

TRAFFIC ACCIDENTS

Section 63 of the *Traffic Act* (Ch. 131) states (in part):

- '(1) If, in any case, owing to the presence of a motor vehicle on a *road*, an accident occurs whereby injury or damage is caused to any person, vehicle, or animal, the driver of the motor vehicle shall –
- (a) stop, and if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle; or
 - (b) if he has reasonable cause to believe that the safety of his person, passengers or vehicle would be endangered by so stopping, proceed forthwith to the nearest police station and there make a report of the accident and of his reasons for not stopping.
- (2) If in the case of any such accident as aforesaid –
- (a) the driver of a motor vehicle does not for any reason give his name and address to any such person as aforesaid; or
 - (b) any property or any other vehicle is damaged and the owner or other person in charge of such vehicle or property is not present; or
 - (c) any injury has been caused to any person,
- the driver shall report the accident at a police station or to a police officer as soon as reasonably possible.
- (3) The owner of a motor vehicle shall supply the police with all information necessary for the identification of a driver involved in an accident.
- (4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence [...].'

The wording of the charges for the offences provided for by this section are as follows:

- (1)(a) 'being the driver of a motor vehicle to wit a [specify the motor vehicle] on a road namely [specify the name of the road] involved in an accident whereby [injury **or** damage] was caused to [a person namely (specify the name of this person), a vehicle to wit a (specify the vehicle) **or** an animal (specify the animal)] did stop but did fail to give (his/her) name and address and also the name and address of the owner and the identification marks of the said motor vehicle to a person namely [specify the name of this person] having reasonable grounds for so requiring.'

TRAFFIC ACCIDENTS

- (b) 'being the driver of a motor vehicle to wit a [specify the motor vehicle] on a road namely [specify the name of the road] involved in an accident whereby [injury **or** damage] was caused to [a person namely (specify the name of this person), a vehicle to wit a (specify the vehicle) **or** an animal (specify the animal)] did fail to stop although (he/she) had no reasonable cause to believe that the safety of (his/her) [person, passengers **or** vehicle] would be endangered by so stopping.'
- 'being the driver of a motor vehicle to wit a [specify the motor vehicle] on a road namely [specify the name of the road] involved in an accident whereby [injury **or** damage] was caused to [a person namely (specify the name of this person), a vehicle to wit a (specify the vehicle) **or** an animal (specify the animal)] did fail to stop and proceed forthwith to the nearest police station and there make a report of the accident and of (his/her) reasons for not stopping.'
- (2)(a) 'being the driver of a motor vehicle to wit a [specify the motor vehicle] on a road namely [specify the name of the road] involved in an accident whereby [injury **or** damage] was caused to [a person namely (specify the name of this person), a vehicle to wit a (specify the vehicle) **or** an animal (specify the animal)] did fail to report the accident at a police station or to a police officer as soon as reasonably possible although (he/she) did not for any reason give (his/her) name and address to a person namely [specify the name of this person] as required by section 63(1) of the *Traffic Act* (Ch. 131).'
- (b) 'being the driver of a motor vehicle to wit a [specify the motor vehicle] on a road namely [specify the name of the road] involved in an accident whereby [injury **or** damage] was caused to [a person namely (specify the name of this person), a vehicle to wit a (specify the vehicle) **or** an animal (specify the animal)] did fail to report the accident at a police station or to a police officer as soon as reasonably possible although [property to wit (specify the property) **or** another vehicle to wit a (specify the vehicle)] was damaged and the owner or person in charge of the said [vehicle **or** property] was not present.'
- (c) 'being the driver of a motor vehicle to wit a [specify the motor vehicle] on a road namely [specify the name of the road] involved in an accident whereby [injury **or** damage] was caused to [a person namely (specify the name of this person), a vehicle to wit a (specify the vehicle) **or** an animal (specify the animal)] did fail to report the accident at a police station or to a police officer as soon as reasonably possible although injury had been caused to a person namely [specify the name of this person].'
- (3) 'being the owner of a motor vehicle to wit a [specify the motor vehicle] involved in an accident did refuse to supply a police officer namely [specify the rank and name of the officer] with all information necessary for the identification of the driver in the said accident.'

TRAFFIC ACCIDENTS

Section 63(5) of the *Traffic Act* (Ch. 131) states:

‘Nothing in this section shall be construed to the prejudice of the provisions of section 55 [*Leaving Vehicle in Dangerous Position*] nor to require any person to stop or leave his vehicle in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road.’

The definition of the term ‘road’ as provided for by section 2 of the *Traffic Act* (Ch. 131) includes a way [such as a laneway], wharf, bridge and a car park on which vehicles are capable of travelling and to which the public has access.

Section 64 of the *Traffic Act* (Ch. 131) states (in part):

‘Where an accident arises out of the presence of a motor vehicle on a road, any police officer in uniform or upon production of his authority if so required, may –

- (a) inspect such vehicle and for that purpose may enter at any reasonable time any premises where the vehicle is;

and

- (b) order any person in charge of such vehicle not to move it for such reasonable time as he may require for the purpose of investigating the cause of the accident and preparing any plan or report,

and any person who obstructs any police officer in the due exercise of his powers or performance of his duties under this section, or fails to comply with any order under this section shall be guilty of an offence [...].’

The wording of the charge for this offence is as follows:

‘did [obstruct a police officer namely (specify the rank and name of the officer) in the (due exercise of [his/her] powers or performance of [his/her] duties) or fail to comply with an order issued by a police officer namely (specify the rank and name of the officer)] under section 64 of the *Traffic Act* (Ch. 131) in that (he/she) did [specify how the defendant did (obstruct or fail to comply) in accordance with that section].’

Section 74 of the *Traffic Act* (Ch. 131) states:

- ‘(1) If in any proceedings under this Act any question arises as to whether a vehicle does or does not comply with any provisions of this Act, the certificate of an *inspector* to the effect that he has examined the vehicle and as to the result of his examination may be read as evidence and shall be prima facie evidence of such examination and as to the result thereof, although the inspector is not called as a witness.
- (2) The court, if it thinks fit, may summon and examine the *inspector* as to the subject matter of his certificate.’ (emphasis added)

TRAFFIC ACCIDENTS

An '*inspector*' means 'any person appointed to be an inspector of vehicles under section 4(2)', see section 2 of the *Traffic Act* (Ch. 131).