

**Road Vehicles (Special Powers) Act
(CHAPTER 277)**

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**ROAD VEHICLES (SPECIAL POWERS) ACT
(CHAPTER 277)**

(Original Enactment: Ordinance 8 of 1960)

REVISED EDITION 2007

(31st March 2007)

An Act to give power to restrict the use of, stop and search road vehicles and to provide for the seizure and forfeiture of road vehicles and articles found therein in certain circumstances and matters incidental thereto.

[15th February 1960: Sections 2, 3, and 6 ;

25th November 1960: Sections 4 and 5]

Short title

1. This Act may be cited as the Road Vehicles (Special Powers) Act.

Interpretation

2. In this Act —

“road” means any public road or any other road, to which the public has access, and includes bridges over which a road passes;

“road vehicle” means any vehicle designed or adapted for use on roads;

“scheduled offence” means any offence specified in the Schedule.

Power to stop and search road vehicles

3.—(1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required to do so by any police officer in uniform.

- (2) If —

- (a) as respects any road vehicle being on any road; or

- (b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the road vehicle has in accordance with subsection (1) been required to stop but has failed to do so,

any police officer has reasonable grounds for suspecting that there is to be found in the vehicle any article in respect of which a scheduled offence has been or is being committed, he may search the vehicle and any person found in such vehicle.

Court to order forfeiture of road vehicle

4.—(1) Where it is proved to the satisfaction of a court that a road vehicle has been used —

- (a) in the commission of a scheduled offence or that any scheduled offence has been committed in respect of the road vehicle or in respect of any

article found in the road vehicle or on any person found therein;

- (b) to convey persons to the scene where a scheduled offence has been committed; or
- (c) for the escape or to facilitate the escape of any person from the scene of a scheduled offence,

and that the road vehicle has been seized by the police, the court shall, on the written application of the Attorney-General, make an order for the forfeiture of the road vehicle, notwithstanding that no person may have been convicted of any scheduled offence.

(2) Any police officer may seize any road vehicle liable to forfeiture under the provisions of this Act.

(3) An order for the forfeiture or for the release of a road vehicle liable to forfeiture under this section may be made by the court before which the prosecution with regard to the scheduled offence has been held.

(4) If there be no prosecution with regard to any scheduled offence, the road vehicle seized under subsection (2) shall be forfeited at the expiry of one month from the date of seizure unless a claim thereto is made before that date. Any person asserting that he is the owner of that road vehicle may personally or by his agent authorised in writing give written notice to the Commissioner of Police that he claims the road vehicle.

(5) Upon receipt of a notice under subsection (4), the Commissioner of Police may direct that the road vehicle be released or may refer the matter by information to a Magistrate.

(6) The Magistrate on receipt of an information under subsection (5) or on the written application of the Attorney-General, shall hold an inquiry and proceed to the examination of the matter and on proof that the road vehicle was used —

- (a) in the commission of a scheduled offence or that any scheduled offence has been committed in respect of the road vehicle or any article found in the road vehicle or on any person found therein;
- (b) to convey persons to the scene where a scheduled offence has been committed; or
- (c) for the escape or to facilitate the escape of any person from the scene of a scheduled offence,

shall order the road vehicle to be forfeited or may in the absence of such proof order its release.

(7) No person shall in any proceedings in any court in respect of the seizure of any road vehicle seized in exercise or the purported exercise of any power conferred under