

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE COURT OF APPEAL

CvA. No. 128 of 1998

BETWEEN

STEPHEN MAHABIR

APPELLANT

AND

THE ATTORNEY GENERAL OF  
TRINIDAD AND TOBAGO

RESPONDENT

PANEL:

De la Bastide, C.J.  
Permanand, J.A.  
Jones, J.A.

APPEARANCES

Mr. A. Ramlogan for the Appellant.  
Mr. J. Walker for the Respondent.

Date of Delivery:

21<sup>st</sup> June, 2002.

I have had the advantage of reading in draft the judgment delivered by Jones, J.A. I agree with it and do not wish to add to it.

J. Permanand,  
Justice of Appeal.

JUDGMENT

Delivered by Jones, J.A.

The appellant in this matter purchased a maxi-taxi (taxi) bearing registration No. HAE 5373 in June 1996 from one Kelly Williams who had purchased it from the First Citizen Bank. It appears, however, that at the time of the sale by the Bank, the taxi was still registered in the name of one Salack Sookram from whom it was seized. On the 12<sup>th</sup> June, 1996, the appellant appeared in person at the Licensing Office Port of Spain, and presented the vehicle for the transfer of ownership pursuant to section 19 of the Motor Vehicles and Road Traffic Act, Chap. 48:50 (the Act) Section 19 so far as is relevant to these proceedings provides as follows: -

- "19(1) On the change of possession of a motor vehicle otherwise than by death;
  - (a) the motor vehicle shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof;
  - (b) the registered owner and the new owner shall, within seven days after such change of possession, make application in writing signed by both of them to the Licensing Authority giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of registration and the prescribed fee. The Automotive Licensing Officer shall thereupon by endorsement of the certificate of registration and entry in the registry substitute the name of the new owner for that of the registered owner and shall date and initial the substitution and from such date the new owner shall for all purposes be deemed to be the registered owner of the motor vehicle described in the relevant entry in the register and in such certificate of registration.
  - © The registered owner and the person seeking registration as the registered owner shall both be present before the Licensing Authority together with the used motor vehicle that is the subject of the transfer at the time that transfer of registration occurs.

(2).....

(3).....

(4)

(5) where a registration of transfer of a used motor vehicle has not been made within seven days after the change of possession of that vehicle in accordance with subsection (1)(a) the registered owner shall be liable to pay the Licensing Authority a penalty of two hundred dollars.

(6) where a registration of transfer referred to in subsection (5) has not been made within fourteen days of the change of possession of the vehicles, the registered owner is guilty of an offence and is liable upon summary conviction to a fine of five thousand dollars and imprisonment for six months.

19©(1) Where a transfer of registration on the change of possession of a used motor vehicle is as a result of the sale of that vehicle, the purchaser shall produce to the Licensing Authority at the time of registration of the change of possession of the vehicle a receipt evidencing such sale.”

From his own account given in his affidavit filed in support of his motion for constitutional relief, the appellant deposed that he had purchased the taxi from Kelly Williams for \$105,000 and that Williams and himself had gone to the Licensing Office as required by the Act for the purpose of registering the transfer. At that time, however, Salack Sookram was the owner on the register, but there is no evidence that Sookram was present at the Licensing Office. In fact from all indications, he was not there. Although the appellant had deposed that he had purchased the vehicle for \$105,000, yet he evidenced this purchase by producing to the Licensing Authority a receipt dated the 12<sup>th</sup> June 1996, purporting to be signed by Salack Sookram, and indicating a purchase price of \$60,000. Furthermore, a copy of the application form seeking the registration of the transfer, which is required to effect the change, was exhibited to the affidavit of the appellant. It was dated 5<sup>th</sup> June 1996 and showed the date of purchase as the said 5<sup>th</sup> June 1996. It also showed the chassis number as WPGE 23-003532. This chassis number corresponded with that of the vehicle on the register which bore Registration No. HAE 5373.

On the 12<sup>th</sup> June, 1996, when the taxi was presented at the Licensing Office, while there is no specific provision in the law for the inspection of the vehicle on such an occasion, it is obvious that in order to verify that the vehicle presented is the same as the one on the register, some examination or inspection must necessarily take place. It is not therefore in dispute that the taxi was inspected by Motor Vehicle Inspector Ezan Mohammed. Mohammed found nothing to cause him to refuse to register the transfer. There is, however, some dispute whether Mohammed expressly told the appellant that “the vehicle was in perfect condition physically and legally and was capable of lawful transfer” as deposed by the appellant. Be that as it may, the register was amended.

Mohammed swore: -

“I checked the chassis number on the vehicle against the number written on the certified copy of ownership. I do recall that my inspection of the vehicle did not reveal any significant grounds for suspecting that the chassis number on the vehicle being inspected had been altered or tampered/interfered with”.

Some six (6) months later, on the 20<sup>th</sup> November 1996 the appellant returned to the Licensing Office, this time to have the vehicle inspected for the purpose of having it licensed for the year 1997. This inspection for public service vehicles, the category to which the taxi belonged, was required by regulation 27 of the Motor Vehicle and Road Traffic Regulations Chap. 48:50. Regulation 27 so far as is relevant provides as follows: -

“27(1) Every applicant for the grant or renewal of a licence in respect of a public service vehicle, rented car, goods vehicle, or trailer shall produce such vehicle to such Motor Vehicles Inspector as the Licensing Authority may direct for examination and shall, at the same time, furnish him with such information as may be required – including the following:

- (a) the name of the manufacturer of the chassis;
- (b) model

- (c) engine number and number of cylinders;
- (d) year manufactured;
- (e) factory number of chassis;
- (f) maximum gross weight in kilograms;
- (g) type of body.

If the applicant is unable to furnish the information required the Motor Vehicles Inspector may describe such vehicle from his own observation.

.....

(2) The Motor Vehicles Inspector shall examine such public service vehicle, rented car, goods vehicle or trailer, and if satisfied that it complies with the provisions of the Act and these Regulations and on payment of the prescribed fee, shall issue a certificate containing such particulars specified in the form in the Schedule, and no licence for such vehicle shall be issued or renewed unless the Motor Vehicles Inspector certifies that the vehicle complies with all the provisions of the Act and of these Regulations.

(3).....

(4).....

(5).....

(6) Owners intending to renew their licences in respect of public service vehicles, rented cars, goods vehicles or trailers shall produce such vehicles to a Motor Vehicles Inspector for examination during such periods and at such times and places as shall be appointed by the Licensing Authority by notice published in the Gazette and in a daily newspaper circulating in Trinidad and Tobago.

(7) If by 31<sup>st</sup> December the Motor Vehicles Inspector has not been able to examine any vehicle produced to him for examination, he shall extend the last certificate for such further period as he may consider necessary in order to enable an examination to be carried out and to enable a renewal of the licence to be granted. The renewal licence so issued shall be subject to modification in order to conform to the result of the subsequent examination of the vehicle. No public service vehicle or goods vehicle or trailer shall be used on the road unless the owner thereof has obtained a new certificate or an extension of his last certificate."

As of the year 1997, no vehicle operating in Trinidad and Tobago was required to be licensed and accordingly while the requirement of inspection of public service vehicles remained, the licensing requirement was removed. This change was effected by an amendment to regulation 27 in the Finance Act 1997 (Act 9 of 1997). There is nonetheless a clear prohibition against public service vehicles being used on the road unless the owner has obtained a new Motor Vehicle Inspector's certificate or an extension of the last certificate. Any such

use would be a breach of the regulations attracting criminal prosecution - vide section 91(2).

Upon inspection of the vehicle on 20<sup>th</sup> November 1996, the Inspector, not Mr. Ezan Mohammed, discovered that the chassis number appeared to have been re-stamped. The Inspector observed that the chassis No. WPGE 23-003532 appeared to have been tampered or interfered with. The upshot of this was that the inspector refused to issue his certificate and the appellant stated that he was informed by the inspector that he should not drive the vehicle on the roads until the matter was investigated and resolved. This timely advice was no doubt in keeping with the law that it would be an offence to use a public service vehicle on the road unless the owner has obtained a new certificate or an extension of his last certificate. There is no evidence that the appellant had obtained an extension of his last certificate, which is understandable in light of the suspicions of the Inspector.

Having regard to the findings of the Inspector and the resulting ban on the use of the taxi, attorney for the appellant wrote to the Licensing Authority. An enquiry was conducted and the sum total of the findings was the obvious that Mr. Ezan Mohammed, the first Inspector, had failed to discover any discrepancy in the chassis number, whereas the second Inspector did. Why this had happened was a matter of some surmise. Mr. Mohammed himself proffered an explanation.

"I am unable to state conclusively why on the date that I first inspected the applicant's vehicle I was unable to notice any grounds for suspecting that the chassis number had been tampered or interfered with. However based on my

experience as a Licensing Officer, I can say that there are two possible reasons for this, namely, that either the chassis number had been tampered or interfered with after my inspection of the vehicle on the 12<sup>th</sup> day of June, 1996 or that if the number was tampered or interfered with prior to that date, on the 12<sup>th</sup> June, 1996 the signs or tampering were not obvious, but have since become apparent.”

The investigation by the Licensing Authority further revealed that Mr. Kelly Williams had by an application dated the 4<sup>th</sup> September, 1995 sought the permission of the Transport Commissioner to change the body of the taxi, since he claimed the vehicle was no longer roadworthy. Prior to this request, Mr. Williams had purchased one foreign diesel E 23 high top shell bearing chassis No. CYGE-23-011278. He also purchased one SD-23 Engine No. SD-23-186638 and a gear box with starter, alternator, diesel injector, diesel pump and four-speed gearbox.

No permission was given by the Transport Commissioner for any change to the body of the taxi nor was any application received by the Licensing Authority to register a motor vehicle bearing the chassis No. CYGE-23-011278. Without more, it was concluded that the correct chassis number of the taxi presented for inspection was CYGE-23-011278, and furthermore the taxi was a locally assembled foreign used vehicle which had never been registered with the Licensing Authority and in respect of which certain taxes become payable before any such registration could be effected. Certain questions arise from this conclusion to which I shall return.

In May 1996 an amendment to the Act provided for the payment of a fee for the registration of locally assembled motor vehicles using foreign parts. This was a direct result of the advent of the foreign used vehicles into Trinidad and

Tobago. It became widely known that certain motorcar dealers were importing foreign parts into the country and assembling them into fully operational vehicles.

For some period of time the importation of foreign goods including motor vehicles was regulated by what was known as the “negative list”. The list of June 14<sup>th</sup> 1985 prohibited the importation of all motor vehicles. In 1991 in order to facilitate the continued viability of local assembly plants, CKD (Completely Knocked Down) kits of motor vehicles were allowed for assembly in plants. The negative list of February 10<sup>th</sup>, 1992, permitted the importation of CKD kits and new fully assembled motor vehicles but surprisingly prohibited the importation of used right hand drive vehicles. This prohibition could only relate to fully assembled used right hand drive vehicles since CKD kits were still available to importers and there was no requirement that the kits must comprise of only new parts.

The appellant’s motion in the High Court claimed constitutional relief alleging that his rights were infringed, more particularly, that he was deprived of the right to enjoy his property and the right not to be deprived thereof except by due process of law. His right to equality before the law and the protection of the law were also infringed. Several grounds were set out, but it is clear that his main contention was articulated in the following grounds: -

- “1. The Applicant has been denied the use and enjoyment of his property, to wit a maxi taxi registration number HAE 5373 since the 20<sup>th</sup> day of November, 1996. The licensing authority failed and/or refused to approve the Applicant’s maxi taxi on the ground that the chassis number was illegally altered and

tampered with. He was ordered and advised not to use or drive his maxi taxi until this matter was resolved.

The State is estopped by the conduct and/or representation of the Licensing Authority in transferring the vehicle to the applicant from asserting that the vehicle was not lawfully transferred to the Applicant”.

In a nutshell, the submission by attorney for the appellant both in the High Court and before us was that the Licensing Authority by refusing to issue the inspector’s certificate on the 20<sup>th</sup> November, 1996 when it had previously on the 12<sup>th</sup> June 1996 approved the transfer of the taxi after a similar inspection, thereby denying the appellant the use of the taxi, had deprived him of his right to the enjoyment of his property without due process of law. The foundation of the submission was that the Licensing Authority having already asserted either expressly or by conduct that the taxi complied with the particulars on the register, were now estopped from alleging that it was not the same vehicle. Furthermore the appellant had relied on the ‘clean bill of health’ given by the Licensing Authority when the vehicle was inspected on the 12<sup>th</sup> June 1996 to purchase the vehicle.

In the first place, it is clear from an examination of the legislation that the inspection of vehicles by the Licensing Authority on the occasion of a change of ownership is not an exercise designed for the benefit of either the previous owner or the new owner, nor indeed to assist the purchaser in his decision whether or not to purchase. It is to ensure that the vehicle that is being transferred is indeed the same vehicle that the parties say it is and to detect anything that might lead

to criminal proceedings as well as ensuring that the State is not cheated of revenue particularly where the vehicle is discovered to be a “locally assembled foreign used vehicle”. In his affidavit Mr. Lalman Ramdass, the Acting Asst. Transport Commissioner who conducted the investigation deposed as follows:

“The rationale behind this procedure is to prevent or curtail the transfer or passing off of stolen vehicles and also the passing off of unregistered vehicles including an unregistered locally assembled foreign used motor vehicle as a registered vehicle in an attempt to avoid the payment of the relevant taxes. The inspection procedure is not intended to provide an assurance to the purchaser that all the taxes on the vehicle he is purchasing have been paid by the vendor and/or that the vehicle is capable of lawful transfer but rather it is intended to assist in the detection and prevention of crime as well as an aid to the collection of revenue on the part of the Government pursuant to the Provisional Collection of Taxes Order, 1996”.

This seems to me to adequately represent the purpose of the new procedure. Furthermore, by the time the parties present themselves at the Licensing Office to effect the change of registration, the purchase or transfer would have been a done deed. Indeed the statutory provision requires the transferee of the used vehicle to produce the receipt evidencing the purchase of the vehicle, and the application form requires the parties to indicate the date on which the sale or transfer took place. The parties are required to present themselves with the vehicle at the Licensing Office within 7 days after such sale or transfer without penalty. Thereafter a penalty is attached. It is clear therefore that what takes place at the Licensing Office is a procedure whereby once no irregularities are discovered, the register is amended by recording the name of the new owner. It is not a service to the public giving them the assurance that the vehicle of their choice can be safely purchased.

In addition, the introduction of legislation imposing relatively high fees for the registration of “locally assembled foreign used” vehicles of necessity meant that Licensing Inspectors were to be vigilant and exercise greater care in their inspection of vehicles so that the State might receive its just due.

The undisputed facts also give no support to the submission that the appellant relied on ‘the clearance’ by the Licensing Authority in order to proceed with the purchase of the taxi. Although in his affidavit the appellant stated that he became the owner of the taxi on the 12<sup>th</sup> of June 1996, the application form submitted to the Licensing Authority for the change of ownership is dated the 5<sup>th</sup> June 1996 and it was therein stated that the date of the sale (purchase) of the taxi was the 5<sup>th</sup> June 1996. Furthermore in a letter written by the appellant’s attorney to the Licensing Authority seeking information on behalf of the appellant after the second inspection, he indicated that the vehicle was purchased by the appellant on the 5<sup>th</sup> June 1996. In these circumstances, the submission that the appellant relied on the inspection by the Licensing Authority in order to purchase the vehicle fails. Indeed his presence at the Licensing Office one week after the purchase was in keeping with the law, which required him to register the transfer within 7 days of the purchase or face a penalty.

Assuming that the Licensing Inspector had informed the appellant that the taxi was “approved” for transfer or by his conduct the appellant was led to believe that the inspector was certifying that the taxi in all respects fitted the vehicle on the register, the question is whether such can operate as an estoppel, which binds the State from later asserting that there were irregularities discovered at a

subsequent inspection. Would it matter if the first inspector was negligent or even corrupt? In Commissioner of Customs and Excise v Hebson Ltd. (1953) 2 Lloyds Rep. 382, customs officers were held not to be estopped from exercising their statutory power relating to the importation of goods by the fact that similar goods had previously been admitted in error.

At p. 396 Pearson J in delivering judgment stated:

“an officer having a public duty cannot be deprived of his duties and powers or cannot be prevented by any estoppel from performing those duties and powers which he has a statutory or other public obligation to exercise in the general public interest. It may well be that the Customs Officers were not under an obligation to seize, necessarily; they would have some discretion in the matter, but, if so, they must keep their discretion and exercise it in the general public interest, and they could not by estoppel become prevented or precluded from duly exercising their statutory powers. Be it assumed that they made a mistake on October 1 and November 3 and 4, and it may be on other dates, in admitting one ton or half a ton of this material and so on; they could not by that mistake be estopped from duly and correctly performing their duty”.

The Licensing Authority has a statutory duty to maintain a correct register of all motor vehicles and to collect whatever fees, taxes and dues associated with the exercise of its functions. It cannot be estopped from asserting the true state of affairs because it had previously in respect of the same matter come to a wrong conclusion. It seems to me that in this case the same is true, even if the first inspector was negligent or even corrupt.

Returning now to the conclusion arrived at by the Licensing Authority that the taxi presented for inspection on the 20<sup>th</sup> of November 1996 was a locally assembled foreign used vehicle, I must look closely at the route taken to arrive at that conclusion. The Licensing Authority not only concluded that the taxi was a locally assembled foreign used vehicle but identified the chassis number as CYGE-23-011278. The evidence of Mr. Ramdass, the Acting Transport Commissioner was that the taxi was a chassis less type vehicle. He said that in

a chassis less type vehicle, the body/shell supports the engine and the suspension and the chassis is incorporated in the body of the vehicle. All fittings are fitted onto the body of the vehicle. He further deposed:

“As the fittings in a chassis less vehicle, including the engine, are fitted onto the body of the vehicle, the body or shell of the vehicle cannot be removed without disassembling the entire vehicle. In other words, removal of the body or shell of a chassis less vehicle would result in the removal of all the essential components which mechanically propel the motor vehicle. In addition, having regard to the fact that the chassis and its number are incorporated in the body of the vehicle, the removal of the shell would necessarily entail the removal of the chassis and its number”.

It seems to me that in order for this taxi to be properly described as a locally assembled foreign used vehicle, all the vital parts that comprise the vehicle must be foreign, including the engine. All that would differentiate the vehicle from being a foreign manufactured vehicle would be that it is put together, or assembled in Trinidad and Tobago. There was no evidence that the engine on the taxi was one other than that matching the particulars on the register in respect of HAE 5373. It is to me doubtful whether the mere incorporation into a vehicle already on the register of a foreign part even a body/shell will now clothe it with the description – “locally assembled foreign used vehicle”.

But even assuming that the taxi could be so described, the question remains whether the conclusion of the Licensing Authority is supported by the evidence. It is interesting to note that Mr. Ramdass was emphatic in stating:

“If the inspecting officer suspects that the chassis number on the vehicle being inspected has been tampered or interfered with, then the vehicle is sent to the Forensic Science Centre for testing to confirm whether the chassis number has in fact been tampered or interfered with”.

He went on to state: -

"The visual inspection by the inspecting officer cannot conclusively determine whether a chassis number has been tampered or interfered with. Neither can it conclusively determine that a chassis number has not been tampered or interfered with. Many factors would affect the ability of the inspecting officer to suspect that a particular chassis number has been tampered or interfered with such as the experience of the inspecting officer, the extent of the change, the quality of workmanship in tampering or interfering with the number, and the time frame that has elapsed between the tampering with the chassis number and the inspection".

Apart from the suspicion of tampering and the information in the possession of Mr. Ramdass that Mr. Kelly Williams the previous owner had purchased a foreign body in which the receipt showed a chassis number CYGE-23-011278 and that Mr. Williams had sought permission to install the body on the taxi, but that was never approved, there was nothing to connect the chassis of the taxi with the number CYGE-23-011278. Indeed from all accounts, the number on the chassis was WPGE-23-003532 and it was that, which appeared to have been tampered with. This conclusion that the taxi was this particular foreign used vehicle was arrived at notwithstanding that the vehicle was never inspected at the Forensic Science Centre. Indeed the vehicle was neither sent nor referred to the Centre for examination.

The fact remains, however, that upon inspection the taxi's chassis number appeared to have been tampered with. If indeed that was the case, then the taxi was an unregistered vehicle, since the particulars on the register would be in respect of a different vehicle. In the final analysis, however, the Motor Vehicle Inspector did not issue his certificate thereby preventing the appellant from using the vehicle. No further tests were done to confirm or disprove the appearance of tampering. In these circumstances has the appellant's right to the enjoyment of his property been breached?

In Thakur Persad Jaroo v The Attorney General of Trinidad and Tobago

Civil Appeal No. 78 of 1990, this Court held that no constitutional right had been breached by the State in circumstances in which the motor vehicle of the appellant in that case was detained after it was suspected by the Licensing Authority that the chassis number had been tampered with. The vehicle in that case was sent to the Forensic Science Centre, which confirmed the suspicions of the Licensing Authority. In those circumstances although there was a delay of 6½ months, the Court nevertheless held that the due process clause of the constitution had not been infringed. Hosein J. A. who delivered the judgment of the Court, however, stated:

“While the detention of the vehicle in the circumstances of this case and for the period in question was necessary for the purpose of inquiries and preserving valuable evidence in the event that a criminal charge was preferred against someone, yet in the absence of appropriate criminal proceedings there would be of necessity arise a time beyond which it would be unreasonable to detain the vehicle any longer. It is not possible to stipulate what such a period would be in any given case since much would depend on the circumstances of the particular detention, the diligence with which investigations are pursued, the progress made and any other relevant consideration”.

In the instant case, the taxi was never sent to the Forensic Science Centre to verify what appeared to the Inspector as a tampering with the chassis number. The appellant was merely advised to cease to use it and this situation had continued up to the time of the filing of his motion on the 4<sup>th</sup> September 1997, some ten months after the inspection on the 20<sup>th</sup> November 1996 and indeed up to the present time. There was some evidence that the appellant had been seen driving the taxi on a date after the inspection, but that to my mind was an unrelated occurrence and a separate breach of the law. The undisputed fact is that he was by the non-issue of the Inspector's certificate debarred from using

the taxi on the road. Unlike 'Jaroo' however, the taxi has remained in the possession of the appellant.

The question to be considered is whether in the circumstances of the case the appellant is entitled to Constitutional redress.

At the High Court one of the contentions of the respondent was that the appellant's motion was an abuse of process. It was submitted that it was open to him to have lodged an appeal against the decision of the Inspector with the Trinidad Transport Board. The Trinidad Transport Board is established under section 3 of the Act. One of the functions of the Board is to hear and determine any appeal submitted by any aggrieved person against any order or decision of the Licensing Authority or of an Automotive Licensing Officer. Although Motor Vehicle Inspector is not specifically mentioned as a person from whose decision an appeal lies to the Transport Board, such an officer acts under the direction of the Transport Commissioner who is the Licensing Authority under the Act.

It seems to me therefore that the submission by Attorney for the respondent was well founded. The trial judge in my view was correct in dismissing the motion. Furthermore, it seems to me that the appellant could have proceeded by way of judicial review of the decision of the Motor Vehicle Inspector. Accordingly, parallel remedies were available to the appellant to enable him to have the requisite certificate. We have since had the decision of the Privy Council in Jaroo – (Thakur Persad Jaroo v The Attorney General of Trinidad and Tobago No. 54 of 2000, delivered on the 4<sup>th</sup> of February 2002. Their Lordships re-emphasised the point that the right to apply to the High Court

which section 14(1) of the Constitution provides should be exercised only in exceptional circumstances where there is a parallel remedy. They repeated the time honoured statement by Lord Diplock, in Harrikissoon v Attorney General of Trinidad and Tobago [1980] AC 265, 268:

“The notion that whenever there is a failure by an organ of government or a public authority or public officer to comply with the law this necessarily entails the contravention of some human right or fundamental freedom guaranteed to individuals by Chapter I of the Constitution is fallacious. The right to apply to the High Court under section 6 of the Constitution for redress when any human right or fundamental freedom is or is likely to be contravened, is an important safeguard of those rights and freedoms; but its value will be diminished if it is allowed to be misused as a general substitute for the normal procedures for invoking judicial control of administrative action. In an originating application to the High Court under section 6(1), the mere allegation that a human right or fundamental freedom of the applicant has been or is likely to be contravened is not of itself sufficient to entitle the applicant to invoke the jurisdiction of the court under the subsection if it is apparent that the allegation is frivolous or vexatious or an abuse of the process of the court as being made solely for the purpose of avoiding the necessity of applying in the normal way for the appropriate judicial remedy for unlawful administrative action which involves no contravention of any human right or fundamental freedom”.

No exceptional circumstances were demonstrated in the appellant's motion.

Before concluding I wish to make some observations in light of the conduct of the Licencing Authority in this case. The Asst. Transport Commissioner had deposed that the visual inspection by the Inspecting Officer cannot conclusively determine whether a chassis number has not been tampered or interfered with, but that the vehicle must be sent to the Forensic Science Centre for testing. No such step was taken in this case. Had that been pursued the conclusions might have been revealing as there are some disturbing features in the conduct of the appellant. He had misrepresented the purchase price of the vehicle, tendering a receipt for \$60,000 when he himself had stated that he purchased the taxi for \$105,000, a figure which seems quite high for a vehicle of that age (15 yrs.) thus heightening suspicion that extensive remedial work had

been done on the taxi. He claimed to have purchased the vehicle after the visit to the Licensing Office, when all the evidence showed that he had done so prior to that visit. Finally Salack Sookram, the person in whose name the taxi was registered was not present at the Licensing Office when the transfer was effected.

The appeal is dismissed and the appellant must pay the costs both on the appeal and in the Court below.

L. Jones,  
Justice of Appeal.