

44. Speed limit(1) No person shall drive, or being the owner or person in charge of a vehicle, cause or permit any other person to drive, a vehicle on a road at a speed greater than such speed as the Minister may prescribe as the maximum speed for that class of vehicle.(2) Every vehicle, other than a motor car or a motor cycle, which is subject to a speed limit under subsection (1) of this section shall have painted or affixed to the rear thereof, as close to the rear number plate as possible, and in such a manner as to be conspicuous to any person within eight metres of the rear of the vehicle, a mark in the prescribed form indicating its maximum speed.(3) Notwithstanding subsection (1), no person shall drive, or, being the owner or person in charge of a vehicle, cause or permit any other person to drive, any vehicle at a speed exceeding 60 kilometres per hour on any road within the boundaries of any village or township:Provided that-(i) it shall be lawful for a road authority, subject to any written directions which the Minister may give, either generally or in any specific instance, to make bye-laws permitting any class of vehicle, other than a vehicle which is subject to a speed limit of 60 kilometres per hour or less under subsection (1), to be driven on any road at such speed, being in excess of 60 kilometres per hour, as may be specified in such bye-laws;(ii) any such road authority shall display and maintain prescribed traffic signs so as plainly to indicate to drivers entering or leaving the boundaries of such villages or townships where the 60 kilometres per hour speed limit restriction begins and ends, and where any other speed limit restriction imposed under this subsection begins and ends.(4) Notwithstanding subsections (1) and (3), and subject to any written directions which the Minister may give either generally or in any specific instance, a road authority may-(a) impose on any road such lower limit of speed as it considers necessary in circumstances when, by reason of repairs, reconstruction or damage to the road or the condition of the road, any lower limit of speed is necessary for the public safety or to prevent damage to the road:Provided that such lower limit shall be imposed only for such period as is necessary to carry out repairs or reconstruction or until the condition of the road is satisfactory;(b) impose on any road or area such lower limit of speed as may be necessary for the safety of the public having regard to the width of streets, nature of traffic or general development of the area.(5) Where any lower limit imposed under subsection (4) is in force, indication of the maximum speed permitted shall be given by prescribed traffic signs displayed and maintained so as plainly to indicate to drivers entering or leaving such restricted road or area where the lower speed limit begins and ends.(6) The provisions of this section or of any other Act imposing a speed limit on motor vehicles shall not apply to any vehicle which is fitted with a gong, siren, bell or other warning instrument, when it is being used in cases of emergency for fire brigade, ambulance or police purposes, if the observance of such provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used, and provided that the gong, siren, bell or other instrument is constantly sounded on that occasion:Provided that this obligation to sound constantly a gong, siren, bell or other warning instrument shall not apply to any vehicle being used for police purposes in order to ascertain whether an offence under this Act is being committed.44A. Detecting devices(1) An authorised officer may mount on the road a detecting device and evidence provided through such devices shall be admissible in court.(2) In the case of an offence detected under subsection (1) it shall be presumed that the owner of the vehicle was the driver during the commission of the offence unless such owner can provide proof that he was not the driver at the material time.(3) Where an offence is detected under subsection (2) an authorised officer shall, within 30 days, serve the owner of the vehicle with a prescribed notice detailing the offence and the penalty thereof.(4) The owner of a vehicle who was the driver at the time of the commission of the offence detected under subsection (2) shall upon receipt of the notice under subsection (3), pay the penalty prescribed in the notice within 14 days.(5) Where the owner of the vehicle was not the driver at the time of the commission of the offence, the owner shall complete a prescribed form and submit it to the authorised officer within 14 days, nominating the person who was driving the vehicle during the commission of the offence or the person who had control of the vehicle.(6) An authorised officer shall, on receiving a form completed under subsection (5), issue a notice referred under subsection (3) to the person nominated in the form as being the driver of the vehicle or the person who had control of the vehicle at time of the commission of the offence.(7) The provisions of subsections (4), (5) and (6) shall with necessary modifications apply to each person served with a notice under this section.(8) A person who makes a false statement under this section commits an offence.(9) No person shall own, sell, use or possess a device having as one of its purposes the prevention of effective use of a detecting device or to detect when the detecting device is being used.(10) Any person who contravenes a provision of this section shall be guilty of an offence and shall be sentenced to a fine of not less than P1 000 but not more than P5 000, or to imprisonment for a term of not less than 12 months, but not more than two years, or to both, and for each subsequent offence to a fine of not less than P2 000 but not more than P10 000, or to imprisonment for a term of not less than 15 months, but not more than five years, or to both.45. Penalties in relation to speed(1) Any person who contravenes a provision of section 44 shall be guilty of an offence and shall be sentenced to a fine of not less than P100 plus P20 for every kilometre per hour exceeded but not more than P5 000, or to imprisonment for a term not exceeding two years, or to both.(2) In any proceedings in respect of an offence under this section, a certificate purporting to be signed by a police officer to the effect that a device manufactured for the purpose of measuring the speeds at which vehicles are driven measured the speed at which any vehicle sufficiently identified in the certificate was being driven on the day and road specified in the certificate as the

speed specified in the certificate shall, on being placed before the court by public prosecutor, be admissible in evidence without further proof thereof and the court shall presume that the vehicle so identified was, on that day and road being driven at that speed, unless the contrary is proved.

46. Driving, or being in charge, when under influence of drink or drugs

(1) No person shall drive or attempt to drive a motor vehicle when the alcohol content in his breath or blood is in excess of the prescribed limit.

(2) Without prejudice to subsection (1) no person shall drive or attempt to drive a motor vehicle whilst unfit to drive through drinks or drugs.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be sentenced to a fine of not less than P3 000 but not more than P5 000 or to imprisonment for a term not less than 18 months but not more than two years, or to both.

(4) Any person who contravenes subsection (2) shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P10 000 or to imprisonment for a term of not less than two years but not more than five years, or to both.

(5) Without prejudice to subsections (1) and (2), a person who, when in charge of a motor vehicle, is unfit to drive through drink or drugs or when the alcohol content in his breath or blood is in excess of the prescribed limit shall be guilty of an offence and shall be sentenced to a fine of not less than P2 000 but not more than P5 000, or to imprisonment for a term of not less than 15 months but not more than two years, or to both: Provided that a person shall be deemed for the purposes of this subsection not to have been in charge of a motor vehicle if he or she proves that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he she remained unfit to drive through drink or drugs.

(6) Notwithstanding the provision of subsections (3) and (4) any person who drives a motor vehicle for which a professional driving permit is required and contravenes subsection (1) or (2) shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P10 000, or to imprisonment for a term of not less than two years but not more than five years, or to both.

47. Power to require breath specimen

(1) A police officer may require any person who is driving or is in charge of a motor vehicle to provide, at any place which that officer may specify, a specimen of breath for analysis by means of a breathalyser of a type prescribed by the Minister.

(2) Where the results of the analysis of the specimen of breath provided in accordance with subsection (1) indicate that the level of alcohol in the breath of the person who provided the specimen is in excess of the amount prescribed as being the amount permissible in a specimen of breath for analysis by means of a breathalyser, the police officer shall require that person to provide, at a place specified by that officer, another specimen of breath for analysis, at that place, by the same police officer or any other qualified person.

(3) Where the results of an analysis of breath provided in pursuance of subsection (2) indicate that the level of alcohol in the breath of a person who provided the specimen exceeds the prescribed limit of alcohol, those results shall be deemed to be prima facie evidence that the person was unfit to drive.

(4) A police officer may cause a person suspected of driving under the influence of drinks or drugs to have that person's blood specimen taken and tested for the level of alcohol in that person's blood, by a qualified person, at any hospital or clinic, if-

(a) the suspected person is, by reason of injury or other disability, incapable of providing a specimen of breath for analysis by means of a breathalyser; or

(b) a test with a breathalyser is impracticable due to the lack of serviceable equipment, or due to the distance from the point of arrest to the nearest available breathalyser.

(5) A person who, without reasonable excuse refuses or fails to provide a specimen of breath or blood or sufficient specimen of breath or blood when required to do so in pursuance of this section shall be guilty of an offence and shall be sentenced to a fine of not less than P3 000 but not more than P5 000, or to imprisonment for a term of not less than 18 months but not more than two years, or to both.

48. Evidence on charge of unfitness to drive through drink or drugs or causing death thereby

(1) In any proceedings for an offence under section 46 or for an offence under section 50(3) in connection with a motor vehicle, the court shall, subject to subsections (2), (7) and (9), have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or breath of the accused, as the case may be, as ascertained by analysis of a specimen of blood or breath taken from him by a qualified person, at any material time: Provided the specimen is not taken more than three hours following the offence.

(1A) No evidence of the proportion or quantity of alcohol found in a specimen of blood or breath shall be admissible for the purposes of this section on behalf of the prosecution unless the specimen was taken from the accused with his consent: Provided that such evidence shall be admissible on behalf of the prosecution, notwithstanding that the specimen of blood or breath was taken from the accused without his consent, where the specimen was taken in accordance with subsection (4) or (5).

(2) Where, in any proceedings for an offence under section 46 or for an offence under section 50(3) in connection with a motor vehicle, it is proved that the accused refused to consent to the taking of a specimen of blood or a specimen of breath for analysis by a qualified person, his refusal shall, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution or as rebutting any evidence given on behalf of the defence.

(3) Notwithstanding any law to the contrary, a qualified person may, on being requested to do so by a police officer, take a specimen of blood from any person without that person's consent if, at the time the specimen is taken, that person is unable by reason of his physical condition to give or to refuse his consent to the taking of the specimen and if the qualified person then believes on reasonable grounds-

(a) that the person is detained in the lawful custody of a police officer in respect of an offence under section 46 or of an offence under section 50(3) in connection with a motor vehicle;

(b) that the person has recently driven or attempted to drive or been in charge of a motor vehicle and that his physical condition is due, either wholly or in part, to the influence of drink or of any drug; or

(c) that the person's physical condition is due, either wholly or in part, to the involvement in an accident of a motor vehicle which, at the time of the accident, was being driven by that person, but in taking the specimen no other means nor any greater degree of force shall be used than would, in the particular circumstances, be lawful if that person had given his consent.

(4) Where a specimen of blood taken under subsection (3) is one which, in the opinion of the qualified person, it is not practicable to divide, he may, immediately after taking that specimen, take a second specimen of blood from the same person without that person's consent and without being requested to do so by a police officer but otherwise in accordance with that subsection; but no further specimen shall be taken.

(5) For the purposes of any proceedings for an offence under section 46 or for an offence under section 50(3) in connection with a motor vehicle, a certificate purporting to be signed by a

qualified person, and certifying the proportions of alcohol or of any drug found in a specimen of blood or breath as the case may be, shall be evidence without any need for the giving of any oral evidence, on the matters so certified, by the person who signed the certificate: Provided that the accused has, not less than seven days before the hearing or trial, been served with a copy of the certificate. (6) Where the accused, at the time a specimen of blood was taken from him with his consent, asks to be supplied with such a specimen, evidence of the proportion of alcohol or of any drug found in the specimen shall not be admissible on behalf of the prosecution unless—(a) the specimen is either one of two taken on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken; and (b) the other specimen or part was supplied to the accused. (7) A police officer requesting any person to consent to the taking of a specimen of blood for analysis shall offer to supply to him, in a suitable container, part of the specimen or, in the case of a specimen which it is not practicable to divide, another specimen which he may consent to have taken. (8) Where the accused from whom a specimen of blood has been taken without his consent under subsection (3) asked, at the time the offer was made to him under subsection (9), to be supplied with such a specimen, evidence of the proportion of alcohol or of any drug found in the specimen shall not be admissible in evidence on behalf of the prosecution unless—(a) the specimen is either one of two taken on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken; and (b) the other specimen or part was supplied to the accused. (9) Where a specimen of blood has been taken from a person without his consent under subsection (3), a police officer shall, as soon as it is reasonably practicable to do so, offer to supply to him, in a suitable container, part of the specimen or, where a second specimen has been taken under subsection (4), that specimen. (10) The Minister may prescribe a limit to the amount of alcohol permissible in a specimen of blood or breath taken from an accused under this Act.

49. Reckless and dangerous driving generally (1) If a person drives a motor vehicle recklessly or at a speed or in a manner which is dangerous to other persons, having regard to all the circumstances of the case, he shall be guilty of an offence and shall be sentenced to a fine of not less than P2 000 but not more than P10 000, or to imprisonment for a term of not less than 15 months but not more than five years, or to both. (2) Notwithstanding the provisions of subsection (1), any person who, being the driver of a motor vehicle for which a professional driving permit is required, drives the vehicle recklessly or at a speed or in a manner which is dangerous to other persons, having regard to all the circumstances of the case, shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P20 000, or to imprisonment for a term of not less than two years but not more than 10 years, or to both. (3) Where a person is convicted of aiding, abetting, counselling, procuring or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Act relating to disqualification from driving or from holding or obtaining driving licences, be deemed to be an offence in connection with the driving of a motor vehicle. (4) Where a holder of a professional driving permit drives a motor vehicle recklessly or in a manner dangerous or at a speed dangerous to other persons he shall be guilty of an offence and shall be sentenced to a fine of not less than P10 000 but not more than P20 000, or to imprisonment for a term of not less than five years but not more than 10 years, or to both.

50. Causing death by reckless driving, etc. (1) Any person who causes the death of another person by driving a motor vehicle recklessly or in a manner which is dangerous to other persons, having regard to all circumstances of the case shall be guilty of an offence and shall be sentenced to a fine of not less than P10 000 but not more than P30 000, or to imprisonment for a term of not less than five years but not more than 15 years, or to both. (2) Any person who causes the death of another person by driving a vehicle which is in such a condition as to constitute a danger to the public shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P15 000, or to imprisonment for a term of not less than two years but not more than eight years, or to both. (3) Any person who causes the death of another person by driving a vehicle whilst he is unfit to drive through drink or drugs shall be guilty of an offence and shall be sentenced to a fine of not less than P10 000 but not more than P30 000, or to imprisonment for a term of not less than five years or more than 15 years, or to both. (4) Any person who causes the death of another person by leaving any vehicle on a road in such a position or manner, or in such a condition as to constitute a danger to the public having regard to all the circumstances of the case including the nature, condition and use of the road, and the amount of traffic or number of animals which are actually, or which are reasonably expected to be on the road at the time, shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P15 000, or to imprisonment for a term of not less than two years but not more than eight years, or to both. (5) Any person who, being the driver of a vehicle for which a professional driving permit is required causes the death of another person by driving that vehicle on a road whilst the alcohol content in his blood or breath is above the prescribed limit shall be guilty of an offence and shall be sentenced to a fine of not less than P15 000 but not more than P40 000, or to imprisonment for a term of not less than eight years but not more than 20 years, or to both. (6) Any person who, being the driver of a vehicle for which a professional driving permit is required causes the death of another person by driving that vehicle on a road whilst the vehicle is not roadworthy, shall be guilty of an offence and shall be sentenced to a fine of not less than P10 000 but not more than P20 000, or to imprisonment for a term of not less than five years but not more than 10 years, or to both.

51. Careless and inconsiderate driving (1) If a person drives a motor vehicle without due care and attention, or without reasonable consideration for other persons, he shall be guilty of an offence and shall be sentenced to a fine of not less than P500 but not more than P2 000, or to imprisonment for a term of not less than six months but not more than 15 months, or to both. (2) Notwithstanding the provisions of subsection (1), any person who, being the driver of a motor vehicle where a professional driving permit is required, drives the vehicle without due care and attention or without reasonable consideration for other persons, shall be guilty of an offence and shall be sentenced to a fine of not less than P2 000 but not more than P10 000 or to imprisonment for a term of not less than 15 months but not more than five years, or to both. (3) Where a person is convicted of an offence under subsection (1) or (2) and he has been previously convicted of an offence under section 49 or 50 he shall be treated for the purposes of subsection (2) as having been previously convicted under that subsection.

52. Alternative offences (1) Upon the trial of a person for

manslaughter contrary to section 200 of the Penal Code in connection with the driving of a motor vehicle, the court may, if it considers that offence not proved, but is satisfied that he is guilty of an offence under section 49, 50 or section 51, find him guilty of such other offence.(2) Upon the trial of a person for an offence under section 46 in connection with the driving of a motor vehicle or under section 50 the court may, if it considers that offence not proved, but is satisfied that he is guilty of an offence under section 49 or section 51, find him guilty of such other offence.(3) Upon the trial of a person for an offence under section 49 the court may, if it considers that offence not proved, but is satisfied that he is guilty of an offence under section 51, find him guilty of that offence.

53. Mandatory disqualification(1) Where a person is convicted of manslaughter contrary to section 200 of the Penal Code in connection with the driving of a motor vehicle, or of an offence under section 50 of this Act, the court convicting him shall order that he be disqualified from driving or from holding or obtaining a driving licence for not less than three years or more than five years.(2) Where a person is convicted of an offence under section 46(1), the court convicting him shall order that he be disqualified from driving or from holding or obtaining a driving licence for not less than one year or more than three years.(3) Where a person is convicted of an offence under section 46(2), the court convicting him shall order that he be disqualified from driving or from holding or obtaining a driving licence for not less than two years or more than five years.(3A) Where a person is convicted of an offence under section 46 the court convicting him shall order that he be disqualified from driving or holding or obtaining a driving licence for not less than one year but not more than three years.(4) Where a person is convicted of an offence under section 49(1), the court convicting him shall order that he be disqualified from driving or from holding or obtaining a driving licence for not less than one year or more than two years.(5) Where a person is convicted of an offence under section 45, 46, 49, 50, or 51 committed within a period of one year from a previous conviction for the same offence, the court convicting him shall disqualify him from driving or from holding or obtaining a driving licence for three months.

54. Power of arrest(1) Without prejudice to the powers of arrest conferred on a police officer under any other written law, a police officer may arrest without warrant the driver of any motor vehicle whom he suspects of having committed an offence under section 46, 49 or 50.(2) A police officer may require any person whom he suspects of having committed an offence under this Act to give his name and address and if such person fails on demand to give his name and address the police officer may arrest him without a warrant, and any such person who fails on demand to give his name and address when it is so demanded from him, or who gives a false name or false address, shall be guilty of an offence and liable to a fine not exceeding P500, or to imprisonment for a term not exceeding six months, or to both.

55. Right to demand name and addressIf any person has reasonable grounds for believing that the driver or person in charge of any motor vehicle has committed an offence under section 46, 49, 50 or 51, he may, within a reasonable time after the occurrence of the event which gave rise to such belief and in the absence of a police officer, require any person who is or was in any way connected with such motor vehicle at the time of such occurrence, to furnish him with his name and address, and if such last-mentioned person fails to comply with such requirement or furnishes a false name or false address he shall be guilty of an offence and liable to a fine not exceeding P500, or to imprisonment for a term not exceeding six months, or to both.

56. Proper fuel to be used in motor vehicles(1) No fuel shall be used in any motor vehicle except that specified in the vehicle licence in respect of such vehicle or, in the case of a motor vehicle the motor unit of which is a compression ignition engine, light amber mineral fuel oil:Provided that the Minister may, subject to such conditions as he may see fit to impose, exempt any specified vehicle, the motor unit of which is a compression ignition engine, from the provisions of this subsection and may specify the fuel which shall be used in such motor vehicle.(2) If the owner or the driver of any motor vehicle uses any fuel contrary to subsection (1) or if any person sells any fuel having reason to believe that it will be so used, the owner and the driver and such other person shall each be guilty of an offence and shall be sentenced to a fine of not less than P2•000 but not more than P5 000, or to imprisonment for a term of not less than 12 months but not more than two years, or to both, and in addition such vehicle shall be liable to be forfeited.

57. Signals and signs to be obeyed(1) The driver of a vehicle shall at all times-(a) obey any directions given, whether verbally or by signal, by a police officer in uniform, in the execution of his duty;(b) conform to the indications given by any duly prescribed traffic sign or signal; and(c) when any person in charge of any cattle, on or about to cross any road, raises his hand or in any manner gives a signal to stop, forthwith stop his vehicle and keep it stationary for as long as it is reasonably necessary for the safety of road users.(2) Notwithstanding subsection (1) instructions conveyed by traffic signs consisting of lights shall take precedence over those conveyed by other means, and the directions given by a police officer in uniform shall take precedence over the instructions conveyed by any traffic sign and over any rules of the road.(3) Any person who contravenes a provision of this section shall be guilty of an offence and shall be sentenced to a fine of not less than P1 000 but not more than P5 000, or to imprisonment for a term of not less than 12 months but not more than two years, or to both.

58. Offences relating to parking bays and areas(1) Any person who, being the driver of a vehicle, in any parking bay or parking area-(a) leaves the vehicle for a period in excess of the time prescribed by any traffic sign relating to that bay or area;(b) contravenes or fails to comply with any traffic sign relating to that bay or area as to the manner in which vehicles shall stand in or be driven into or out of, the bay or area; or(c) leaves the vehicle in contravention of any traffic sign relating to that bay or area, shall be guilty of an offence and liable to a fine not exceeding P100.(2) In relation to an offence under subsection (1), the reference in that subsection to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking bay or parking area.(3) Where the driver of a vehicle is alleged to be guilty of an offence under subsection (1)-(a) the owner of the vehicle shall give such information as to the identity of the driver as he may be required by a police officer to give; and(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver.(4) A person who fails to comply with-(a) subsection (3)(a) shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was; and(b) subsection (3)(b) shall be guilty of an offence, and liable to a fine not exceeding P1•000 or to imprisonment for a term not exceeding 12 months, or to both.(5) In this section-"parking area" means an area designated as such by a road authority

where motor vehicles, or vehicles of any class or description, may wait;"parking bay" means a space in a parking area where a vehicle may wait.

59. Vehicles not to obstruct roads(1) A vehicle shall not be allowed to remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road, and except where the contrary is expressly provided in this Act, every vehicle on a road, when not in motion, shall be drawn up as close to the side of the road as possible:Provided that, except in order to avoid an accident or in compliance with a traffic sign or with a direction given by a police officer or for any cause beyond the control of the driver, a vehicle shall not be drawn up on the right hand side of a road facing on-coming traffic.(2) The driver of any vehicle shall, in case of a breakdown, remove such vehicle from the carriageway as soon as possible, and until so removed the vehicle shall be placed as close to the side of the carriageway as possible.(3) If the vehicle remains on the carriageway between sunset and sunrise, its position shall be clearly indicated by a light or lights visible to drivers of vehicles approaching from either direction and by such other means as may be prescribed.(4) Any person who leaves a vehicle on a road or carriageway in such a position or manner or in such condition as to cause or be likely to cause any danger to any person shall be guilty of an offence and shall be sentenced to a fine of not less than P1 000 but not more than P2 000, or to imprisonment for a term of not less than 12 months but not more than 15 months, or to both.

60. Racing, pacemaking and trial of speed(1) No person shall, without the written consent of the road authority and of the Commissioner of Police, promote or take part in any race, road rally or speed trial between vehicles on a road, and in giving their consent the road authority and the Commissioner of Police may impose such conditions as they think fit.(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to otherwise order, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified from driving and from holding or obtaining a driving licence for a period of 12 months.

61. Condition of vehicles(1) A vehicle shall not be used on a road unless such vehicle and all parts and equipment thereof, including lights and tyres, comply with the requirements of this Act, and such parts and equipment shall at all times be maintained in such a condition that the driving of the vehicle is not likely to be a danger to other users of the road or to persons travelling on the vehicle.(2) A motor vehicle the weight or dimensions of which laden or unladen exceeds the maximum weight or dimensions provided for such vehicles by regulations made under this Act shall not be used on a road.(3) Any person who contravenes a provision of this section shall be guilty of an offence and shall be sentenced to a fine of not less than P100 but not more than P1 000, or to imprisonment for a term of not less than one month but not more than 12 months, or to both.

62. Limitation(1) A vehicle shall not be used on a road with a load greater than the load specified by the manufacturer of the chassis of the vehicle or than the load capacity determined by a motor vehicle examiner under this Act.(2) No vehicle shall be used on a road if it is loaded in such a manner as to make it a danger to other persons using the road or to persons travelling in the vehicle; and should any load or part of a load fall from any vehicle on to a road such fact shall be prima facie evidence that the vehicle was loaded in a dangerous manner until the contrary is proved to the satisfaction of the court.(3) For the purposes of this section, persons travelling in a vehicle shall be deemed to be part of the load.

63. Exemptions(1) A road authority may, with the approval of any police officer of the rank of Sergeant or above, grant a permit subject to such conditions as may be specified therein-(a) for the use on a road of a vehicle the weight or dimensions of which exceed the maximum weight or dimensions provided for by regulations made under this Act;(b) for the carriage by a vehicle on a road of any specified load which it is unlawful to place on the vehicle under the provisions of any regulations made under this Act.(2) Every permit granted under this section shall be in writing, and shall be carried on the vehicle in question whenever such vehicle is being used under the authority of such permit.

64. Penalty for improper condition or overloading(1) Any person who drives or uses on a road a vehicle in contravention of section 61 or 62 shall be guilty of an offence and liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding two years, or to both.(2) For the purposes of subsection (1), any person who is shown to the satisfaction of the court to be responsible for the maintenance of the vehicle, and any person who is shown to the satisfaction of the court to have been responsible for the loading of the vehicle, shall be deemed to have used the vehicle on the road.(3) In any case where a vehicle is twice or more times, in a period of 12 months, the subject of a successful prosecution under section 61 or 62 the court may order the Director to suspend the licence of such vehicle for a period of six months.(4) The Director shall thereupon suspend the licence of such vehicle for such period, and the owner of the vehicle shall return the licence of the vehicle to the Director, who in no case shall issue another licence in respect of such vehicle until the termination of the period of suspension.(5) A vehicle licence shall not be returned or a new licence shall not be granted in respect of a vehicle whose licence has been so suspended unless a motor vehicle examiner certifies that the vehicle is fit in all respects for use upon the road.(6) When a vehicle licence has been suspended under subsection (3), no refund of licence fee shall be made.

65. Obstructing driver of motor vehicle(1) No person shall molest, obstruct or interfere with the driver of a motor vehicle while it is being driven.(2) Passengers shall not be carried in such numbers or in such a position in a motor vehicle as to be likely to interfere with the safe driving of such motor vehicle; and in the event of a contravention of this subsection the driver and the person in charge of the motor vehicle shall be guilty of an offence.(3) No person driving a motor vehicle shall be in such a position that he cannot control the same or obtain a full view of the road including traffic ahead and in the rear.(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be sentenced to a fine of not less than P500 but not more than P2 000 or to imprisonment for a term of not less than six months but not more than 15 months, or to both.(5) In the case where an accident occurs as a result of an offence committed under subsections (1), (2) or (3) the offender shall be guilty of an offence and shall be sentenced to a fine of not less than P2*000 but not more than P5 000 or to imprisonment for a term of not less than 15 months but not more than two years, or to both.(6) In the case where an accident referred to in subsection (5) results in the death of another person, the offender shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P15 000 or to imprisonment for a term of not less than two years but not more than eight years, or to both.

66. Motor cycles(1) No person shall drive a motor cycle on a road unless his feet are, except for exceptional and temporary reasons, resting on foot rests suitable for the purpose and, where the design of

such motor cycle makes it possible to do, he is seated astride the saddle of such motor cycle.(2) No person shall, on a road, carry a passenger on a motor cycle unless such cycle has an engine with a cylinder capacity of not less than 49 cubic centimetres and unless such passenger is seated astride a pillion attached to such cycle and, in such event, foot rests have been provided for such passenger.(3) Not more than two persons shall ride upon a motor cycle on a road.(4) No person shall be carried in a side-car attached to a motor cycle on a road.(5) No person or animal or article shall be carried on a motor cycle on a road in front of the driver thereof:Provided that an article of a non-bulky nature may be so carried if securely attached to the motor cycle or placed in a suitable carrier fitted thereon for that purpose and carried in such a way as not to obstruct the driver's view or prevent his exercising complete control over such motor cycle.(6) Persons, other than police officers, driving motor cycles on a road shall drive in single file except in the course of overtaking another motor cycle, and two or more persons driving motor cycles shall not overtake another vehicle at the same time:Provided that where a road is divided into traffic lanes each such lane shall, for the purposes of this subsection, be regarded as a road.(7) No person driving a motor cycle on a road shall take hold of any other vehicle in motion.(8) A person driving a motor cycle on a road shall do so with at least one hand on the handle-bars of such motor cycle.

67. Riding in a dangerous position(1) Except for the purpose of testing or repairing a motor vehicle, no person shall ride or be carried on the footboard, tailboard, steps, mudguards, canopy, roofing or elsewhere on the outside of any vehicle.(2) No person shall ride or be carried on any load upon a vehicle if such a proceeding is unsafe.

68. Restriction on towing and mounting a vehicle(1) No person, otherwise than with lawful authority or reasonable cause, shall take or retain hold of, or get on or off, a motor vehicle or trailer while it is in motion on any road.(2) No person shall drive or permit any person to drive any vehicle on a road towing another vehicle-(a) unless the tow-rope or chain or other connecting appliance is so adjusted that the distance separating the two vehicles does not exceed four metres;(b) unless the towed vehicle is securely attached to the towing vehicle and is under proper control;(c) unless the means of connection between the two vehicles has been rendered easily discernible to other users of such road:Provided that this paragraph shall not apply where the towed vehicle is a trailer or where the distance separating the two vehicles does not exceed two metres;(d) unless there is a person in control of the steering apparatus of the towed vehicle, where such towed vehicle is a motor vehicle other than a trailer, and such person holds a licence entitling him to drive the class of vehicle which is being towed:Provided that the provisions of this paragraph shall not apply when a vehicle is so towed that its steering wheel or wheels is or are carried clear of the ground or where the towed vehicle is connected to the towing vehicle by a steering lock tow-bar;(e) at a speed in excess of the rate of 30 kilometres per hour in the case of a motor vehicle towing another motor vehicle, other than a trailer, unless the connecting appliance is a tow-bar, in which case the speed shall not exceed 60 kilometres per hour;(f) if the towed vehicle is conveying passengers, except where such towed vehicle is a trailer:Provided that-(i) a tractor not designed for or capable of exceeding a speed of 30 kilometres per hour on a reasonably level road, may tow one trailer conveying passengers, otherwise than for hire or reward, where such conveyance is not prohibited in terms of any other provision of this Act; and(ii) this paragraph shall not apply where the towed vehicle is a trailer intended for and licensed for the carriage of passengers;(g) if the towed vehicle is a motor vehicle without efficient brakes, unless the connecting appliance is a tow-bar.

69. Causing damage to a vehicleNo person shall throw any object at a vehicle or at any person in or on such vehicle, nor shall he place any object on any road nor by any means impede the progress of any vehicle whereby injury or damage might be caused to such vehicle or any person.

70. Tampering with a vehicleNo person shall, without the knowledge or permission of the owner, or without reasonable excuse, get on to a motor vehicle, or attempt to manipulate any of the levers, the starter, brakes or machinery of such a vehicle, or in any way tamper with a vehicle.

71. Taking a vehicle without authority(1) If any person, whether employed by the owner or not, takes and drives away or attempts to take and drive away a motor vehicle without the consent of the owner thereof or other lawful authority, he shall be guilty of an offence and liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding two years, or to both:Provided that if the court is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of an offence.(2) If, in any prosecution for stealing a motor vehicle, the court is of the opinion that the defendant is not guilty of stealing the motor vehicle, but is guilty of an offence under this section, the court may find him guilty of an offence under this section.(3) In addition to any penalty specified in this section, the court may order that the convicted person shall pay to the owner of the motor vehicle such sum as represents fair compensation for any damage sustained by the owner of the motor vehicle.

72. Unattended motor vehiclesNo person shall, on a road-(a) leave unattended any motor vehicle with the engine running; or(b) quit any vehicle without having taken due precautions against its moving from its stationary position.

73. Offences in connection with level crossings(1) No person shall drive, pull or push, or attempt to drive, pull or push any vehicle, conveyance or animal on to or across a level crossing on a railway line when there is any risk of the vehicle, conveyance or animal being involved in a collision with a locomotive, railcar, carriage, wagon or other vehicle using the railway line.(2) Every person driving a motor vehicle shall when approaching a level crossing reduce speed to enable the motor vehicle to be brought to a halt if necessary before reaching the level crossing and shall not increase speed until he has crossed the railway line. It shall be his duty to keep a vigilant look-out for any approaching locomotive, railcar, carriage, wagon or other vehicle using the railway line.(3) If at any level crossing there is erected an automatic warning device and such device is giving warning of the approach of any locomotive, railcar, carriage, wagon or other vehicle using the railway line, it shall be the duty of the person in charge of any vehicle or animal to stop the vehicle or animal clear of the railway line and not proceed over the level crossing until it is safe to do so.(4) If at any level crossing there is erected a traffic sign warning traffic to stop, it shall be the duty of the person in charge of any vehicle or animal to stop the vehicle or animal clear of the railway line before crossing it for such time as may be necessary for him to ascertain whether there is any risk of the vehicle or animal being involved in a collision with any locomotive, railcar, carriage, wagon or other vehicle using the railway line.(5) Any person who contravenes the provisions of this section or who crosses or attempts to cross any railway line

when it is unsafe to do so, shall be guilty of an offence and shall be sentenced to a fine of not less than P1 000 but not more than P5 000, or to imprisonment for a term of not less than 12 months but not more than two years, or to both.⁷⁴

Offences and penalties Any person who contravenes the provisions of this Part for which no other penalty is provided shall be guilty of an offence and shall be sentenced to a fine of not less than P500 but not more than P5 000, or to imprisonment for a term of not less than six months but not more than two years, or to both.