

THE TRANSPORT AUTHORITY ACT

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## SCHEDULE

THE TRANSPORT AUTHORITY ACT

[8th July, 1987.]

Acts  
13 of 1987,  
9 of 1998  
S. 8,  
21 of 2005.

*Preliminary*

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|--|-----------------|
| <p>1. This Act may be cited as the Transport Authority Act.</p>  | Short title.    |
| <p>2. In this Act—</p> <p>“Authority” means the Transport Authority established under section 3;</p> <p>“chairman” means the chairman of the Authority;</p> <p>“functions” includes powers and duties;</p> <p>“Inspector” means an Inspector designated as such pursuant to section 12;</p> <p>“member” means a member of the Authority;</p> <p>“public passenger vehicle” and “road licence” shall have the same meaning respectively as in the Road Traffic Act.</p> | Interpretation. |

*Establishment and Functions of the Authority*

<p>3.—(1) There is hereby established a body to be called the Transport Authority which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.</p>	Establishment of Transport Authority.
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<p>(2) The provisions of the First Schedule shall have effect with respect to the constitution of the Authority and otherwise in relation thereto.</p>	First Schedule.
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<p>4.—(1) The functions of the Authority shall be to regulate and monitor public passenger transport throughout the Island and to perform such duties as immediately prior to</p>	Functions of Authority.
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the 8th day of July, 1987, were required to be performed by—

- (a) Licensing Authorities or specially constituted Licensing Authorities under the Road Traffic Act;
- (b) the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control constituted under the Public Passenger Transport (Kingston Metropolitan Transport Region ) Act; and
- (c) the Public Passenger Transport (Rural Area) Board of Control constituted under the Public Passenger Transport (Rural Area) Act.

(2) The Authority may in carrying out its functions under subsection (1)—

- (a) charge and collect such fees as may be prescribed;
- (b) borrow money in accordance with section 9; and
- (c) do such other things as may, in its opinion, be conducive to an efficient public passenger transport system.

Ministerial  
direction.

5.—(1) The Minister may, after consultation with the chairman, give the Authority directions of a general character as to policy to be followed in the performance of its functions in relation to matters appearing to him to concern the public interest.

(2) The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Authority.

Power of  
Authority to  
co-opt.

6.—(1) Subject to subsection (2), the Authority may, if it thinks fit for the purpose of carrying out its functions, co-opt persons who are not members of the Authority to participate in any proceedings of the Authority either generally or in relation to any particular matter.

(2) Any person co-opted pursuant to subsection (1),

shall not be entitled to vote in any proceedings of the Authority.

7.—(1) Subject to subsection (2), the Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a managing director, a secretary, and such other officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act.

Appoint-  
ment  
of man-  
aging di-  
rector, sec-  
retary and  
other  
officers and  
servants.

(2) The Authority shall not—

- (a) assign to any post any salary in excess of the prescribed rate without the prior approval of the Minister; or
- (b) make any appointment to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(3) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government to any office with the Authority and any officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

(4) In subsection (2) the “prescribed rate” means a rate of fifteen thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

### *Financial*

8. The funds of the Authority shall consist of—

- (a) such fees as may be paid to it;
- (b) such other money as may in any manner become payable to or vest in the Authority in respect of its functions;

Funds of  
Authority,

- (c) moneys borrowed by the Authority pursuant to section 9 for the purpose of meeting any of its obligations or performing its functions.

**Borrowing powers.**

9.—(1) Subject to subsection (2), the Authority may borrow sums required by it for meeting any of its obligations or performing its functions.

(2) The power of the Authority to borrow shall be exercisable only with the approval of the Minister after consultation with the Minister responsible for finance as to the amount, as to the sources of borrowing and as to the terms on which the borrowing may be effected; and an approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and shall be subject to such conditions as the Minister responsible for finance may stipulate.

**Accounts and audit.**

10.—(1) The Authority shall keep proper accounts of its transactions and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister being a form which conforms with established accounting principles.

(2) The accounts of the Authority shall be audited by auditors appointed annually by the Authority and approved by the Minister.

(3) The members, officers and servants of the Authority shall grant to the auditors appointed under subsection (2) access to all books, documents, cash and securities of the Authority and shall give to them on request all such information as may be within their knowledge in relation to the operation of the Authority.

(4) Where an auditor is appointed under subsection (2) the auditor's fee shall be paid by the Authority.

11.—(1) Within five months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, the Authority shall cause to be prepared and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.

Annual report.

(2) The Minister shall cause a copy of the report, together with the annual statement of accounts and the auditor's report thereon, to be laid on the Table of the House of Representatives and of the Senate.

*Inspectors*

12.—(1) The Minister may, for the purpose of inspecting and monitoring the operations of all public passenger vehicles, designate as Inspectors, on such terms and conditions as he thinks fit, public officers or persons employed by the Authority who, in his opinion, are by training and experience qualified to be so designated.

Power of Minister to designate Inspectors.

(2) The designation of a person as an Inspector under subsection (1) shall be notified in the *Gazette*.

13.—(1) An Inspector or a Constable may at any time—

- (a) stop and inspect any public passenger vehicle to ensure compliance with the terms of the road licence and any relevant road traffic enactments;
- (b) stop and inspect any vehicle which he reasonably suspects is operating as a public passenger vehicle contrary to relevant road traffic enactments;
- (c) monitor the frequency of public passenger vehicles on any route;
- (d) carry out an inspection of conductors and drivers of public passenger vehicles and the licences held by these conductors and drivers;
- (e) carry out such powers or duties in relation to relevant road traffic enactments as may be prescribed.

Duties and powers of Inspectors and Police.

(2) An Inspector or a Constable shall have power—

21/2005  
S. 2(a)(i).

- (a) to seize any vehicle which—
- (i) is licensed as a stage carriage, express carriage or route taxi and is not being operated on the route for which it is licensed to operate;
  - (ii) is licensed as a hackney carriage and is being operated as a stage carriage, route taxi or express carriage;
  - (iii) is licensed as a contract carriage and is being operated as a stage carriage, route taxi or express carriage;
  - (iv) is licensed as an express carriage and is being operated as a stage carriage or route taxi; or
  - (v) is being operated or used as a public passenger vehicle without a licence issued for such operation or use;
- (b) to take or cause to be taken to the nearest police station or to the nearest convenient place authorized by the police pursuant to subsection (3) (a) any vehicle which is seized under paragraph (a);
- (c) to prosecute any person for any contravention of a relevant road traffic enactment and to serve on any person any process, summons or document relating to such prosecution or contravention;
- (d) to give the owner, driver or operator of a public passenger vehicle directions consistent with the road licence and as may be necessary, in the opinion of the Inspector or a Constable, to ensure orderly, safe and efficient operation of public passenger transport in any area;
- (e) to enter during office hours the business premises of a holder of a licence issued under the Public Passenger Transport (Kingston Metropolitan Transport Region) Act or an exclusive licence issued under the Public Passenger Transport (Rural Area) Act, as the case may be, for the purpose of—

21/2005  
S. 2(a)(ii).

9/1998  
S. 8.



- (i) examining the books, records or other documents relating to the transport business carried on by the holder of that licence or exclusive licence; or
- (ii) making copies of such books, records or documents.

(3) Where under this section a vehicle is seized—

- (a) the vehicle may be stored by the police or the Authority in such place and in such circumstances as the police or the Authority consider appropriate; 21/2005  
S. 2(b).
- (b) storage fees shall become payable to such persons at such rates and in accordance with such conditions as may be prescribed under the Road Traffic Act; and
- (c) if the vehicle remains in the possession of the police or the Authority for more than six months the vehicle may, subject to such conditions as may be prescribed under the Road Traffic Act, be sold by the police or the Authority to recover the cost of storage. 21/2005  
S. 2(b).

(3A) The proceeds of sale of a vehicle seized under subsection (3) shall be paid to the Accountant-General. 21/2005  
S. 2(c).

(3B) If, on the application of a person not later than one year after the sale of a vehicle seized under subsection (3), the Authority is satisfied that the applicant was at the time of the seizure the owner of the vehicle, or was entitled to the vehicle as the personal representative of the owner, the Authority shall authorize payment to that person of the amount paid to the Accountant-General in respect of that vehicle, less the costs incurred in keeping and selling or otherwise disposing of the vehicle.

(4) In this section “relevant road traffic enactments” means—

- (a) this Act, the Public Passenger Transport (Kingston Metropolitan Transport Region) Act, the Public Passenger Transport (Rural Area) Act and any regulations made under any of those Acts; and

- (b) the provisions of the Road Traffic Act and regulations thereunder insofar as those provisions relate to public passenger vehicles.

How vehicle  
to be sold.  
21/2005  
S. 3.

**13A.—**(1) All vehicles which may be sold under section 13 (3) (c) shall be sold by public auction at such time as the Authority thinks necessary, and the person employed to conduct the public auction shall cause—

- (a) the vehicles to be exposed to public view;  
(b) lists thereof to be conspicuously displayed at the offices of the Authority and published in a daily newspaper; and  
(c) an advertisement giving notice of such sale to be published in a daily newspaper one month before such sale.

(2) Where vehicles remain unsold after they have been put up for sale by public auction, the Authority may, if it thinks fit, sell those vehicles by private treaty or cause them to be destroyed or otherwise disposed of as it thinks fit.

Offences in  
relation to  
Inspectors.

9/1998  
S. 8.

**14.—**(1) Any person who fails to comply with any lawful directions under section 13 (2) (d) commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who impersonates an Inspector under this Act commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

21/2005  
S. 4(a).

(3) Any person who—

- (a) assaults, hinders or resists an Inspector in the lawful carrying out of the Inspector's duties;

- (b) aids or abets any person to assault, hinder or resist any Inspector in the lawful carrying out of the Inspector's duties;
- (c) uses any abusive or calumnious language to an Inspector in the lawful carrying out of the Inspector's duties;
- (d) uses any threatening language to or behaves in a manner which is threatening or intimidatory to an Inspector while he is lawfully carrying out his duties as an Inspector; or
- (e) incites any person—
  - (i) to assault, hinder or resist an Inspector;
  - (ii) to use abusive or calumnious language to an Inspector;
  - (iii) to use any threatening language or to behave in a manner which is threatening or intimidatory to an Inspector,

in the lawful carrying out of the Inspector's duties, commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

21/2005  
S. 4(b).

15. In any action or other legal proceedings brought against any Inspector in respect of any act done in pursuance or execution or intended execution of this Act or the regulations made thereunder the plaintiff shall not recover unless he alleges in his pleadings and proves at the trial that such act was done either maliciously or without reasonable and probable cause.

Proceedings  
against  
Inspector  
under this  
Act.

### *General*

16. The Authority may, with the approval of the Minister, prescribe, by order published in the *Gazette*, the fares payable on any public passenger vehicle.

Authority  
may  
prescribe  
fares.

Release of  
seized  
vehicles, etc.  
21/2005  
S.5.

**16A.—(1)** Where a vehicle is seized in the circumstances specified in section 13 (2) (a) (i), (ii), (iii) or (iv), the Court may, on an application made by its owner, release the vehicle to the owner, or operator before the matter is determined if the owner has—

- (a) paid to the Authority fees for the removal and storage of the vehicle; and
- (b) submitted to the Court, a bond, with such sureties as the Court may determine, in an amount not less than the minimum fine prescribed in respect of an offence under section 61(5) of the Road Traffic Act.

(2) Where the owner, driver or operator of a vehicle referred to in section 13 (2) (a) (i) to (iv) who is charged pursuant to section 61(5) of the Road Traffic Act—

- (a) is acquitted of the charge, the amount paid under the bond and the fees paid associated with removal and storage shall be refunded to the owner; or
- (b) is convicted of the charge and the amount paid under the bond is greater than the amount of the fine imposed, a refund of the difference shall be made to the owner.

Penalties.

**17.—(1)** Any person who offers, gives or promises to give money or money's worth to any Inspector or any member, officer, employee or servant of the Authority—

- (a) so as to secure an advantage in relation to any function of the Authority or the performance of any duty of the Inspector, member, officer, employee or servant; or
- (b) so that the Inspector, member, officer, employee or servant may perform or refrain from performing any function of the Authority or any duty which is assigned to such Inspector, member, officer, employee or servant,

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment. 21/2005  
S. 6(a).

(2) Any Inspector or any member, officer, employee or servant of the Authority or any person purporting to act on his own behalf or on behalf of any Inspector or any member, officer, employee or servant of the Authority, who solicits, receives or agrees to receive for himself or any other person money or money's worth—

- (a) as an inducement, in connection with the business of the Authority, to show preference or have preference shown to any person; or
- (b) as a reward for showing preference or, as the case may be, having preference shown, as mentioned in paragraph (a),

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment. 21/2005  
S. 6(b).

(3) No prosecution for an offence punishable under subsection (1) or (2) shall be instituted except by or with the consent of the Director of Public Prosecutions.

**18.—**(1) The Minister may make regulations generally for giving effect to the provisions of this Act and, without prejudice to the generality of the foregoing, may make regulations— Regulations.

- (a) prescribing and regulating the duties and powers of Inspectors;
- (b) prescribing fees;

- (c) regulating the carriage of passengers on public passenger vehicles;
- (d) regulating all matters affecting the appearance, whether of the interior or the exterior, of public passenger vehicles and the design and specifications of motor vehicles which may be used in providing public passenger transport service;
- (e) prescribing the manner in which public passenger vehicles may be marked or identified;
- (f) prescribing records to be kept by drivers of public passenger vehicles;
- (g) prescribing tickets to be issued on public passenger vehicles and the form, time and manner in which such tickets shall be issued to passengers;
- (h) prescribing uniforms or other means of identification to be used by Inspectors; and prohibiting unauthorized persons from using in a public place any form of dress having the appearance of such uniform or bearing any distinctive marks of such uniform;
- (i) regulating the training of Inspectors.

(2) The Minister may, in making regulations under subsection (1), limit the applicability of all or any of those regulations to any specified area.

(3) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under subsection (1) may provide that on summary conviction in a Resident Magistrate's Court the penalties which may be imposed

shall not exceed a fine of two thousand dollars or imprisonment for a term not exceeding six months or both such fine and imprisonment.

(4) Except insofar as this Act otherwise provides, any power conferred thereby to make regulations may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised—
  - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases in relation to which the power is exercised or different provisions for different cases or class of case, or different provision as respects the same case or class of case for different purposes of the Act;
  - (iii) any such provision either conditionally or subject to any specified condition.

(5) Any regulations under this Act may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations and, without prejudice to the generality of the foregoing and notwithstanding anything in the Road Traffic Act, may make different provisions with respect to different descriptions of motor vehicles specified in the regulations.

Construction of references to a Licensing Authority, the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control and the Public Passenger Transport (Rural Area) Board of Control.

**19.—(1)** From and after the 8th day of July, 1987—

- (a) any reference to a Licensing Authority or to a specially constituted Licensing Authority in the Road Traffic Act; or
- (b) any reference to the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control in the Public Passenger Transport (Kingston Metropolitan Transport Region) Act; or
- (c) any reference to the Public Passenger Transport (Rural Area) Board of Control in the Public Passenger Transport (Rural Area) Act,

shall be construed as a reference to the Transport Authority established under this Act; and accordingly as regards any such Licensing Authority or Board of Control reference in any other Act or regulations or instrument in writing issued pursuant to any statutory power which is in force and has effect at the 8th day of July, 1987, shall be construed as a reference to the Transport Authority constituted by this Act.

(2) The Minister may, by order, make such adaptation or modification in the Road Traffic Act, the Public Passenger Transport (Kingston Metropolitan Transport Region) Act, the Public Passenger Transport (Rural Area) Act or in any other Act or regulations as may be necessary or expedient by reason of anything contained in subsection (1).



FIRST SCHEDULE

(Section 3)

*Constitution and Procedure of the Authority*

1.—(1) The Authority shall consist of five *ex officio* members and not less than two or more than four appointed members. **Constitution of the Authority.**

(2) The *ex officio* members shall be the Solicitor-General or his nominee, the Permanent Secretary in the Ministry of Public Utilities and Transport or his nominee, the Commissioner of Police or his nominee, the Chief Technical Director or his nominee and the person appointed managing director of the Authority.

(3) The appointed members shall be appointed by instrument in writing by the Minister.

(4) The Minister shall appoint one of the appointed members to be chairman.

(5) A member who is directly or indirectly interested in any matter which is being dealt with by the Authority—

(a) shall disclose the nature of his interest at a meeting of the Authority; and

(b) shall not take part in any deliberation or decision of the Authority with respect to that matter.

(6) In the case of the absence or inability to act of the chairman, the Minister may appoint some other person to act temporarily in the place of the chairman.

2. An appointed member of the Authority shall, subject to the provisions of this Schedule, hold office for a period of three years from the date of his appointment or for such lesser period as the Minister may specify at the time of appointment and every such member shall be eligible for reappointment. **Tenure of office.**

3. Subject to sub-paragraph (6) of paragraph 1 the Minister may, in the case of the absence or inability to act of any appointed member, appoint any person to act temporarily in the place of that appointed member. **Temporary appointment.**

4.—(1) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such resignation by the Minister. **Resignations.**

(2) Any appointed member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

5. The Minister may at any time revoke the appointment of the chairman or of any appointed member. **Revocation of appointments.**

- Filling of vacancies.** 6. If any vacancy occurs in the appointed membership of the Authority such vacancy shall be filled by the appointment of another person as appointed member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous appointed member was appointed.
- Gazetting of appointments.** 7. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Leave.** 8. The Minister may, on the application of any appointed member or the *ex officio* member who is the managing director, grant leave of absence to such member.
- Seal and execution of documents.** 9.—(1) The seal of the Authority shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the chairman or any other member of the Authority authorized to act in that behalf and the secretary thereof.
- (2) The seal of the Authority shall be authenticated by the signatures of any member authorized to act in that behalf and the secretary.
- (3) All documents other than those required by law to be under seal, made by and all decisions of the Authority, may be signified under the hand of the secretary or the chairman or any other member or officer of the Authority authorized to act in that behalf.
- Procedure and meetings.** 10.—(1) The Authority shall meet as often as may be necessary or expedient for the transaction of its business, so, however, that the Authority shall meet at least once every three months and such meetings shall be held at such places and times and on such days as the Authority may determine.
- (2) The chairman may at any time call a special meeting of the Authority, and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members.
- (3) The chairman shall preside at meetings of the Authority and if the chairman is absent from a meeting the members present shall elect one of their number to preside at the meetings.
- (4) The quorum of the Authority shall be five.
- (5) The decisions of the Authority shall be by a majority of votes and in addition to an original vote the chairman or other member presiding at a meeting shall have a casting vote in any case in which the voting is equal.

11. No act done or proceeding taken under this Act shall be questioned on the ground— **Protection of Authority.**

(a) of the existence of any vacancy in the membership of, or any defect in the constitution of, the Authority; or

(b) of any omission, defect or irregularity not affecting the merits of the case.

12.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* in the execution or intended execution of this Act. **Protection of members.**

(2) Where any member is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent it would be if that member were a servant or agent of the Authority.

13. There shall be paid from the funds of the Authority to the chairman and other members of the Authority and to persons co-opted by the Authority under section 6 such remuneration (whether by way of salaries or travelling or other allowances) as the Minister may determine. **Remuneration of members.**