

**SAINT VINCENT AND THE GRENADINES**  
**STATUTORY RULES AND ORDERS**

2023      NO.

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(Gazetted      2023)

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**IN EXERCISE** of the powers conferred by section 80 of the Motor Vehicles and Road Traffic Act, Chapter 483, the Governor-General makes the following Regulations –

**MOTOR VEHICLES AND ROAD TRAFFIC (TINT) REGULATIONS 2023**

**Citation and commencement**

1. (1) These Regulations may be cited as the Motor Vehicles and Road Traffic (Tint) Regulations 2023.
- (2) These Regulations come into force at the expiration of three months beginning on the day on which it is published in the *Gazette*.

**Interpretation**

2. In these Regulations, unless the context otherwise requires –

“anti-glare band overlay” means a tinted overlay that is transparent and that is applied along the top edge of the windscreen for the purpose of reducing the glare of the sun;

“approved form” means the form approved under regulation [16];

“exemption certificate” means a certificate issued under regulation [8];

“light transmittance measuring device” means a device approved under regulation [13] for the purpose of measuring visible light transmittance;

“material” –

(a) means any overlay, film, coating, spray, sticker or other adhesive product, vinyl or paint applied, affixed or fitted to the safety glass on the windscreen or window of a vehicle; but

(b) does not include any glazing or coating added during the manufacture of the vehicle;

“overlay” means a transparent, translucent, opaque, tinted or perforated self-adhesive or clinging film, sticker, wrap or material, including anti-glare band overlays and stone-guard overlays which are used for –

(a) the purposes of –

- (i) reduction of ultraviolet light;
- (ii) infrared or visible light transmission;
- (iii) advertising;
- (iv) identification;
- (v) information;
- (vi) protection; or
- (vii) aesthetics; or

(b) any other purpose;

“stone-guard overlay” means a transparent overlay that is applied along the bottom edge of the windscreen for the purpose of preventing damage to the windscreen from stones and other debris thrown up by other vehicles;

“visible light transmittance” means the proportion of visible light which –

- (a) passes through the glass of a windscreen or window of a vehicle, including any materials affixed to the glass;
- (b) is expressed as a percentage of the total amount of light falling on the glass, including any materials affixed to the glass, when measured by a light transmittance measuring device under regulation [13];

“window”, in relation to a vehicle –

- (a) means –
  - (i) a front window;
  - (ii) a rear window; or
  - (iii) any other window that enables a person in the vehicle to view outside the vehicle; but
- (b) does not include a windscreen.

“windscreen”, in relation to a vehicle, means the front or rear windshield or other exterior viewing device of the vehicle which –

- (a) extends across the front or rear of the vehicle; and
- (b) is not parallel to the vehicle’s longitudinal centre-line.

### **Prohibition on the use of material on windscreen and window**

3. (1) A person shall not cause or permit a vehicle to be used, or drive or have charge of a vehicle, on a road where a windscreen or window of the vehicle is composed of, coated or covered by, or treated or darkened with, any material, overlay or other product, that has the effect of making the windscreen or window non-transparent or reducing the visible light transmittance of the windscreen unless –

- (a) the front windscreen has a visible light transmittance of at least [seventy] percent;

- (b) each front window, including any side wing and side window, on either side and forward of the vertical plane immediately behind the driver's seatback in its rearmost and upright position, has a visible light transmittance of at least [thirty-five] percent; and
- (c) each rear window, including any side window behind the front window and the rear windscreen, has a visible light transmittance of at least [twenty] percent.

(2) Sub-regulation (1) does not apply where the material on the windscreen or window was installed by the manufacturer of the vehicle and approved by the Licensing Authority.

(3) Notwithstanding sub-regulation (1), the front windscreen of a vehicle may have affixed to its top, along its width and in such position as not to interfere with the vision of either the driver, or a passenger carried on the front seat, a band of material or an anti-glare band overlay which –

- (a) measures in width from the top of the windscreen, no more than fifteen centimetres or six inches; or
- (b) has a visible light transmittance of at least thirty-five percent.

(4) A person who contravenes sub-regulation (1) or (3) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

#### **Prohibition on the use of reflective material**

4. (1) A person shall not cause or permit a vehicle to be used, or drive or have charge of a vehicle, on a road, if a windscreen or window of the vehicle is composed of, coated or covered by, or treated with, any material, overlay or product, that has the effect of making the windscreen or window appear to have a metallic, reflective or mirrored effect sufficient to dazzle motorists.

(2) An owner, driver or operator of a vehicle shall ensure that no windscreen or window of the vehicle has –

- (a) scratches or other defects that unreasonably impair the driver's vision through, or unreasonably compromise the strength of, the windscreen or window;
- (b) laminated glazing or glass that shows signs of discoloration that unreasonably impair the driver's vision through the windscreen or window; or
- (c) material with any bubbling or other defects that unreasonably impair the driver's vision through the windscreen or window.

(3) A person who contravenes sub-regulation (2) or (3) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

#### **Restriction on the use of curtains or screens**

5. (1) The owner, driver or [operator] of a vehicle shall not install or cause to be installed in the vehicle a curtain, screen or other device that obstructs the view of a person into the vehicle, unless the device is installed by the manufacturer of the vehicle and approved by the Licensing Authority.

(2) A person shall not drive, or have charge of, a vehicle on a road if a curtain, screen or other device that obstructs the view of a person into the vehicle, is installed in the vehicle, unless the device is installed by the manufacturer of the vehicle and approved by the Licensing Authority.

(3) Sub-regulations (1) and (2) do not apply in the case of a curtain, screen or other device that is being used on a rear window to shield a child five years of age or under from the direct rays of the sun.

(4) A person who contravenes sub-regulation (1) or (2) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

### **Exemptions**

6. Regulations 3, 4 and 5 do not apply to –

- (a) a vehicle which is the property of or used by the Governor-General in his official or personal capacity;
- (b) a vehicle which is the property of or used by the Prime Minister in his official or personal capacity;
- (c) [a vehicle owned [which is the property of] by a member of the House of Assembly or a senior public servant approved by the Governor-General and notified in the *Gazette*];
- (d) an ambulance;
- (e) a vehicle which is the property of or used by the –
  - (i) the Police Force;
  - (ii) the Prisons; or
  - (iii) Customs and Excise Department;
- (f) a person who is issued an exemption certificate on medical grounds in respect of a vehicle; or
- (g) any other vehicle exempted in writing by the Licensing Authority.

### **Application for exemption certificate**

7. (1) A person or entity who desires an exemption from regulations 3, 4 and 5 shall apply on the approved form to the Licensing Authority for an exemption certificate.

(2) An application for an exemption certificate on medical grounds shall be accompanied by –

- (a) a certificate –
  - (i) completed by a medical practitioner who is registered as medical specialist; and
  - (ii) certifying that the applicant or any other person is suffering from a medical condition specified in the Schedule which renders the person susceptible to harm or injury from exposure to sunlight; and
- (b) a declaration by the applicant that the vehicle will be regularly used by, or for the purpose of transporting, the applicant or other person referred to in paragraph (a) (ii).

### **Issue of exemption certificate**

8. (1) On an application for an exemption certificate, the Licensing Authority –

- (a) shall consider the application; and
- (b) subject to sub-regulation (2), may issue or refuse to issue an exemption certificate.

(2) On an application for an exemption certificate on medical grounds, the Licensing Authority shall –

- (a) consider the application; and

- (b) issue the exemption certificate.
- (3) An exemption certificate –
  - (a) shall be issued in the approved form on payment of the prescribed fee, if any; and
  - (b) remains the property of the Licensing Authority.

#### **Validity of exemption certificate**

- 9. (1) An exemption certificate [including a certificate issued on medical grounds] is –
  - (a) in the case of a person, valid for two years from the date of issue or renewal; or
  - (b) in the case of a public body or undertaking, valid for the period the Licensing Authority determines.
- (2) An exemption certificate issued on medical grounds becomes void on the –
  - (a) sale or transfer of the vehicle specified in the certificate;
  - (b) vehicle being destroyed or rendered permanently unserviceable; or
  - (c) death of the person specified in the certificate.

#### **Conditions of exemption certificate**

- 10. An exemption certificate shall –
  - (a) state whether the vehicle is to be equipped or fitted with dual external rear vision side mirrors on each side of the vehicle; and
  - (b) specify –
    - (i) the minimum visible light transmittance of a windscreen or window; and
    - (ii) the type of material which may be affixed to a windscreen or window.

#### **Requirement to have exemption certificate in vehicle at all times**

- 11. (1) The holder of an exemption certificate shall –
  - (a) have the certificate in the vehicle at all times; and
  - (b) on request by a police officer in uniform, produce the certificate for inspection.
- (2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

#### **Register of exemption certificates**

- 12. (1) The Licensing Authority shall establish and maintain a register of all exemption certificates.
- (2) The register shall contain the following information –
  - (a) the name and address of the person specified in the exemption certificate;
  - (b) the registration particulars and identification mark of the vehicle specified in the exemption certificate;
  - (c) the date of issue and where applicable, the date of expiration of the exemption certificate;

- (d) the conditions on which the exemption certificate was issued;
- (e) any other information the Licensing Authority may determine.

### **Use and approval of light transmittance measuring device**

13. (1) The visible light transmittance of a windscreen or window of a vehicle shall be measured by a police officer in uniform using a light transmittance measuring device approved by the [Governor-General].

(2) For the purposes of sub-regulation (1), a margin of error of plus or minus three percentage points shall be allowed in relation to the measurement of the visible light transmittance of a windscreen or window.

(3) Where a light transmittance measuring device is approved under sub-regulation (1), the [Governor-General] shall cause a notice of the approval to be published in the *Gazette*.

### **Certificate issued to driver by police officer**

14. (1) Where a police officer used a light transmittance measuring device to measure the visible light transmittance of a windscreen or window of a vehicle and the visible light transmittance is in contravention of these Regulations, the police officer operating the device shall deliver to the driver of the vehicle a certificate, in writing, that –

- (a) specifies the reading of the measurement of the visible light transmittance of the specified windscreen or window as measured by the light transmittance measuring device;
- (b) includes particulars of the registration and identification mark of the vehicle;
- (c) bears an endorsement by the police officer who operated the device, stating the date and time of the measurement of the visible light transmittance of the specified windscreen or window; and
- (d) bears the regimental number, rank, name and signature of the police officer who operated the device.

(2) In proceedings for an offence under regulation 3 or 4 –

- (a) evidence may be given of the reading of the measurement of the visible light transmittance of the specified windscreen or window of the vehicle, as measured by the light transmittance measuring device and operated by the police officer; and
- (b) the reading of the light transmittance measuring device shall be deemed to be the visible light transmittance of the specified windscreen or window of the vehicle at the time of the alleged occurrence of the offence, unless the owner, driver or operator of the vehicle proves that the visible light transmittance of the specified windscreen or window of the vehicle exceeded the permissible percentage of the visible light transmittance at the time.

### **Evidence in proceedings**

15. In proceedings for an offence under regulation 3 or 4 in which evidence is given of the reading of the measurement of the visible light transmittance obtained by a light transmittance measuring device, a certificate purporting to be signed by a police officer certifying that –

- (a) the light transmittance measuring device used by him to measure the visible light transmittance of the windscreen or window of the vehicle specified in the certificate was approved by the Licensing Authority under regulation 13;

- (b) the measurement was made on the date and completed at the time stated in the certificate;
- (c) the visible light transmittance measured by the device and expressed as a percentage was the visible light transmittance of the windscreen or window of the vehicle on the date and at the time stated in the certificate; and

(d) the certificate required by regulation 14 was delivered in accordance with that regulation, is admissible and is *prima facie* evidence of the particulars certified in the certificate.

**Licensing Authority to approve forms**

16. The Licensing Authority shall approve [in writing] the forms and certificates required by the Licensing Authority for use under these Regulations.

**SCHEDULE**

**MEDICAL CONDITIONS FOR EXEMPTION CERTIFICATE**

[regulation 7(2)]

The medical conditions referred to under regulation 7 (2) are –

1. albinism
2. chronic actinic dermatitis/actinic reticuloid
3. dermatomyositis
4. lupus erythematosus
5. porphyria
6. xeroderma (pigmentosa) pigmentosum
7. severe drug photosensitivity if the course of treatment causing the photosensitivity is expected to be of prolonged duration
8. photophobia associated with an ophthalmic or neurological disorder; or
9. any other condition or disorder causing severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun.

Made this                      day of    2023

KATTIAN BARNWELL-SCOTT  
Secretary to the Cabinet