

No. 1 of 2025.

*Vehicles and Road Traffic
(Amendment) Act, 2025.*

Saint Christopher
and Nevis.



I assent,

MARCELLA ALTHEA LIBURD

Governor-General.

10th February, 2025.

SAINT CHRISTOPHER AND NEVIS

No. 1 of 2025

AN ACT to amend the Vehicles and Road Traffic Act, Cap. 15.06.

[Published th February 2025, Extra-ordinary Gazette No. 5 of 2025.]

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short Title.

This Act may be cited as the Vehicles and Road Traffic (Amendment) Act, 2025.

2. Interpretation.

In this Act

“Act” means the Vehicles and Road Traffic Act, Cap. 15.06.

3. Amendment of section 2.

The Act is amended in section 2 by inserting the following new definitions in the correct alphabetical order

“anonymous evidence” means evidence provided by a witness whose identity is concealed under provisions of this Act;

“automated notice” means a notice made under section 83A;

“evidence by affidavit” means a written statement sworn or affirmed before a commissioner of oaths or other authorized officer;

“road safety incentive” means the sum awarded by the Court to a person who submits admissible video footage that results in the successful conviction of a perpetrator for a driving offence under this Act;”.

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4. Amendment of section 39.

The Act is amended in section 39 as follows—

- (a) in subsection (2) by replacing “two thousand dollars” with “four thousand dollars”;
- (b) in subsection (4) by replacing “two thousand dollars” with “four thousand dollars”;
- (c) inserting a new subsection (9) and subsection (10) immediately after subsection (8), as follows—

“(9) Notwithstanding the generality of subsection (7), any member of the Police Force may employ a system that uses a camera and sensors to capture images of vehicles exceeding the speed limit.

“(10) Notwithstanding any provisions or law to the contrary, the registered owner of a vehicle shall be the person liable to a fine of four thousand dollars for the offence under the provisions of subsection (1), if the driver of the vehicle cannot be identified from the video or photograph issued with the automated ticket.”.

5. Amendment of section 40.

The Act is amended in section 40 by replacing subsections (1) and (2) as follows—

“40(1) Any person who, when driving or attempting to drive, or when in charge of, a motor vehicle on a road and is under the influence of alcohol or drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year, and in the case of a second or subsequent conviction either to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) A person convicted of an offence under this section shall, 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 driver’s licence, and on a second conviction for a like offence he or she shall be permanently disqualified from holding or obtaining a driver’s licence.”.

6. Amendment of section 41.

The Act is amended in section 41 as follows—

- (a) in subsection (1)(a) by replacing “two thousand dollars” with “four thousand dollars”;
- (b) in subsection (1)(b) by replacing “four thousand dollars” with “eight thousand dollars”;

7. Amendment of section 48.

The Act is amended in section 48 by replacing it as follows—

“(1) If a person drives a motor vehicle on a road—

- (a) recklessly;
- (b) at a speed which is dangerous to the public; or
- (c) in any manner which is dangerous 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 which is actually at the time, or which might reasonably be expected to be, on the road, he or she commits an offence under this section.

(2) A person who commits an offence under subsection (1) shall be liable as follows—

- (a) on summary conviction, where there is no bodily injury to another person, to a fine not exceeding six thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year;
- (b) on summary conviction, where there is bodily injury to another person, to a fine not exceeding eight thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years;
- (c) on conviction on indictment, where there is no bodily injury to another person, to imprisonment with or without hard labour for a term not exceeding three years, or to a fine, or both such imprisonment and fine;
- (d) on conviction on indictment, where there is bodily injury to another person, to imprisonment with or without hard labour for a term not exceeding five years;

(3) person who commits a second or subsequent offence under subsections (2)(a), (b) and (c) shall be liable either to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding four years or to both such fine and imprisonment.

(4) A person convicted of an offence under this section shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified from holding or obtaining a driver’s licence for a period of one year from the date of the conviction and on a third conviction for a like offence he or she shall be permanently disqualified for holding or obtaining a driver’s licence.”

8. Amendment of section 49.

The Act is amended in section 49 by replacing it as follows—

“(1) If a person drives a motor vehicle on a road—

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- (a) without due care and attention;
- (b) without reasonable consideration for other persons using the road; or
- (c) without reasonable consideration for traffic signs;

he or she commits an offence under this section.

(2) A person who commits an offence under subsection (1) shall be liable as follows—

- (a) on summary conviction, where there is no bodily injury to another person, to a fine not exceeding four thousand dollars;
- (b) on summary conviction, where there is bodily injury to another person, to a fine not exceeding eight thousand dollars or to imprisonment with or without hard labour for a term not exceeding six months.

(3) A person who commits a second or subsequent offence under subsections (2)(a) or (b) shall be liable either to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

(4) A person convicted for a like offence under this section for a second or subsequent time shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for holding or obtaining a driver's licence for a period of six months from the date of the conviction and on a third conviction for a like offence for a period of one year from the date of the conviction.

(5) Notwithstanding any provisions or law to the contrary, the registered owner of a vehicle shall be the person liable to a fine of four thousand dollars for the offence under the provisions of subsection (1), if the driver of the vehicle cannot be identified from the video or photograph issued with the automated ticket.”.

9. Amendment of section 50.

The Act is amended in section 50 as follows—

- (a) in subsection (1) by replacing “five years” with “ten years”;
- (b) in subsection (4) by replacing “three years” with “six years”.

10. Amendment of Act by inserting section 54.

The Act is amended in section 54 subsection (1) paragraph (c) by replacing the expression “a notice of the intended prosecution” with the expression “a notice or automated notice of the intended prosecution”.

11. Amendment of Act by inserting section 83A.

The Act is amended by inserting a new section 83A immediately after section 83, as follows—

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“83A. Automated notice

(1) An automated notice may be issued to the driver or registered owner of a motor vehicle that has been recorded—

- (a) exceeding the speed limit; or
- (b) driving through a traffic stop whilst the applicable traffic light is red.

(2) A duplicate of an automated notice shall be provided to the Magistrate for the magisterial district in which the offence is alleged to have been committed, a duplicate of the notice, which duplicate shall be deemed to be a complaint laid before the magistrate and a summons issued by the Magistrate for the purposes of the Magistrate’s Code of Procedure Act.

(3) Sections 84, 85, 86, 87, 88 and 89 shall apply *mutatis mutandis* to an automated notice.

12. Amendment of Act by inserting PART VIII.

The Act is amended by inserting the following Part immediately after Part VII:

“PART VIII: PUBLIC REPORTING OF OFFENCES

96. Submission of Video Footage

(1) Any person who, by means of video recording device, captures digital video footage of a suspected road traffic offence under this Act may submit such footage to the Commissioner of Police or any police officer designated for that purpose.

(2) The Director of Public Prosecutions shall review the footage referred to in subsection (1) and determine its relevance and admissibility under the rules of evidence.

97. Admissibility of Video Evidence

(1) Video footage submitted under this Part shall be admissible in court if—

- (a) it is relevant to the matter before the court; and
- (b) the court is satisfied that—
 - (i) the footage is an accurate and true record of the events depicted; and
 - (ii) the footage has not been tampered with or altered in any way.

(2) Evidence of compliance with the conditions prescribed by this section may be given orally or by affidavit by the person who has knowledge or may reasonably be expected to have knowledge of the making or contents of the video footage.

(3) Unless the court orders otherwise, no affidavit is to be admitted in evidence under this section unless the party producing the affidavit—

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- (a) gives notice of intention to produce it to each other party to the legal proceedings, at least seven days before its production; and
- (b) produces it for inspection by a party who gives notice of inspection, no later than five days after receiving that notice.

(4) A party may cross-examine a deponent of an affidavit referred to in subsection (2) that has been introduced in evidence with leave of the court.

(5) Nothing in this section prevents the admissibility of video evidence that would otherwise be admissible under the Evidence Act or any other applicable law.

98. Provision for Anonymous Evidence

(1) A witness who provides video footage may opt to give evidence or swear to an affidavit under this Act anonymously, provided that—

- (a) the court is satisfied that anonymity is necessary to ensure the safety of the witness or protection from harassment; and
- (b) the identity of the witness is disclosed to the judge in a sealed record.

(2) Anonymous evidence may be given via remote means approved by the court, including a live video link.

99. Reward Payment

(1) Subject to subsection (4) of this section, where a person is convicted of a driving offence and the court is satisfied that video footage provided under section 97 played an important role in establishing the conviction, the court may order the perpetrator to pay a road safety incentive not exceeding five thousand dollars to the court and the court will facilitate the payment of the incentive to the individual who provided the footage.

(2) Payment under this section shall be enforceable as a court-ordered penalty and shall be in addition to any other penalty the court may lawfully impose.

(3) In default of payment of the road safety incentive, the person convicted shall be liable to imprisonment for seven days.

(4) A financial penalty or combination of financial penalties shall not be imposed unless the court is satisfied, based on evidence, that the offender has the financial means to pay.

(5) In determining the quantum of the road safety incentive to be paid, the court shall take into account—

- (a) the circumstances under which the video footage was obtained;
- (b) the relevance and reliability of the video footage; and
- (c) any other factors the court considers appropriate in the interest of justice.

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100. Prohibition Against Solicitation or Extortion

(1) No person shall—

- (a) solicit, accept, or agree to accept payment or any other benefit from a perpetrator in exchange for withholding video footage of a suspected road traffic offence;
- (b) offer or agree to offer payment or any other benefit to the recorder of video footage in exchange for withholding such evidence from the police; or
- (c) destroy, manipulate, or discard video footage of a suspected road traffic offence.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to:

- (a) a fine not exceeding ten thousand dollars;
- (b) imprisonment for a term not exceeding one year; or
- (c) both such fine and imprisonment.”.

13. Amendment of Third Schedule

Notwithstanding section 91, the Act is amended in the Third Schedule by inserting new paragraphs 10 and 11 as follows—

- (a) 10. Offences against section 49(1)(c) of the Vehicles and Road Traffic Act shall be subject to a fine of \$250.00”.
- (b) 11. Offences against section 4 of the Vehicle and Road Traffic Regulations with respect to Child Safety shall be subject to a fine of \$500.00”.

LANEIN BLANCHETTE
Speaker

Passed by the National Assembly this 30th day of January 2025.

TREVLIN STAPLETON
Clerk of the National Assembly