The Official Gazette

(EXTRAORDINARY)

OF GUYANA

Published by the Authority of the Government

GEORGETOWN, WEDNESDAY 15TH MAY, 2024

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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.

WEDNESDAY 15TH MAY, 2024

THE OFFICIAL GAZETTE 15TH MAY, 2024
LEGAL SUPPLEMENT — C

BILL No. 9 of 2024 *Wednesday 15th May, 2024*

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

15th May, 2024.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 9 of 2024

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2024

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Insertion of Part VIB in the Principal Act.
4. Insertion of new Schedule in the Principal Act.

A BILL

Intituled

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

A.D. 2024 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 2024.

Cap. 51:02. Amendment of section 2 of the Principal Act. 2. Section 2 of the Principal Act is amended by inserting in the proper alphabetical order the following definitions-

"clerk" has the same meaning assigned to it by the Summary Jurisdiction (Procedure) Act;

Cap. 10:02 "court" has the same meaning assigned to it by the Summary Jurisdiction (Procedure) Act;

"NDMA" means the National Data Management Authority established under section 3 of the National Data Management Authority Act;

Cap. 25:01 "road intelligent camera system" means an electronic device, approved by the Minister under section 45G, for the purpose of capturing and producing photographic images and video recordings of traffic violations in relation to speeding or failure to wear a seatbelt committed under section 45G.

Insertion of Part VIB in the Principal Act. 3. The Principal Act is amended by the insertion immediately after Part VIA of the following new Part –

"PART VIB

ELECTRONIC SYSTEM

Installation of road intelligent camera system. 45G. (1) The Minister may in various locations of public roads install an electronic system consisting of –

(a) cameras to capture photographic images and videos of vehicles and persons in the vehicles; and

(b) radars to detect the speed of vehicles.

(2) Data captured by the system shall be automatically stored in a specific data base established and controlled by the NDMA for that purpose.

(3) Notwithstanding any other law, data stored in the database shall be accessible by a member of the Police Force, assigned under subsection (4), by a web application established by the NDMA and may be used as evidence to charge persons for the commission of offences to which this Part applies and to prosecute the persons charged.

(4) The Traffic Chief shall assign the members of the Police Force who shall access the data base.

(5) The NDMA shall give every Magistrates' Court access to the database by web application, and provide a facility in the system for payment in lieu of prosecution to be made at a Magistrate's Court in the magisterial district in which the offence was committed.

Offences to which this Part applies.

45H. (1) This Part applies to the following offences –

(a) offences against section 34;

(b) offences against sections 45D and 45E.

(2) The Minister may by Order amend this section to add other offences to subsection (1).

Procedure in respect of the offences to which this Part applies.

Cap. 10:02

45I. (1) Notwithstanding any other law, the procedure set out in section 8(1) of the Summary Jurisdiction (Procedure) Act, where a member of the Police Force, assigned under section 45G(4), finds a camera has captured a photographic image or video recording of a motor vehicle driven by a person which discloses that an offence to which this section applies has been committed by the person, the member of the Police Force shall –

(a) send a Short Message Service (SMS) message to the mobile phone of the registered owner of the vehicle, informing that owner of the commission of the offence and of an electronic notice to be served on him by email; and

(b) serve on the registered owner, by email, the electronic notice –

(i) charging that owner with the commission of the offence; and

(iii) notifying that owner that a complaint has been made against him in respect of the said offence at the Magistrates' Court; and

(iii) requiring that owner to appear at the Magistrates' Court specified in the notice on the day and at the hour stated in the notice to answer the said complaint.

(2) The registered owner shall, for the purpose of any proceedings to be taken in a court in respect of an offence to

which this section applies, be deemed to be the person liable for the offence.

(3) If the registered owner at the time of entering his plea at the hearing of the offence alleges that he was not the driver of the vehicle at the time when the alleged offence was committed the court may cause a summons to be issued to the person who is alleged by the registered owner to have been the driver or the person in charge making him a co-defendant in the proceedings and the court may after hearing the evidence and witnesses, if any, of all parties make such order as to the payment of any fine and costs as to the court may seem just.

(4) A person upon whom a member of the Police Force has served a notice under subsection (1)(b) may, in lieu of being prosecuted for the alleged offence, pay to the clerk of Magistrates' Court specified in the notice, within seven days from the date of service of the notice, such penalty as prescribed for the offence under section 8(2) and (3) of the Summary Jurisdiction (Procedure) Act and by the Minor Offences (Penalties) Order made under section 8(2) and (3).

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(4) Where the owner is not the driver of the vehicle, the owner shall be responsible for ensuring the payment of the penalty stipulated in the electronic notice served under this Part.

(5) A printed copy of the electronic notice will be posted by registered mail to the owner after the electronic notice has been served.

(6) The electronic notice shall state the date on which the alleged offender is required to appear at court which date

shall be at least fourteen days after the date the notice was served by email.

(7) Where there is more than one owner of the motor vehicle referred to in subsection 45I(1), the owners shall be jointly responsible for ensuring the payment of the penalty.

(8) Where an owner pays a penalty under this Part, the owner may recover the sums paid from the person who was driving the motor vehicle at the time the photographic image or video recording referred to in subsection (1) was captured.

(9) The electronic notice shall be in the form set out in the Third Schedule.

Form Third

Service of notice.

45J. (1) Service by email of the notice shall be deemed effective on the date shown in the email or, if the email shows that the notice was served after 4 p.m., service shall be deemed effective the following day.

(2) If the email has not been received, service is effective on the fourteenth day after the copy of the electronic notice was mailed by registered mail.

Cap. 10:02

(3) Service shall also be done personally as provided under sections 8(4), 12, 13 and 14 of the Summary Jurisdiction (Procedure) Act.

(4) The provisions of section 8(5)(6)(7)(8)(9)(13) and (25) of the Summary Jurisdiction (Procedure) Act shall

apply *mutatis mutandis* to proceedings for traffic violation in respect of which a notice was served.

Web application accessible to the Police and the Revenue Authority.

45K. The NDMA shall ensure the system is linked to the Revenue Authority established under section 2 of the Revenue Authority Act for that Authority to upload into the system particulars of every vehicle registered and the particulars of every licence issued by the Revenue Authority.

Cap. 79:04

Payment of e-ticket.

45L. Payment shall be paid to the clerk of the court of the magisterial district in which the offence was committed.

Driver's licence to be updated.

45M. Every person with a driver's licence is required to update his information with the Licensing Authority and submit a contact telephone number and electronic mail address within four months of the commencement of this Act.

Information on the e-ticket.

45N. Information on the E-ticket shall include –

(a) the date, time and place of the traffic offence;

(b) the law which created the offence and such particulars of the traffic violation as are required for proceedings under the Summary Jurisdiction (Procedure) Act;

(c)the registration number of the motor vehicle involved in the offence;

(d) the fixed penalty that is to be paid;

(e)the payee to whom the fixed penalty may be paid;

(f) the time specified within which the fixed penalty may be paid in accordance with section 45I.

Evidence.

45O. Photographic image, video recording, or the speed of the vehicle captured by the electronic system shall be evidence in a court –

(a) that the motor vehicle was used in the commission of a traffic offence under this Part;
(b) that the information shown on the photographic image or video recording is a true and accurate record of the registration number of the motor vehicle used in the commission of the traffic offence under this Part; and
(c) that the speed recorded by the system is a true and accurate record of the speed of the motor vehicle in the commission of the offence under this Part.

Maintenance and certification of the system.

45P. (1) The NDMA shall ensure the proper maintenance of the system.

(2) The system's accuracy shall be certified quarterly by the Bureau of Standards established under section 3 of the Bureau of Standards Act.

Cap. 77:05

45Q. In proceedings for a traffic violation under section 45I, evidence of the condition of the road intelligent system or the manner in which it was operated shall not be required unless evidence that it was not in proper

Evidence of condition of road intelligent camera system.

condition or was not properly operated at the time of the traffic violation has been adduced.

45R. (1) In proceedings for a traffic violation under section 45I, the information that is sent to the court under section 45N shall be sufficient evidence to call up on the person charged to answer.

No complainant in proceeding.

(2) Notwithstanding any law to the contrary, in proceedings for a traffic violation under this Part, the court shall not require the presence of a complainant, but this shall not deter the person in receipt of the notice from summoning any person in his defence.".

Insertion of new Schedule in the Principal Act.

4. The Principal Act is amended by inserting the following as the Third Schedule-

"THIRD SCHEDULE

FORM

NOTICE TO DEFENDANT BY MEMBER OF THE POLICE FORCE

DRIVER'S LICENCE No. [ ]

IN THE.....MAGISTRATE'S COURT

To.....

of.....

WHEREAS a complaint will be made by me to the Magistrate of .....Magisterial District that you ....day, the .....day of .....20....., in the ..... Magisterial District drove or in control of motor vehicle registration number..... committed the offence as indicated in the table hereunder.

Under the Motor Vehicles and Road Traffic Act, Cap. 51:02

(ONE CHARGE PER COMPLAINT)

Speeding (Exceeding Speed limit) .....km/h- section 34(1)	$7,500
Failing to equip vehicles with seat belt assemblies- section 45D	$7,500
Failing to wear seatbelt- section 45E	$7,500

This is to require you to be and appear at 9.00 o'clock a.m. on the date shown below, at the undermentioned Magistrate's Court to answer the complaint and to be further dealt with according to law.

.....

Dated

Date of appearance:

.....day of .....20.....

at.....Magistrate's Court.

READ THE BACK OF THIS NOTICE CAREFULLY AND BRING THIS NOTICE WITH YOU.

READ CAREFULLY

If you admit committing the offence for which you are hereby given notice and wish to plead GUILTY you may cause this notice to be submitted within seven days of the date thereof, and pay the prescribed penalty, to the clerk of the abovementioned Magistrate's Court. In that event the prosecution of the case against you will be discontinued.

The prescribed penalty may be ascertained on enquiry at any Magistrate's Court Office or Police Station.

."

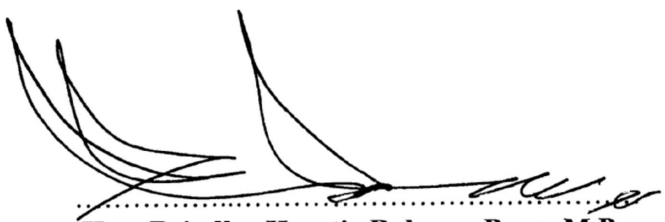
EXPLANATORY MEMORANDUM

This Bill seeks to amend the Motor Vehicles and Road Traffic Act, Cap. 52:01. The amendment seeks to implement a road safety technology known as the road intelligent camera enforcement system, which offers a 24-hour surveillance for drivers who are detected speeding or persons failing to wear seatbelts.

Clause 2 of the Bill seeks to amend Section 2 of the Principal Act by inserting definitions such as for the terms "NDMA" and "road intelligent camera system".

Clause 3 seeks to amend the Act by inserting a new Part VIB to provide for the road intelligent camera system. The road intelligent camera system, which will be fitted onto traffic lights throughout Guyana, allows for photographs to be taken of vehicles that are in violation of speeding and seatbelt laws. This photograph, along with a notice of the fine, will then be sent to the registered owner's mobile phone number and subsequently mailed to the registered owner's address.

The road intelligent camera enforcement system is a road safety technology that provides 24-hour monitoring of intersections for motorists in violation of speeding or seatbelt laws. When a driver of a vehicle is captured speeding or a person fails to wear a seatbelt, a photograph and video recording are sent electronically to the National Data Management Authority. A team of highly trained and certified officers will then review the footage to determine and confirm if there was a violation of the speeding or seatbelt laws. Once determined and confirmed, a notice will be generated and delivered to the registered owner of the vehicle.



Hon. Brindley Horatio Robeson Benn, M.P
Minister of Home Affairs