The Official Gazette

(EXTRAORDINARY)

OF GUYANA

Published by the Authority of the Government

GEORGETOWN, TUESDAY 15TH NOVEMBER, 2022

TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS —** Act No. 17 of 2022 - The Motor Vehicles and Road Traffic (Amendment) Act 2022 … … … … 297

B. **SUBSIDIARY LEGISLATION — NIL**

C. **BILLS — NIL**

GEORGETOWN, Demerara – Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

TUESDAY 15TH NOVEMBER, 2022

THE OFFICIAL GAZETTE 15TH NOVEMBER, 2022
LEGAL SUPPLEMENT — A

GUYANA

ACT No. 17 of 2022

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) ACT 2022

I assent.

Mohamed Irfaan Ali,
President.

15th November, 2022

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 35 of the Principal Act.
3. Insertion of new section 35A in the Principal Act.
4. Insertion of new section 38A in the Principal Act.
5. Amendment of section 39 of the Principal Act.
6. Amendment of section 39A of the Principal Act.
7. Amendment of section 39B of the Principal Act.
8. Amendment of section 39C of the Principal Act.
9. Amendment of section 39D of the Principal Act.
10. Amendment of section 39G of the Principal Act.

AN ACT to amend the Motor Vehicles and Road Traffic Act.

A.D. 2022 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Motor Vehicles and Road Traffic Act, may be cited as the Motor Vehicles and Road Traffic (Amendment) Act 2022.

Cap.51:02

Amendment of section 35 of the Principal Act. 2. Section 35(3) of the Principal Act is amended by inserting immediately after the words "as respects that offence" the words "and this subsection shall *mutatis mutandis* apply to a charge instituted by information on oath but disposed of by a court of summary jurisdiction".

Insertion of new section 35A in the Principal Act. 3. The Principal Act is amended by inserting immediately after section 35 the following new section-

"Motor manslaughter and grievous bodily harm when driving under the influence of drink or drugs.

35A. (1) Any person who causes the death of another person by the driving of a motor vehicle on the road or other public place while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle shall be guilty of motor manslaughter and shall be liable on conviction on indictment to a term of imprisonment of not less than ten years.

(2) Any person who causes grievous bodily harm to another person by the driving of a motor vehicle on the road or other public place while under the influence of drink or a drug to such an extent as to be incapable of having

proper control of the vehicle shall be liable on conviction on indictment to a term of imprisonment of not less than five years.

(3) Where upon the trial of a person for an offence against this section the jury is not satisfied that the person's driving was the cause of the death or the grievous bodily harm but is satisfied that the person is guilty of driving as mentioned in subsections (1) and (2), it shall be lawful for the jury to convict the person of an offence under section 39 whether or not the requirements of section 46 have been satisfied as respects that offence and this subsection shall *mutatis mutandis* apply to a charge instituted by information on oath but disposed of by a court of summary jurisdiction.

(4) A person convicted of-

(a) an offence under this section shall, unless the court for special reason thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of three years from holding or obtaining a licence and the

disqualification shall commence from the date the person is released from prison; and

(b) another conviction for a like offence shall be permanently disqualified from holding or obtaining a licence.".

Insertion of new section 38A in the Principal Act.

4. The Principal Act is amended by inserting immediately after section 38 the following new section –

"Temporary suspension of licence pending determination of charge.

38A. (1) Where any person is charged for the second time with contravening the provisions of section 35A, 39 or 39A, the court may order the suspension of the licence of that person pending the determination of the charge and upon suspension, the licence of the person shall be surrendered as soon as practicable to the court before which the person is charged.

(2) Where any person is charged for the third time time with contravening the provisions of section 35A, 39 or 39A, the court shall order the suspension of the licence of that person pending the determination of the charge and upon suspension, the licence of the person shall be surrendered as soon as practicable to the court before which the person is charged.

(3) A person who fails to surrender a licence as required pursuant to subsection (1) or (2) commits an offence and shall be liable on summary conviction to a fine of one hundred thousand dollars or to imprisonment for a period of three months.".

Amendment of section 39 of the Principal Act.

5. Section 39 of the Principal Act is amended as follows –

(a) in subsection (1) –

(i) by substituting for the words "not less than thirty thousand dollars nor more than sixty thousand dollars" the words "not less than two hundred thousand dollars"; and

(ii) by substituting for the words "not less than forty thousand dollars nor more than eighty thousand dollars" the words "not less than three hundred thousand dollars"; and

(b) in subsection (2), by substituting for that subsection the following –

"(2) A person convicted of –

(a) an offence under this section shall unless the court for special reason thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction, from holding or obtaining a licence;

(b) two consecutive offences under this section shall unless the court for special reason thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of

disqualification, be disqualified for a period of twenty-four months from the date of the conviction, from holding or obtaining a licence; and

(c) a third conviction for a like offence shall be permanently disqualified from holding or obtaining a licence.".

Amendment of section 39A of the Principal Act.

6. Section 39A of the Principal Act is amended as follows –

(a) in subsection (2), by substituting for the words "seven thousand five hundred" the words "two hundred thousand"; and

(b) in subsection (3)(a), by substituting for the words "twelve months" the words "twenty-four months".

Amendment of section 39B of the Principal Act.

7. Section 39B of the Principal Act is amended as follows-

(a) in subsection (1) (a), by substituting for the words "is in breach of section 39" the words "is in breach of section 35A or 39"; and

(b) in subsection (8), by substituting for the words "this section or under section 39" the words "section 35A, this section or section 39".

Amendment of section 39C of the Principal Act.

8. Section 39C of the Principal Act is amended as follows –

(a) in subsection (1), by substituting for the words "subsections (2) and (3)" the words "subsections (2), (2A) and (3)";

(b) by inserting immediately after subsection (2), the following subsection –

"(2A) Before using a breath analysing instrument, the constable operating the instrument shall ensure that the instrument is –

(a) in satisfactory condition; and

(b) properly calibrated so that it produces an accurate breath analysis result." ;

(c) in subsection (8) by substituting for the words "under section 39," the words "under section 35A, 39,"; and

(d) in subsection (9), by inserting immediately after paragraph (c), the following paragraph –

"(cA) the instrument used by him was in a satisfactory condition and properly calibrated in accordance with subsection (2A);".

Amendment of section 39D.

9. Section 39D of the Principal Act is amended as follows –

(a) in subsection (1), by substituting for the words "under section 39" the words "under section 35A, 39"; and

(b) in subsection (5), by substituting for the words "and sections 39A," the words "and sections 35A, 39A,".

Amendment of section 39G of the Principal Act.

10. Section 39G (1) of the Principal Act is amended in the definition of "prescribed limit", by substituting for the word "and" the word "or".

Passed by the National Assembly on the 7th November, 2022.

S.E. Isaacs,

Clerk of the National Assembly.

(BILL No. 19/2022)