Issue
 7. If not Tonga, state place of issue
 8. Endorsements (if any)
 9. Disqualifications (if any)
 10. Have you passed a driving test?
 11. By whom tested?
 12. Class(es) of motor vehicle for which this licence is required?
 13. Are your vision, hearing and bodily and mental fitness such as to qualify you for the issue of a licence.

Signature of Applicant

Date

N.B. It is an offence, under the Traffic Act, to give any particulars which are not correct.

FORM 5A

DRIVING LICENCE

(Traffic Regulations—Regulation 9(3))

Outside Cover

DRIVING LICENCE
KINGDOM
OF
TONGA

Inside Cover

TONGA
DRIVING
LICENCE
Licence Number
To be produced on demand
Licence not valid unless Traffic Dept.
Stamp/Signature affixed.

First Double Page

DRIVING LICENCE

Licencee's Surname:
Christian Name(s):
Occupation:
Address:
Vehicle Classes:

- A. Motor Cycle
- B. Motorised Tricycle
- C. Private Motor Vehicle
- D. Taxi/Rental Car
- E. Passenger Bus/Lorry
- F. Light Goods Vehicle
- G. Tractor
- H. Heavy Plant
- I. Invalid Carriage
- J. Heavy Goods Vehicle

This Licence applies only to:
(Insert Class or Classes)
Date of Issue
Receipt No.

Signature of Licensing Officer.
Signature of Licensee:

THIS LICENCE IS NOT VALID UNLESS SIGNED BY LICENSEE

Second Double Page (1st Half)

Extended to vehicles of the following class(es):

Authority granting extension:

Date of Extension:

Signature of Licensing Officer:

Extended to vehicles of the following class(es):

Authority granting extension:

Date of Extension:

Signature of Licensing Officer:

Second Double Page (2nd Half)

This Licence is issued subject to the conditions endorsed hereon:

Third Double Page (1st Half)

Endorsements

Third Double Page (2nd Half)

Endorsements

Fourth Double Page (1st Half)

Renewals

Licensed renewed until 31/12/8

Receipt No.

Date

Licensing Officer

Licensed renewed until 31/12/8

Receipt No.

Date

Licensing Officer

Fourth Double Page (2nd half)

Renewals

Licensed renewed until 31/12/8

Receipt No.

Date

Licensing Officer

Licensed renewed until 31/12/8

Receipt No.

Date

Licensing Officer

Fourth Double Page (2nd half-reverse side).

Changes of Address to be recorded here by Licencee

FORM 6A

EXAMINING OFFICER'S WARRANT

(Traffic Regulations—Regulation 10(4))

Warrant No..... Date of Issue.....

I HEREBY CERTIFY that

(1) I have today personally examined, driven and tested motor Vehicle

Reg. No.

owned by

of.....

and described as follows:

1. Make and Year:
2. Type and Colour:
3. Chassis and Engine Nos.:
4. Net Weight (cwts):

and found the condition of its several parts as stated hereunder:

1. Engine.....
 2. Steering
 3. Chassis
 4. Door Locks
 5. Head Lights.....
 6. Dip Lights.....
 7. Tail Lights.....
 8. Hand Brake 70 ft.....
 9. Foot Brake 40 ft.....
 10. R.V. Mirror.....
 11. Wiper.....
 12. Horn
 13. No. Plate
 14. Body.....
 15. Windscreen.....
 16. Side Screens
 17. Steps (side and rear)
 18. Tyres and Wheels
 19. Spare wheel and tyre.....
 20. Fire Extinguisher (Buses).....
- (2) the said motor vehicle, Reg. No.conforms to the Regulations for the time being in force under the Traffic Act and is in a fit and proper condition to carry (a) passengers (max) (b)..... cwts. load (max)
- (3) The Treasurer's receipt Nodatedfor the examination fee has been checked.
- (4) the said motor vehicle, Reg. No.may be duly licensed.

Examining Officer

FORM 7

NOTICE OF INTENDED PROSECUTION
(Traffic Regulations—Regulation 38)

Name (Mr/Mrs/Miss).....

Address.....

Occupation

Please be informed that it is intended to prosecute you for the offence of

contrary to Section of the Traffic Act

in that you on.....

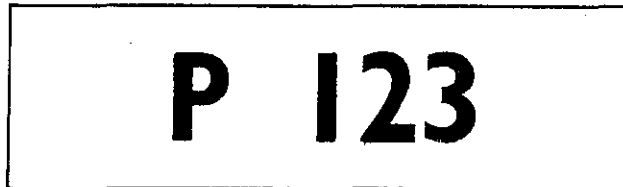
1988....., at about..... hours at..... being the

driver of..... did drive the said

Date..... Officer i/c No. Police District.

SECOND SCHEDULE

Diagram 1

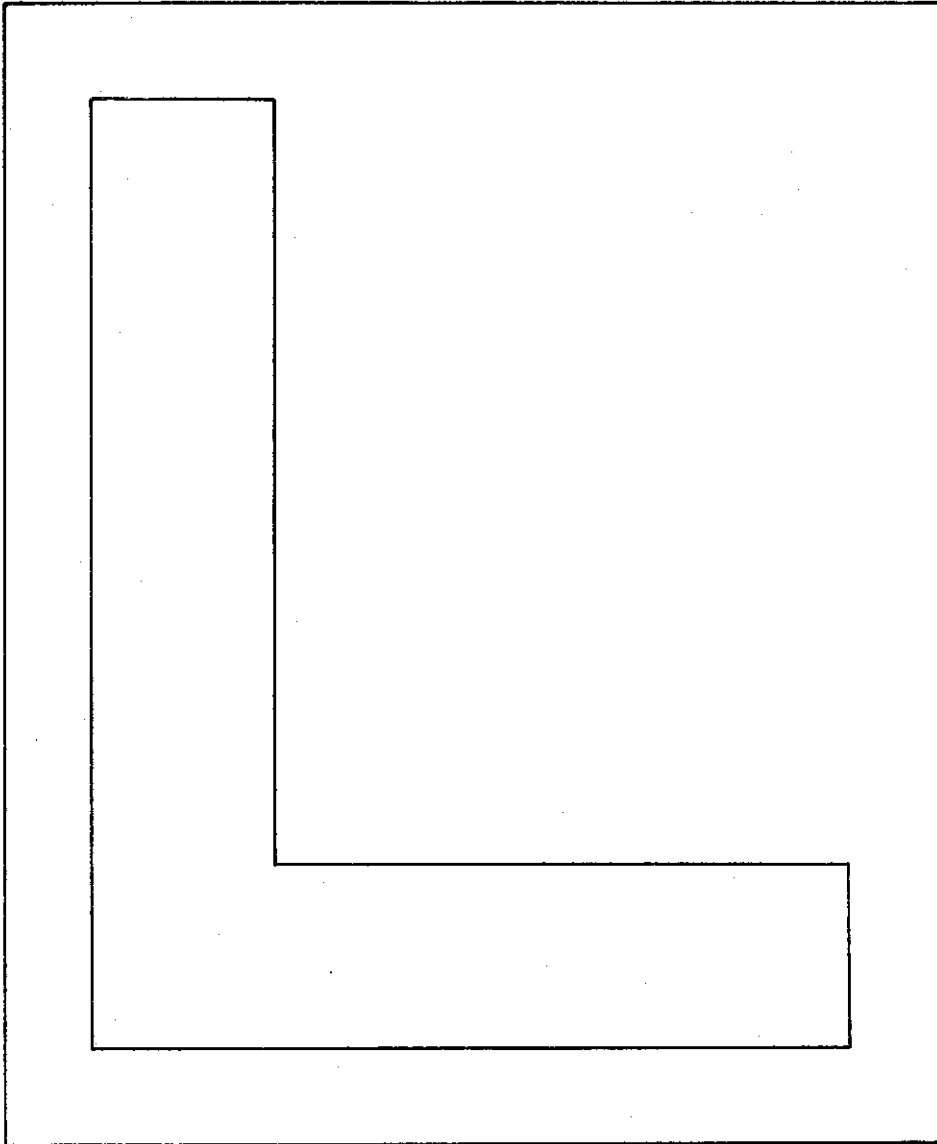


The diagram above is drawn approximately to a scale of one third.

PROVISIONS TO BE COMPLIED WITH

- (1) Each plate must be rectangular and bear upon it the index mark according to the class of vehicle and the separate number assigned to the motor vehicle by the Licensing Officer, the mark and number being arranged in conformity with the arrangement of letters and figures shown on the diagram.
- (2) The background of the plate must be black, the letters and figures must be white.
- (3) All letters and figures must be at least two and three quarter inches high; every part of every letter and figure must be seven-sixteenths of an inch broad; and the total width of the space taken by every letter or figure, except in the case of the figure 1, must be one-and-a-half inches.
- (4) The space between adjoining letters and between adjoining figures must be half-an-inch, and there must be a margin between the nearest part of any letter or figure and the top and bottom of the plate of at least half-an-inch, and between the nearest part of any letter or figure and the sides of the plate of at least one inch.
- (5) The space between the letters and figures must be one-and-a-half inches.

**"L" PLATE
DIAGRAM 2**



Red "L" on White Background

THIRD SCHEDULE

BUS DEPOT

BUS DEPOT:

The areas adjoining, and parallel to, the western and eastern boundary walls of the Talamahu Market and delineated by the taxi stand and Fatafehi Road and on the north and south by the Sateki and Salote Roads respectively, shall be reserved for the exclusive use of passenger buses, passenger lorries, lorries and goods vehicles for the purpose of embarking and disembarking passengers and for receiving and discharging goods and shall be marked BUS DEPOT. (*Amended, G.S. 9/75.*)

FOURTH SCHEDULE—FEES

(*Substituted, G.S. 163/86, Amended, G. 4/88.*)

A. Motor Vehicle Registration

	\$
(a) Original registration of any motor vehicle	9.50
(b) Transfer of registration.....	4.50
(c) Particulars of registration.....	2.00

B. Examination of Motor Vehicles

For each examination of any motor vehicles	5.00
--	------

C. Vehicle Licence per annum

(a) Motor cycles with or without side cars.....	10.00
(b) Invalid carriages.....	No charge
(c) Public Service Vehicles, including taxis, rental cars, passenger lorries and passenger buses:	
(i) Licensed to carry not more than three passengers	30.00
(ii) Licensed to carry not more than five passengers — thereafter for each additional passenger in excess of five which a vehicle is licensed to carry, an extra sum of \$1.00 per annum or 25 seniti per quarter.	40.00
(d) Goods vehicles:	
(i) Not exceeding 15 cwt net weight	30.00
(ii) Exceeding 15 cwt net weight but not exceeding 30 cwt net weight	35.00
(iii) Exceeding 30 cwt net weight but not exceeding 60 cwt net weight	45.00
(iv) Exceeding 60 cwt net weight.....	60.00
(e) Private Motor Vehicles	
(i) Not exceeding 15 cwt net weight	17.00
(ii) Exceeding 15 cwt net weight but not exceeding 25 cwt net weight	20.00
(iii) Exceeding 25 cwt net weight.....	22.00
(f) Miscellaneous Motor Vehicles	
(i) Boat trailers—non-commercial.....	5.00
(ii) Agricultural trailers.....	No fee

(iii) All other trailers	20.00
(iv) Tractor used exclusively for agricultural purposes (but not for hire).....	No fee
(v) Wheeled motor tractors used for any other purpose	By net weight as for goods vehicles
(vi) Specialised equipment, heavy plant, etc.	By net weight as for Goods Vehicles
(vii) Any other vehicle not specified	By net weight as for Goods Vehicles
(viii) Duplicate of lost or defaced licence.....	5.00
(ix) Transfer of licence.....	5.00
(x) Dealers General Licence.....	100.00

The fees for three, six, or nine months shall be one quarter, one half, and three quarters, respectively of the fees for a 12 months licence.

D. Driving Licences

(a) Learner's permit	5.00
(b) Testing a driver.....	5.00
(c) Licence for all classes of vehicles specified in part C of this Schedule except public service vehicles, motor cycles and invalid carriages—per annum	4.00
(d) Licence to drive a public service vehicle—per annum.	8.00
(e) Licence to drive a motor cycle—per annum.....	2.00
(f) Licence to drive an invalid carriage—per annum	no fee
(g) Duplicate driving licence—all classes.....	5.00
(h) Renewal of Licence	Same fee as for original licence.

E. Bus Route Permits

(a) Special Bus route permit (valid 24 hours).....	5.00
(b) Specified bus route permit—per annum	5.00

SECTION 40—TRAFFIC (DRIVING TEST) REGULATIONS

REGULATION ARRANGEMENT OF REGULATIONS

1. Short title.
2. Interpretation.
3. Forms.
4. Standard driving test.
5. Application for tests.
6. Examiner to satisfy himself.
7. Testing of sight.
8. Testing of hearing.
9. Testing of knowledge.
10. Vehicle for road test.
11. Ability to drive.
12. Retesting.
13. Practical test.
14. Heavy goods vehicle.
15. Public service vehicle.
16. Completion of driving test.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

*Made by the Principal Licensing Authority**G.S. 15/76*

- Short title. 1. These regulations may be cited as the Traffic (Driving Test) Regulations.
- Interpretation. 2. The definitions in the Traffic Act and the Traffic Regulations, shall apply equally to these Regulations and, unless the context otherwise requires:—
 “Act” means the Traffic Act;
 “Examining Officer” means a person appointed by the Principal Licensing Authority to be an Examining Officer.
- Forms.
First
Schedule. 3. For the purposes of the Act and these Regulations, the forms set out in the First Schedule of forms to the like effect shall be used in cases to which they refer.
- Standard
driving test. 4. (i) The standard driving test will consist of two parts, namely—
 (a) Theoretical Test; and
 (b) Practical Test.
 (ii) Both tests shall be conducted by an Examining Officer.
- Applications
for tests. 5. All applications for driving tests shall be made in duplicate, on Form I of the First Schedule to these Regulations, and shall be submitted to an Examining Officer who shall appoint a date, time and place for such test.

6. The Examining Officer shall satisfy himself that the applicant qualifies for the issue of a driving licence in terms of Section 19 of the Act. Examiner to satisfy himself.
7. (a) The Examining Officer shall test the applicant's sight by requesting him to read (with spectacles, if normally worn) the number plate of another motor vehicle at a distance of not less than 25 metres. Failure to distinguish the letter and figures thereon immediately shall disqualify the applicant. Testing of sight.
- (b) No person who has lost the sight of either eye shall be permitted to undergo a road test for the duration of the disability.
8. The Examining Officer shall satisfy himself that the applicant has normal hearing. Where any doubt exists the applicant shall be requested to take a professional aural test to determine his fitness to drive. Testing of hearing.
9. The Examining Officer shall test the applicant on his knowledge of all aspects of the control of a motor vehicle, the rules of the road and the recognition of traffic signs and signals, all in accordance with the Questionnaire shown on the Second Schedule to these Regulations. Failure to answer the questions correctly shall disqualify the applicant. Testing of knowledge.
10. The Examining Officer shall satisfy himself that the vehicle being used for the road test is currently licensed and in a roadworthy condition, particularly with regard to steering, brakes, horn and wiper and that the "L" plates are affixed as laid down by the Act provided that where it is found to be deficient in any mechanical particular it shall be subject to the provisions of Regulation 10(2) of the Traffic Regulations. Vehicle for road test.
11. The Examining Officer shall test the applicant's ability to drive a motor vehicle on a road in accordance with the Road Test Programme shown on the Third Schedule to these Regulations. Failure to execute any part of the programme in the approved manner shall disqualify the applicant. Ability to drive.
12. Where an applicant is disqualified for any reason he may apply to be retested not earlier than one month from the date of his previous test. Retesting.
13. Practical Tests shall be carried out on a non automatic motor vehicle. Practical test.
14. Any person applying for a licence to drive a heavy goods vehicle, a public service vehicle or heavy plant must previously have held a valid driving licence for another class of motor vehicle for a period of not less than 6 months. Heavy goods vehicle.
15. Any person who wishes to obtain a driving licence for a public service vehicle will be required to satisfy the Examining Officer that he has a thorough knowledge of the regulations governing public service vehicles as laid down in the Traffic Regulations and of the passenger bus and taxi tariffs as laid down by the Competent Authority. Public service vehicle.
16. The successful completion of the driving test shall qualify the applicant to make application for a driving licence in accordance with the provision of the Act. Completion of driving test.

FIRST SCHEDULE

FORM I

APPLICATION FOR DRIVING TEST

Full name Sex

Address Date of Birth

Learner Permit No. Date of Issue

Driving Licence No. Date of Issue

Class(es) already held Class(es) required

Signature of Applicant

For Official use only

D.T. Fee Receipt No. Date of Issue

Test Day Test Date Test Time

Signature of Licensing Officer

PASSED/FAILED name of Examining Officer

Signature of Examining Officer

SECOND SCHEDULE

DRIVING TEST—THEORETICAL TEST

1. Q. When may a motor vehicle be driven on a road without registration plates or licence?
 - A. When being taken to—
 - (a) an Examining Officer for examination;
 - (b) a Licensing Officer for Licensing;
 - (c) a place other than a road, for use there;
 - (d) a garage for repair.
2. Q. Is a person under the age of 18 years permitted to be the registered owner of a motor vehicle?
 - A. No.
3. Q. What does the Law state regard to fixing of registration plates on motor vehicles?
 - A. (a) Except for motor-cycles which require only one plate all motor-vehicles must have one plate affixed to both front and rear.
 - (b) Plates must be easily distinguishable and not obscured in any way.
4. Q. Is a person permitted to drive a motor-vehicle on a road at any time without a valid driving licence?
 - A. No.
5. Q. What conditions apply to a learner-permit?
 - A. (a) Experienced driver with, valid licence, to accompany learner-driver at all times.
 - (b) "L" plates to be displayed at both front and rear of the motor vehicle.

- (c) No passengers to be carried at any time.
 - (d) Learner-driver must be 18 years of age or over.
6. Q. Is the experienced driver liable for any offences committed by the learner-driver?
- A. Yes.
7. Q. Does a driving licence entitle you to drive any class of motor vehicle?
- A. No.
8. Q. Is a person under the age of 18 years eligible to obtain a driving licence?
- A. No.
9. Q. Is a mentally defective, physically handicapped, partially blind person or deaf person permitted to drive a motor vehicle on a road?
- A. No.
10. Q. When is a driving licence due for renewal?
- A. On 1st. January annually.
11. Q. What are the maximum speeds which apply to:—
- (a) congested area?
 - (b) built-up area?
 - (c) turning at an intersection?
- A. (a) 40 km/h.
(b) 40 km/h.
(c) 25 km/h.
12. Q. What is the maximum speed in any other area?
- A. 65 km/h.
13. Q. How would you recognise a pedestrian crossing—and what would you do on approaching one?
- A. Broad white lines from one side of the road to the other and a traffic sign indicating a pedestrian crossing—slow down and, if any person is actually crossing or is waiting to cross, stop.
14. Q. What would you do on approaching a horse on the road, whether it is being ridden or not?
- A. Slow down until the animal has been passed.
15. Q. Is a drunk person permitted to drive a motor vehicle?
- A. No.
16. Q. Are motor vehicles permitted to race on a road?
- A. No.
17. Q. Is a disqualified person entitled to drive a motor vehicle at any time?
- A. No.
18. Q. What action are you required to take in the event of being involved in an accident?
- A. (a) Stop.
(b) Help injured (if any).
(c) If required, give name and address, name and address of owner, registration number and vehicle licence number to any Police Officer or other person concerned.
(d) If any person injured, report to nearest Police Station within one hour.
19. Q. May a Police Officer enter any premises at any reasonable time to inspect any motor vehicle which may have been involved in an accident?
- A. Yes.
20. Q. May a Police Officer, in uniform, stop a motor vehicle and request

the driver's name and address and the name and address of the owner?

- A. Yes.
21. Q. Within what period of time is a driver required to produce his driving licence to a Police Station of his choice?
- A. 48 hours.
22. Q. May a Police Officer detain any vehicle which is not correctly registered or licenced?
- A. Yes.
23. Q. Whose responsibility is it to ensure that passengers sit only on the constructed seats provided and not on any other part of the vehicle?
- A. The driver's responsibility.
24. Q. What hand signals is a driver required to give, when necessary?
- A. (a) Stop/slow down—right forearm and hand held vertically outside the vehicle.
(b) Right turn—right arm and hand held horizontally outside the vehicle.
(c) Left turn—right arm and hand revolving anti-clockwise outside the vehicle.
(d) Overtake—right arm and hand moved backwards and forwards outside the vehicle below shoulder level.
- NOTE: the left arm shall apply to left-hand drive vehicles.
25. Q. Is a motor vehicle permitted to stand or be driven on a footpath?
- A. No.
26. Q. What is required to be done with any unlawful object on a road, e.g. a stone or piece of timber?
- A. Remove it from the road.
27. Q. Is any person permitted to take away a motor vehicle without the consent of the owner?
- A. No.
28. Q. May a Police Officer remove an abandoned vehicle from a road or a vehicle which is a danger to other persons using the road?
- A. Yes.
29. Q. Who is required to meet the cost of any expense involved in removing the motor vehicle?
- A. The owner of the motor vehicle.
30. Q. What is a built-up area and how far does it extend?
- A. The town or a village—from one speed limit sign to another within the town or village.
31. Q. Give an example of a likely congested area.
- A. A pedestrian crossing.
32. Q. To which part of the windscreen is a motor vehicle licence required to be affixed?
- A. Bottom left-hand corner.
33. Q. How often is a motor vehicle required to be mechanically examined?
- A. Once per year or as may be ordered by the Principal Licensing Authority.
34. Q. What is the minimum/maximum number of headlights required on any motor vehicle?
- A. Two/four.
35. Q. When are headlights required to be dipped?
- A. (a) approaching another vehicle.
(b) following another vehicle.
(c) approaching an intersection under control of a Police Officer.

36. Q. When are lights required to be used on a motor vehicle?
A. Between sunset and sunrise.
37. Q. Which number-plate on a motor vehicle is required to be lit on a road at night?
A. The rear number-plate.
38. Q. How is a stationary motor vehicle required to be lit on a road at night?
A. By side or parking lights or by any other light which clearly shows the vehicle from a distance.
39. Q. Are spot, swivelling or other lights permitted on a motor vehicle?
A. Not without the permission of the Principal Licensing Authority.
40. Q. When is the sounding of a horn, except for emergency purposes, banned in the township?
A. Between 10 p.m. and 6 a.m.
41. Q. Is a noisy silencer an offence?
A. Yes.
42. Q. What is required to be fixed to a load overhanging the rear of a motor vehicle?
A. A red cloth—at the extreme end of the projection.
43. Q. Is a loaded firearm permitted on a motor vehicle?
A. Not without the permission of the Principal Licensing Authority.
44. Q. What is the required towing distance between vehicles?
A. 4 metres.
45. Q. What is required to be affixed to the centre of the tow rope?
A. A red cloth.
46. Q. What lights is a motor vehicle being towed required to show?
A. (a) one to show the tow rope. (b) normal rear lights.
47. Q. Is a motor-cycle permitted to tow or to be towed?
A. No.
48. Q. Is a motor vehicle permitted to be parked at the side of a road opposite the driving side?
A. No, except on a one-way street if space permits.
49. Q. How close to a corner may a motor vehicle be parked?
A. Not within 10 metres of a corner.
50. Q. Is a motor vehicle permitted to park on a footpath or in front of any drive way?
A. No.
51. Q. How close to a Bus-Stop or Pedestrian Crossing is a motor vehicle permitted to be parked?
A. Not within 7 metres.
52. Q. How would you recognise a "No Parking" Sign?
A. Red circle on blue background with diagonal red line.
53. Q. How should a motor vehicle which is parked at the side of a road be driven off?
A. Switch on, engage gear, brake off, trafficator on (or hand signal), check road clear, move off.
54. Q. Whose responsibility is it to overtake—the driver overtaking or the driver being overtaken?
A. The driver overtaking.
55. Q. What is the rule of the road at an intersection?
A. (a) Give way to vehicle approaching from the right and
(b) Give way to horse-drawn vehicle approaching from right or left.

56. Q. On a two-lane approach to an intersection which lane would you enter if you proposed to—
(a) drive straight ahead,
(b) turn left; and
(c) turn right, at the intersection?
A. (a) left,
(b) left,
(c) right.
57. Q. Is overtaking at an intersection permitted?
A. No.
58. Q. Where is a motor vehicle not permitted to be driven backwards?
A. At a road junction or round a bend.
59. Q. What is the correct procedure for parking a motor vehicle?
A. Signal, slow down, turn and stop clear of the road, apply hand-brake, engage gears, switch engine off, and remove ignition key.
60. Q. Is any person permitted to sit on the right of the driver?
A. No, except on a left-hand drive vehicle.
61. Q. Is double parking permitted on any road?
A. No.
62. Q. Is it an offence to discharge sparks, smoke or oil from a motor vehicle, on a road?
A. Yes.
63. Q. If your motor vehicle breaks down on the road what would you do?
A. Move it clear of the road and away from a corner. If necessary, have it lit by night.
64. Q. Is it an offence to carry more persons than the vehicle is licensed for?
A. Yes.
65. Q. What action do you take on seeing or hearing the approach of a police vehicle, ambulance, fire engine or Electric Power Board vehicle, which is showing a flashing light and/or sounding a siren?
A. Slow down immediately and stop clear of the road.
66. Q. Is it an offence not to have a rear view mirror on a motor vehicle?
A. Yes.
67. Q. Is it an offence to have on a motor vehicle tyres, from which all the tread pattern has been worn?
A. Yes.
68. Q. How many passengers is a motor cycle permitted to carry and where?
A. One only—on the rear seat, facing forwards, behind the driver.
69. Q. What and how is a motor-cycle driver and his passenger required to wear?
A. Approved crash helmets securely fastened under the chin.
70. Q. How many pedal-cyclists may ride abreast on a road?
A. Not more than two.
71. Q. Is it an offence to carry a passenger on the handlebar of a pedal cycle?
A. Yes.
72. Q. What are required on a passenger lorry for the protection of passengers?
A. (a) Guard Rail
(b) Fixed seating
(c) Fixed shelter.
73. Q. What are required on a passenger bus for
(a) the convenience and

- (b) the protection, of passengers?
- A. (a) Signalling device (passenger to driver)
(b) Fire Extinguisher.
74. Q. Is a public service vehicle driver permitted to smoke whilst carrying passengers in his vehicle?
A. No.
75. Q. Is a public service vehicle driver permitted to sound his horn or other instrument for soliciting or calling passengers?
A. No.
76. Q. Is it an offence for a public service vehicle driver to use abusive language or insulting gestures whilst carrying passengers?
A. Yes.
77. Q. Is a public service vehicle driver permitted to loiter on a road for the purpose of procuring passengers?
A. No.
78. Q. Is it an offence for a public service vehicle driver to race his engine whilst waiting for passengers?
A. Yes.
79. Q. Is it an offence to consume intoxicating liquor in a public service vehicle on a road?
A. Yes.
80. Q. Where are passengers permitted to disembark from a public service vehicle, on a road?
A. Passengers bus or lorry—at any bus-stop. Taxi—at any place which does not cause obstruction.
81. Q. Is it an offence not to keep a public service vehicle clean?
A. Yes.
82. Q. Is it an offence not to carry a usable spare wheel on a public service vehicle?
A. Yes.
83. Q. What is a passenger bus required to display outside?
A. Its destination.
84. Q. What is a passenger bus required to display inside?
A. (a) List of Fares.
(b) List of Stopping Places.
(c) Number of passengers which it is licensed to carry.
85. Q. Is a taxi-driver permitted to refuse to be hired whilst standing at a taxi rank?
A. No, except for a very good reason.
86. Q. Is a taxi-driver permitted to refuse to go to any accessible place?
A. No, except for a very good reason.
87. Q. Is a taxi-driver permitted to refuse to carry the number of passengers he is licensed to carry?
A. No, except for a very good reason.
88. Q. What is a public service vehicle driver required to do with property found on his vehicle?
A. Take it to a Police Station within 24 hours.
89. Q. Is it an offence for a person to stand on the back of a moving vehicle or trailer, on a road?
A. Yes.
90. Q. Whose responsibility is it to ensure that no person stands on the back of a moving vehicle or trailer, on a road?
A. The driver's responsibility.

91. Q. What is the correct way to hold the steering wheel of a motor vehicle?
A. The "ten-to-two" position.
92. The applicant will be required to (a) respond correctly to signals given to him by a Police Officer on point duty and (b) identify traffic signs either in site or from a reproduction shown to him by the Examining Officer.
93. Q. Is it an offence to move a registered vehicle from one district to another without first notifying the Police Officer in charge of the district from which he is removing the vehicle?
A. Yes.
94. Q. Is it an offence to drive a motor vehicle on a road at night with only one headlight in working condition?
A. Yes.
95. Q. What would you do when following behind another vehicle on a dusty part of the road or approaching another vehicle which is throwing up a thick cloud dust?
A. Slow down or stop until the way ahead is clear.
96. Q. What would you do on over-taking or passing (on the opposite side of the road) a bus which has just stopped to disembark passengers?
A. Sound your horn and slow down.
97. Q. What would you do if you felt sleepy when driving a motor vehicle?
A. Park clear of the road and sleep.
98. Q. What would you do before overtaking?
A. Check that the road ahead and behind is clear and that it is suitable for over-taking (no bends, junctions, pedestrian crossings etc.). Signal (indicator or hand) and sound the horn.
99. Q. If you are blinded at night by an oncoming vehicle what would you do?
A. Slow down or stop.

THIRD SCHEDULE

PRACTICAL TEST

- Full Name.....Age.....Sex.....
Address.....Nationality.....
Class of Vehicle.....Reg. No.Date.....
1. Application Form checked.....
 2. Application checked against s.18 of the Act.....
 3. Eye sight checked (distance not less than 25 metres)
 4. Applicant's hearing satisfactory
 5. Theoretical Test questions answered correctly
 6. Test-vehicle roadworthiness checked.....
(licence, L-plates, steering, brakes, horn, wiper)
 7. Action on moving off correct
 8. Steering-wheel grip and body position checked.....
 9. Acceleraton smooth
 10. Gear-changing correct (no stalling).....

11. Clutch operation smooth.....
12. Steering aptitude checked.....
13. Hand/foot brake operation checked.....
14. Emergency stop satisfactory.....
15. Reversing and reversing into limited parking area checked
.....
16. Cornering checked.....
17. Stopping and starting on gradients satisfactory.....
18. Hand signals/mechanical signals checked.....
19. Stopping and leaving vehicle—signal, brake, gear, ignition key
.....
20. No obstruction to other vehicles checked.....
21. Consideration for all other traffic checked.....
22. Road positioning checked.....
23. Distance observation checked.....
24. Correct use of speed checked.....
25. Overtaking checked.....
26. Correct use of horn.....
27. Correct use of rear-vision mirror.....
28. Compliance with traffic signs and signals satisfactory.....
State roads over which test conducted.....
Weather at time of test.....
Duration of road test..... a.m./p.m. to..... a.m./p.m.

THEORETICAL TEST—
PASSED/FAILED

PRACTICAL TEST—
PASSED/FAILED

CLASS (ES) OF LICENCE GRANTED:

Name of Examining Officer.....

General Remarks:

.....
.....
.....
.....

.....
.....
.....

DateSignature of Examining Officer

Date of re-application:

NOTE: The Examining Officer must initial each item on this programme. If, for any reason any item has not been checked a detailed explanation must be shown under "General Remarks".

SECTION 40—TRAFFIC (SIGNS) REGULATIONS

Made by the Principal Licensing Authority

G.S. 119/86

[31 July 1986] Commencement.

1. These Regulations may be cited as the Traffic (Signs) Regulations. Short title.

2. In these Regulations unless the context otherwise requires:— Interpretation.
 - “carriage-way” means that part of any road intended for the passage of vehicles of all descriptions;
 - “kerb” means the concrete edging of any pavement or raised path abutting the carriage-way of any road;
 - “mounted sign” means any sign referred to in Part I of the First Schedule to these Regulations;
 - “road marking” means any traffic sign painted on or embedded in the surface of the carriage-way or kerb of any road;
 - “traffic sign” means any traffic sign placed on, or in the vicinity of, any road or road frontage and mounted or sited above the surface of the carriage-way of such road or road frontage and includes light signals, road obstruction markings and guide posts.

3. Road signs shall be of the sizes, colours, shapes and types specified in these Regulations and the meaning or warning given by each such sign shall be in accordance with the provisions of these Regulations and the notes relating thereto set out in the First Schedule to these Regulations, provided that the Principal Licensing Authority may vary any figure, or the direction of any arrow on any traffic sign to adapt such sign to the particular circumstances of any plan or to convey any particular restriction, prohibition, warning or information required to be conveyed thereby. Road signs and power to vary.
First Schedule.

4. Road markings shall be of the sizes, colours, shapes and types specified in these Regulations and the meaning or warning given by such marking shall be in accordance with the provisions of these Regulations and the notes relating thereto set out in the Second Schedule. Road and Kerb Markings.
Second Schedule.

5. A traffic sign or any part thereof may, and shall, if so directed by the Principal Licensing Authority, be constructed of such material as will cause it to reflect light or be illuminated either externally or internally. Illumination of traffic signs.

Power of
Principal
Licencing
Authority to
erect or place
traffic signs.
First
Schedule.
Second
Schedule.

6. The Principal Licencing Authority may cause or permit—

- (a) any traffic signs to be placed on or near any road in accordance with the provisions of the First Schedule to these Regulations; and
- (b) any road markings to be painted on or embedded in the surface of the carriage-way of any road in accordance with the provisions of the Second Schedule to these Regulations.

Mounting of
road signs,
etc.
First
Schedule.

7. (1) Every traffic sign referred to in Part I of the First Schedule to these Regulations other than a sign placed temporarily on, or in the vicinity of a road shall, wherever practicable, be mounted on or attached to—

- (a) a 5 cm tubular steel post specifically for that purpose and every such post shall be painted in alternative red and white horizontal bands, each band being thirty centimetres in depth, or
- (b) a lamp-post or other standard which in either case shall be painted below the sign with one or more red horizontal band being thirty centimetres in depth.

(2) The colours prescribed in these Regulations to be used in relation to traffic signs shall be, as far as is practical, within the following specifications:—

	Colour	Specifications
Red	British Standard	381C No. 537
Yellow	British Standard	381C No. 355
Blue	British Standard	2660 No. 0-013
Black	British Standard	873: 1959 Clause 3B
White	British Standard	873: 1959 Clause 3C

Road and
Kerb
Markings.

8. Road and Kerb Markings:—

- (a) shall consist of—
 - (i) traffic lines running along the surface of the carriage-way;
 - (ii) stop lines running transversely across the surface of the carriage-way;
 - (iii) stripes running along, transversely or diagonally across the carriage-way or kerb;
 - (iv) boundary lines running along or across the carriage-way;
 - (v) word inscriptions, figures, arrows or other symbols printed or placed along or across the carriage-way or kerb;
- (b) shall be painted on or embedded in the surface of the carriage-way or kerb with or without the addition of plates or studs constructed of a material capable of reflecting light;
- (c) shall be white or yellow in colour:

Provided that, with the approval of the Principal Licencing Authority, they may be of such other colour as in the opinion of the Principal Licencing Authority will effect a sufficient contrast to the colour of the surface of the carriage-way or kerb to which they are applied;

- (d) may be used for the purpose of indicating—
 - (i) the places where traffic is required to stop or reduce speed;
 - (ii) the direction in which traffic is required to proceed;
 - (iii) the course to be taken by vehicles or pedestrians at road junctions, intersections, crossing and curves;
 - (iv) the proximity and situation of pedestrian crossings and safety zones;

- (v) the division of the carriage-way of any road into traffic lanes;
- (vi) the limits of any part of the carriage-way of any road set aside for the parking or stopping of vehicles or where the parking or stopping of vehicles is limited or prohibited; and
- (vii) generally for the regulation of the movement of traffic.

9. Traffic lines may be used for any of the following purposes;

Traffic lines.

- (a) as separation or centre lines to define the portions of the carriage-way to be used by opposing streams of traffic;
- (b) as lane lines to indicate the portions of the carriage-way assigned to single lines of traffic;
- (c) as transition lines for the purpose of indicating the edge of the carriage-way, the course to be taken by traffic around islands, median strips, bridge piers or any other fixed obstruction in the carriage-way; or to indicate changes in the width of that portion of the carriage-way which is available for use by traffic including any reduction or increase in the number of traffic lines.

10. (1) Traffic lines shall consist of such of the following types as is appropriate to the regulating or controlling procedure desired to be established at any particular place—

Form of significance of traffic lines.

- (i) single broken lines;
- (ii) single unbroken lines;
- (iii) any combination of one broken and one unbroken line; or
- (iv) a combination of two unbroken lines.

(2) The significance of the types of traffic lines specified in the last preceding paragraph shall be as follows:—

- (a) a single broken line means that vehicles may cross over such line from either direction provided that it is otherwise safe to do so;
- (b) a single unbroken line means that vehicles are prohibited from crossing over such line from either direction;
- (c) any combination of one broken line with one unbroken line means that vehicles are prohibited from crossing over such lines from the side on which the unbroken line appears but may cross over such lines from side on which the broken line appears provided that it is otherwise safe to do so; and
- (d) a combination of two unbroken lines means that vehicles are prohibited from crossing over such lines from either direction and are also prohibited from stopping or parking on either side of such lines unless expressly so permitted by an appropriate road sign.

11. Stop lines may be used for the purpose of indicating the places where vehicles are required to come to a standstill when required to stop by any other traffic sign or the directions of any police officer or other person fully engaged in the direction of traffic.

Stop lines.

12. Stripes may be used for the purpose of indicating the position of pedestrian crossings and bounded by boundary lines for the purpose of indicating the position of pedestrian safety zones and in the case of pedestrian safety zones and uncontrolled pedestrian crossings shall mean that vehicles

Stripes.

shall be prohibited from entering any such zone or crossing whilst any part thereof occupied by any pedestrian.

Boundary lines.




13. Boundary lines shall be used to delineate the boundaries of pedestrian crossings and the boundaries and divisions of areas in which the parking or stopping of vehicles is permitted, prohibited or restricted.






Words, figures and symbols.






14. Word inscriptions, figures, arrows and other symbols may be used for the purpose of conveying warnings, prohibitions and directions to traffic including the channelling of vehicles into traffic lines and the limits within which vehicles may park or wait.





**FIRST SCHEDULE
ROAD SIGNS
PART I – DIMENSION, COLOUR AND SHAPE**






(A) WARNING SIGNS (to be of 2.5mm mild steel plate and triangular in shape)





Serial No.	Sign	Meaning	Dimension	Colour	Symbol
1.	Right (or Left) hand bend	Approach sign to indicate a right or left hand bend	Equilateral triangle with one point upwards and sides 60cm long with 5cm border and symbol	White background; red border, black symbol	
2.	Double Bend	Approach sign to indicate a bend which has more than one turn	As for Serial One	As for Serial One	
3.	Road Intersection	Approach sign to indicate a cross road or junction	As for Serial One	As for Serial One	



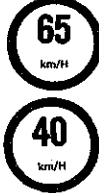

Serial No.	Sign	Meaning	Dimension	Colour	Symbol
4.	Staggered Junction	Approach sign to indicate places where roads join from left and right at staggered intervals	As for Serial One	As for Serial One	
5.	"T" Junction	Approach sign to indicate a "T" Junction	As for Serial One	As for Serial One	
6.	Side Road	Approach sign to indicate a side road	As for Serial One	As for Serial One	
7.	Road Narrows	Approach sign to indicate places where road narrows	As for Serial One	As for Serial One	
8.	Traffic Merging	Approach sign to indicate places where traffic merges from left or right	As for Serial One	As for Serial One	




Serial No..	Sign	Meaning	Dimension	Colour	Symbol
9.	Roundabout ahead	Approach sign to indicate traffic roundabout	As for Serial One	As for Serial One	
10.	Steep Hill	Approach sign to indicate a steep hill, downwards	As for Serial One	As for Serial One	
11.	Steep Hill	Approach sign to indicate a steep hill, upwards	As for Serial One	As for Serial One	
12.	Pedestrian crossing	Approach sign to indicate a pedestrian crossing	As for Serial One	As for Serial One	
13.	Children	Approach sign to indicate places where children congregate. A plate may be fitted below the sign for "SCHOOL" or other reason	As for Serial One	As for Serial One	

Serial No.	Sign	Meaning	Dimension	Colour	Symbol
14.	Slippery Road	Approach sign to indicate area where road surface is slippery or greasy	As for Serial One	As for Serial One	
15.	Road Works	Approach sign to indicate area where road work is in progress (may be portable sign)	As for Serial One	As for Serial One	
16.	General warning	Approach sign to indicate a type of danger. A plate to be fitted with the applicable information	As for Serial One	As for Serial One	
(B) PROHIBITORY SIGNS (to be of 2.5mm mild steel plate and circular in shape)					
17.	No entry (one-way traffic only)	Sign to indicate prohibition of entry to all vehicles	Circle 60cm in diameter with central horizontal bar 50cm long by 5cm deep	All red background with white bar	


Serial No.	Sign	Meaning	Dimension	Colour	Symbol
18.	No left turn	Sign to indicate prohibition of left turn	Circle 60cm in diameter with 5cm border symbol and diagonal bar 5cm wide	White background, red border and bar, black symbol	
19.	No right turn	Sign to indicate prohibition of right turn	As for Serial 18	As for Serial 18	
20.	No "U" turn	Sign to indicate areas in which "U" turns are prohibited	As for Serial 18	As for Serial 18	
21.	All Vehicles prohibited	Sign to indicate all vehicles (including bicycles of all descriptions) prohibited	Circle 60cm in diameter with 5cm border	White background red border	
22.	All motor vehicles prohibited	Sign to indicate all motor vehicles prohibited	Circle 60cm in diameter with 5cm border and symbol	White background, and black symbol	





Serial No.	Sign	Meaning	Dimension	Colour	Symbol
23.	Buses prohibited	Sign to indicate all buses prohibited	As for Serial 22	As for Serial 22	
24.	Heavy Lorries and Heavy Plant prohibited	Sign to indicate prohibition of heavy goods vehicles and heavy plant	As for Serial 22	As for Serial 22	
25.	No overtaking	Sign to indicate prohibition of vehicle overtaking. To be fitted with "ENDS" plate at end of restricted area	Circle 60 cm in diameter with 5 cm border and symbols	White background red border and one each red and black symbols	
(C) MANDATORY SIGNS - (to be triangular or circular or rectangular in shape as indicated hereunder)					
26.	Give Way	Sign to indicate that vehicles must give way to crossing or merging traffic	Equilateral triangle with base line upwards and one point downwards, the sides to be 60cm long with 5cm border and lettering 10cm high by 5cm wide	White background red border and black lettering	



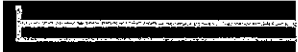
Serial No.	Sign	Meaning	Dimension	Colour	Symbol
27.	Stop	Sign to indicate all traffic must stop on road stop lines before proceeding	Circle 60cm in diameter with 5cm border and 1½cm triangle and lettering 10cm high by 5cm wide	White background red border and triangle and black lettering	
28.	Stop Police	Sign to indicate that Police Officers require all vehicles to stop (may be portable)	Circle 60cm in diameter with 5cm border and horizontal bar and lettering 10cm high by 5cm wide	White background red border and black bar and lettering	
29	Speed limit (40km/h for built-up or congested areas and 65km/h for all other areas)	Sign to indicate commencement of speed limit	Circle 60cm in diameter with 5cm wide border and figures and 1½cm letters	White background red border and black figures and letters	
30.	Parking (P)	Sign to indicate where parking is permitted. Numerals may be added to indicate length of time in minutes	Square with 30cm sides with 5cm wide letter and 1½cm figures (if any)	Blue background, white letter	


Serial No.	Sign	Meaning	Dimension	Colour	Symbol
31.	No Parking	Sign to indicate where parking is prohibited	As for Serial 30 with diagonal bar 5cm wide	As for Serial 30 with red bar	
32.	Bus Stop (PASI)	Sign to indicate points on specified bus routes at which passenger bus shall stop to pick-up or disembark passengers or goods, on demand	Plate 30cm wide by 15cm high with 2.5cm border and letters 10cm high by 5cm wide	White background red border and black letters	
33.	Fire Hydrant (H)	Sign to indicate position of above-ground or below-ground water hydrant for fire-fighting	Square with 30cm sides with letter 20cm high by 20cm wide by 5cm deep	Yellow background with red letter	

SECOND SCHEDULE ROAD AND KERB MARKING
PART I – DIMENSION, COLOUR AND SHAPE

34.	No Crossing Lines	Two solid lines running along the centre of a road to indicate prohibition of crossing from one side to the other	Double solid lines 10cm wide and 10cm apart	White	
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Serial No.	Sign	Meaning	Dimension	Colour	Symbol
35.	No crossing solid line if nearer to driver than broken line	Solid line running parallel with broken line along the centre of a road to indicate prohibition of crossing over solid line	Solid and broken lines 10cm wide 10cm apart the broken line segments to be 0.50m long and .50m apart	White	
36.	Lane Line	Broken line(s) running along the road to indicate lanes of traffic moving in one direction	Broken line 10cm wide each segment being 1m long and 4m between segments.	White	
37.	Centre Line	Broken line running along the centre of the road to indicate dividing line between opposing streams of traffic	Broken line 10cm wide (12.5cm wide where lanes exist) each segment with 3m long and 3m gap	White	
38.	Give Way Lines	Two broken transverse lines across the carriage-way to indicate traffic on one road giving way to other vehicles on another road crossing the front	Broken lines 10cm wide and 10cm apart, each segment being 20cm long and 20cm apart	White	

Serial No.	Sign	Meaning	Dimension	Colour	Symbol
39.	Stop Lines	Two solid transverse lines across the carriage-way to indicate traffic stopping before entering major and crossing the front	Solid lines 10cm wide and 10cm apart	White	
40.	No waiting Line (1)	Single solid line running along edge of carriage-way or kerb to indicate the prohibition of waiting (except for loading and unloading) during every working day	Solid lines 10cm wide	Yellow	
41.	No waiting Line (2)	Double solid line running along edge of carriage-way or kerb to indicate the prohibition of waiting (except for loading and unloading) during more than the working day (the times to be specified on nearby plates)	Solid lines 10cm wide and 10cm apart	Yellow	

Serial No.	Sign	Meaning	Dimension	Colour	Symbol
42.	No waiting Line (3)	Single broken line running along edge of carriage-way or kerb to indicate the prohibition of waiting (except for loading and unloading) during any other periods (the times to be specified on nearby plates)	Broken line 10cm wide each segment being 20cm long and 20cm apart.	Yellow	
43.	Parking Box	Solid line rectangle to indicate area within which a vehicle may be parked	Solid lines 10cm wide with rectangle 5.5m long by 2.0m wide	White	