

# ABILL

ENTITLED

AN ACT to Amend the Transport Authority Act

[ ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

## PART I—*Preliminary*

1.—(1) This Act may be cited as the Transport Authority (Amendment) Act, 2022, and shall be read and construed as one with the Transport Authority Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title,  
construction  
and  
commence-  
ment.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette* (hereinafter referred to as the appointed day).

PART II—*Amendments*

- Amendment of Act.      **2.** The principal Act is amended by deleting the heading “*Preliminary*” and substituting therefor the words “PART I. *Preliminary*”.
- Amendment of section 2 of principal Act.      **3.** Section 2 of the principal Act is amended—
- (a) by renumbering the section as subsection (1) of section 2;
  - (b) by deleting the definitions of “public passenger vehicle” and “road licence”;
  - (c) in subsection (1), as renumbered, by inserting in their correct alphabetical sequence, the following definitions—
    - “ “Appeal Tribunal” or “Tribunal” means the Public Transport Appeal Tribunal established under section 15AP;
    - “authorization” means an authorization granted by the Authority under section 15J;
    - “authorized officer” means—
      - (a) an Inspector;
      - (b) a member, an officer or an employee of the Authority;
    - “carriage” includes haulage;
    - “carrier’s licence” means a carrier’s (hireage) licence or a carrier’s (non-hireage) licence granted by the Authority under section 15AD;
    - “certificate of fitness” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;
    - “commercial carrier” has the meaning assigned to it by subsection (2);
    - “commercial motor vehicle” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;

“conductor” means the person hired or employed to collect fares, issue tickets and responsible for the movement of passengers to board and to disembark from a public passenger vehicle;

“conductor’s licence” means a licence granted by the Authority under section 15L(3);

“Corporate Area” means the area defined in Part I of the Fifth Schedule;

Part I.  
Fifth  
Schedule.

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“electronic document” has the meaning assigned to it by section 2 of the Electronic Transactions Act;

“emergency road licence” means a licence granted by the Authority under section 15F(1) in accordance with section 15F(4);

“exclusive licence” means the provision of public passenger transport services within a Licensed Area pursuant to a licence granted under section 15N;

“fare” means the sum payable for or on behalf of a passenger to be transported by a motor vehicle;

“fit and proper person” has the meaning assigned to it by subsection (4);

“franchise holder” means the holder of an exclusive licence;

“goods” includes goods or a burden of any description;

“government company” has the meaning assigned to it by section 2 of the Financial Administration and Audit Act;

“Island Traffic Authority” has the meaning assigned to it by section 3 of the Road Traffic Act, 2018;

Part II.  
Fifth  
Schedule.

“Kingston Metropolitan Transport Region” means the Corporate Area together with the area specified in Part II of the Fifth Schedule;

“Licensed Area” means an area in respect of which an exclusive licence is in force; and, in relation to a franchise holder means the area in respect of which such a licence has been granted to that franchise holder;

“Local Authority” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;

“market service” means a service of stage carriages or express carriages for the carriage of passengers and goods between any place within a Licensed Area;

“market service licence” means a licence granted under section 15Z;

“motor vehicle” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;

“public passenger vehicle” means a motor vehicle licensed by the Authority to carry passengers for hire or reward;

“road” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;

“road licence” means a licence granted by the Authority under section 15F(1)(a);

“route” means a defined path with points of origin, destination and termination established by the Authority on which a public passenger vehicle is licensed to operate;

“Rural Area” means that part of Jamaica which is not within the Kingston Metropolitan Transport Region;

“Tax Administration Jamaica” has the meaning assigned to it by section 4 of the Tax Administration Jamaica Act;

“trailer” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;”;

(d) inserting next after subsection (1), as renumbered, the following—

“ (2) Subject to subsection (3), a motor vehicle constructed, adapted or used for the carriage of goods or burden of any description and any other motor vehicle, including tractors and trailers used for a purpose specified in section 15AE(1)(b) is a commercial carrier for the purpose of this Act.

(3) The following motor vehicles are not commercial carriers—

- (a) a motor vehicle used by its owner for his personal conveyance in the pursuits of his profession or business, and any use of the motor vehicle for carriage or haulage, which is not for hire or reward, but incidental to such personal use;
- (b) a motor vehicle registered as a private motor car under the Road Traffic Act, 2018, by reason only of its use for carriage or haulage in extraordinary circumstances;
- (c) a public passenger vehicle.

(4) For the purposes of this Act a person is a fit and proper person if—

- (a) the person—
  - (i) is not an undischarged bankrupt;

- (ii) has not been convicted of any offence involving fraud, dishonesty or moral turpitude during the period of five years immediately preceding the date of an application made under this Act;
  - (iii) is a person of sound probity, able to exercise due competence and sound judgment;
- (b) in relation to the person, there are no circumstances that are likely to lead to improper conduct in the provision of public passenger transportation services or the commercial carriage of goods;
- (c) in the case of a body corporate—
  - (i) it is not in the course of being wound up or liquidated; or
  - (ii) a receiver has not been appointed in respect of that body corporate;
  - (iii) a director, a general manager, the secretary or other similar officer of that body purporting to act in any such capacity is a fit and proper person; or
- (d) in respect of an individual acting as a conductor—
  - (i) there are no circumstances that are likely to lead to improper conduct in the provision of public transportation services;

- (ii) the individual does not suffer from such physical or mental infirmity that he is incapable of discharging the duties of a conductor.

(5) For the purposes of subsection (4)(a)(iii), the Authority shall have regard to any evidence that in the provision of public passenger transport services, including the treatment of public passengers, or commercial carriage of goods, the person has consistently engaged in practices appearing to the Authority—

- (a) to be deceitful or otherwise improper;
- (b) as demonstrating a lack of competence and expertise; or
- (c) that endanger the safety and security of passengers or any other road user.

(6) In Part IV, references to the variation of the conditions of an exclusive licence shall be construed as including references to the cancellation of any condition or the insertion of an additional condition.

(7) For the purposes of Part IV, the Minister may, by order—

- (a) define the limits of any area (being part of the Rural Area) in relation to which applications for exclusive licences may be made; and
  - (b) in like manner, at any time, whether before or after the grant of an exclusive licence in relation to any such area alter the limits of that area.”; and
- (e) by deleting the heading “*Establishment and Functions of the Authority*” and substituting therefor the words “PART II.

*Establishment and Functions of the Authority”.*

Amendment  
of section 4  
of principal  
Act.

**4. Section 4 of the principal Act is amended—**

- (a) by deleting subsection (1) and substituting therefor the following—

“ (1) The functions of the Authority shall be to regulate and monitor public passenger transport and commercial carriage of goods, by road throughout Jamaica, including—

- (a) the licensing of public passenger vehicles, commercial carriers, and for the provision of market service;
- (b) the conduct of inspections for compliance with the terms of any licence granted under this Act and the provisions of the Road Traffic Act, 2018, and regulations thereunder insofar as those provisions relate to public passenger vehicles or commercial carriers or the operation thereof, including the suitability and fitness of motor vehicles;
- (c) the establishment and maintenance of registers in respect of the motor vehicles licensed for commercial carriage and haulage, for use as public passenger vehicles and the owners of such vehicles, licensed drivers and conductors in relation thereto;
- (d) the developing and implementing of plans, standards and other measures for the improvement of public passenger transportation and commercial carriage;
- (e) preparing, conducting and authorizing sensitization and training programmes for licensees, public officers and members of the public in the provision, use and regulation



of public passenger vehicles and commercial carriers;

- (f) conducting research, data analysis and consultations as necessary in support of the performance of its functions;
- (g) advising and making recommendations to the Minister on the grant of exclusive licences and matters of general policy relating to public passenger transportation and commercial carriage;
- (h) the constructing and managing of facilities necessary for the provision of, or related to, public transport services; and
- (i) the performing of such other duties as may be prescribed under any other enactment.”; and

- (b) in subsection (2), by inserting next after the words “public passenger transport” the words “and commercial carriage”.

5. The principal Act is amended by inserting next after section 5 the following—

“Delegation. 5A.—(1) Subject to subsection (2), the Authority may, with the approval of the Minister, delegate to any person the performance of its functions (other than the power of delegation, any power delegated by the Minister to the Authority and the power to prescribe fares) as it may, from time to time, consider to be necessary.

(2) A delegation under this section may be made in respect of any particular matter or class of matters or generally or may be limited to any area, or any part thereof, and may be made subject to such terms and conditions as the Authority thinks fit.

Insertion of  
new section  
5A in  
principal Act.

(3) A delegation under this section—

- (a) may at any time be revoked by the delegating Authority;
- (b) while in force, shall not prevent the discharge by the Authority of any function thereby delegated.”.

Amendment of section 7 of principal Act.

**6.** Section 7 of the principal Act is amended by deleting subsection (4) and substituting therefor the following—

“ (4) In subsection (2), the “prescribed rate” means a rate of three million five hundred thousand dollars per annum or such higher rate as the Minister may, by order, prescribe, with the approval of the Minister with responsibility for the public service.”.

Amendment of section 11 of principal Act.

**7.** Section 11 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

“ (1) As soon as possible after the end of each financial year and not more than four months thereafter, the Authority shall cause to be prepared and transmit to the Minister an annual report dealing generally with the activities of the Authority during the preceding financial year, including audited financial statements.”.

Amendment of section 12 of principal Act.

**8.** Section 12(1) of the principal Act is amended by inserting immediately after the words “public passenger vehicles” the words “and commercial carriers”.

Repeal and replacement of section 13 of principal Act.

**9.** The principal Act is amended by deleting section 13 and substituting therefor the following—

“Duties and powers of Inspectors and Police. 13.—(1) An Inspector or a Constable may at any time—

- (a) stop and inspect any public passenger vehicle or commercial carrier to ensure compliance with the terms of a licence and the provisions of this Act;
- (b) stop and inspect any motor vehicle which he reasonably suspects is operating as a

public passenger vehicle or commercial carrier contrary to the provisions of this Act and in respect of such vehicle, may take a statement from a person who is a passenger in that vehicle;

- (c) monitor the frequency of public passenger vehicles on any route;
- (d) carry out an inspection of—
  - (i) drivers and conductors of public passenger vehicles;
  - (ii) drivers of commercial carriers;
  - (iii) the licences held by the persons referred to in sub-paragraphs (i) and (ii);
- (e) carry out such other powers or duties in relation to this Act as may be prescribed.

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

- (a) to seize any vehicle which is being operated or used as a public passenger vehicle or a commercial carrier without a valid licence granted 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 this Act and to serve on any person any notice, process, summons or other document relating to such prosecution or contravention;

- (d) to give directions to passengers, owners and drivers of a public passenger vehicle and commercial carriers, consistent with the applicable licence as may be necessary, in the opinion of the Inspector or Constable, to ensure the orderly, safe and efficient operation of public passenger transport and commercial carriage in any area;
- (e) to enter during office hours the business premises of a holder of a licence issued under this Act for the purpose of—
  - (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;
- (f) to serve documents on any person.

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

- (a) the vehicle may be stored by the Police or Authority in such place and in such circumstances as the police or the Authority consider appropriate; and
- (b) storage fees shall become payable to such persons at such rates and in accordance with such conditions as may be prescribed.”.

**10.** The principal Act is amended by deleting section 13A and inserting therefor the following—

Amendment  
of section  
13A of  
principal Act.

“ Forfeiture  
of seized  
vehicles.

13A.—(1) Where a motor vehicle is seized by an Inspector or the Police under section 13(2)(a), the Police or the Authority may apply to the Parish Court having jurisdiction for the forfeiture of the motor vehicle, and, if the court is satisfied, on a balance of probability, that the motor vehicle has remained in the possession of the Police or the Authority for more than six months, the Parish Court may order the forfeiture of the motor vehicle.

(2) Where the Police or the Authority, as the case may be, proposes to apply for forfeiture of any motor vehicle under subsection (1), the Police or the Authority shall give to any person who, to the knowledge of the Police or the Authority, was the owner at the time of the seizure, notice of the seizure of the vehicle and of the person’s intention, after the expiration of thirty days from the date of the notice of the seizure of the motor vehicle, to apply for the forfeiture of the motor vehicle and of the grounds for the forfeiture.

(3) Without prejudice to any other form of notification or service, notification may, for the purposes of subsection (2), be made by publication in a daily newspaper circulated in Jamaica.

(4) Any person having a claim to any motor vehicle seized under section 13(2)(a) may appear before the court on the hearing of the application and show cause why an order for forfeiture should not be made.

(5) Where, on hearing of an application pursuant to subsection (1) for forfeiture of a motor vehicle, the court is satisfied, on a balance of probability, that a motor vehicle, seized and remaining in the possession of the Police or the Authority for

more than six months, has been abandoned, the court may make an order under subsection (1).

(6) Where a motor vehicle has been involved in the commission of an offence, the cost and expenses incurred in the removal and storage of the seized motor vehicle may be recovered by the Government as a civil debt in a Parish Court, and an order for payment may be made by the court in the same proceeding where a person is convicted under this Act.

(7) Any person prejudiced by an order made by the court under subsection (1), may make an application to the court for the revocation of the order, and, if the court is satisfied that it is just to revoke the order, the court—

- (a) may revoke the order upon such terms and conditions as it deems appropriate; and
- (b) shall require the applicant to pay in respect of storage, maintenance, administrative expenses, security and insurance of the motor vehicle, such costs as shall be incurred by the person who exercised the powers of removal or seizure, subject to the cost having been approved by the court as reasonable.

(8) Subject to this section, where by virtue of any provision made by or pursuant to this Act, a motor vehicle, upon seizure, has been removed and has remained in the possession of the Police, or the Authority, for more than six months, the Police or the Authority may, if it appears that the vehicle has been abandoned, sell or otherwise dispose of the vehicle and—

- (a) apply the proceeds of sale of the motor vehicle in or towards satisfaction of any

costs incurred by the the Police or the Authority in connection with the removal, storage and disposal of the motor vehicle;

- (b) recoup from the owner any costs as aforesaid which are not satisfied under paragraph (a);
- (c) any sums received by the Police or the Authority on sale of the motor vehicle, after deducting any sum applied thereof by virtue of paragraphs (a) and (b), shall be paid to the owner, or if the owner cannot be identified, be paid to the Accountant-General and if not claimed within six months, paid to the Consolidated Fund.

(9) A power of disposal conferred under subsection (8) shall not be exercisable in the case of a motor vehicle unless the Police or the Authority, as the case may be, has obtained an order for forfeiture in accordance with this section.

(10) An application under subsection (7) for the revocation of an order shall be made within thirty days of the date of the order or within such greater time, not exceeding six months after the date of the order as the court may allow.

How motor  
vehicle  
to be sold.

13B.—(1) All motor vehicles which may be sold under section 13A 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 motor 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 motor vehicles remain unsold after they have been put up for sale by public auction, the Authority may, if it thinks fit, sell those motor vehicles by private treaty or cause them to be destroyed or otherwise disposed of as it thinks fit.

Legal professional privilege.

13C. Nothing in section 13(2)(e) shall be construed as authorising the seizure, examination or taking of copies by an Inspector or Constable of any document that is subject to legal professional privilege.”.

Amendment of section 14 of principal Act.

**11. Section 14 of the principal Act is amended—**

- (a) in subsection (1), by deleting all the words after the words “commits an offence” and substituting therefor a full stop;
- (b) in subsection (2), by deleting all the words after the words “commits an offence” and substituting therefor a full stop;
- (c) in subsection (3)—
  - (i) in paragraph (e)(i), by inserting immediately after the words “an Inspector” the words “in the lawful carrying out of the Inspector’s duties”;
  - (ii) by deleting all the words after paragraph (e), and substituting therefor, back to the margin of the subsection, the words “commits an offence.”;
- (d) by inserting next after subsection (3) the following—
 

“ (4) A person who makes any statement or representation, whether in writing or not, which conveys or is likely to convey the impression that any person who is not the holder of a licence under this Act is so licensed, commits an offence.”.



12. The principal Act is amended by inserting next after section 14 the following—

Insertion of  
new sections  
14A and 14B  
in principal  
Act.

“Offences by  
public  
passengers,  
*etc.*”

14A.—(1) A person who, while boarding, on board or disembarking from a public passenger vehicle—

- (a) threatens with violence a driver, conductor or passenger of that public passenger vehicle; or
- (b) does an act which endangers or which is likely to endanger a driver, conductor or passenger of a public passenger vehicle,

commits an offence.

(2) A person who—

- (a) while in a public passenger vehicle uses any threatening, abusive or insulting words towards the driver, conductor or a passenger thereof;
- (b) while in a public passenger vehicle behaves in a threatening, abusive, insulting or disorderly manner towards the driver, conductor or a passenger of the public passenger vehicle;
- (c) wilfully interferes with or hinders the performance of the driver or conductor of a public passenger vehicle while the vehicle is in use providing public transportation service; or
- (d) wilfully interferes with a passenger or wilfully hinders or obstructs a person boarding or disembarking from a public passenger vehicle,

commits an offence.

Protection of  
officers, *etc.*,  
of Authority.

14B.—(1) No liability is incurred by an officer, an employee or an agent of the Authority, as a result of anything done by him, in good faith, in the performance

of any function under this Act, that is to say an officer, an employee or an agent charged with and discharging responsibilities in support of the functions of the Authority.

(2) No action, suit or other proceedings may be brought or instituted personally against a person referred to in subsection (1), in respect of any act done or omission made, in good faith, in the course of carrying out the provisions of this Act.

(3) Where a person is exempt from liability by reason only of the provisions of subsections (1) and (2), the Authority shall be liable to the extent it would be if that person were an employee or agent of the Authority.”.

Amendment  
of section  
15A of  
principal Act.

**13. The principal Act is amended—**

(a) by inserting next after section 15 the following heading—

“PART III—*Public Passenger Vehicles*”; and

(b) in section 15A—

(i) in subsection (1)(e), by deleting the words “thirty kilometres” and substituting therefor the words “forty kilometres”;

(ii) in subsection (2), by deleting the words “Subject to section 21 of the Public Passenger Transport (Corporate Area) Act, a public” and substituting therefor the words “A public”; and

(iii) by inserting next after subsection (2), the following—

“ (2A) Subject to subsection (2B), contract carriages shall not stand or ply for hire on any road or in any place whatsoever in public view and to which the public may have access.

(2B) Subsection (2A) shall not apply to the use of certain sections of any road, or any other place whatsoever to which the public may have access as stands for contract carriages under subsection (3) or any other law.

(2C) The driver of a contract carriage who contravenes subsection (2A) commits an offence.”.

**14.** The principal Act is amended by—

- (a) inserting next after section 15A, the following—

Insertion of  
new sections  
15B to 15AR  
in principal  
Act.

“ Road  
licences.

15B.—(1) Subject to the provisions of sections 15D and 15J, no person shall use or cause or permit a motor vehicle to be used on any road as a public passenger vehicle unless he is the holder of a road licence to use that motor vehicle in the manner specified under the road licence.

(2) A person who is the holder of a road licence for a stage carriage, an express carriage, a contract carriage, a hackney carriage or route taxi, shall be entitled to use the motor vehicle authorized for use under the licence as such, respectively, in the manner specified in section 15A(1).

(3) A person who is the holder of a road licence authorizing the use of a motor vehicle as a stage carriage or route taxi may use the motor vehicle as a contract carriage or as an express carriage, subject to any conditions attaching to the licence.

(4) A person who is the holder of a road licence authorizing the use of a motor vehicle as an express carriage may use the motor vehicle as a contract carriage, subject to any conditions attaching to the licence.

(5) In the case of a service of stage carriages, a person who is the holder of a road licence authorizing a motor vehicle for use as an express carriage may use the motor vehicle on a service of stage carriages, if the Authority authorizes such use, in writing, in accordance with subsection (6).

(6) The Authority shall give the authorization referred to in subsection (5), if the Authority thinks that the motor vehicle may in any special circumstances, including the character of the service, properly be so used on the service of stage carriages.

(7) The Authority may revoke an authorization granted under subsection (5).

(8) A road licence shall not be transferred or assigned.

(9) A person carrying on the business of the holder of a licence issued in respect of a stage or express carriage service may continue for the time being the service in the event of—

- (a) the death, incapacity, bankruptcy or liquidation of the holder; or
- (b) the appointment of a receiver or manager in relation to the business as enabled under this Act.

(10) A person who contravenes subsection (1) commits an offence.

Application  
for road  
licence.

15C.—(1) An application for a road licence shall be made to the Authority in writing, in the prescribed form and manner on payment of the prescribed fee.

(2) An application made under subsection (1) shall be submitted to the Authority accompanied—

- (a) by a document specifying the particulars of the type or types of motor vehicle to be used;
- (b) in respect of the motor vehicle, by—
  - (i) the certificate of fitness issued by the Island Traffic Authority;
  - (ii) a policy of insurance in respect of third party risks in compliance with section 4 of the Motor Vehicles Insurance (Third-Party Risks) Act;
  - (iii) proof of the licensing and registration thereof in accordance with the Road Traffic Act, 2018;
  - (iv) a document certifying that the motor vehicle is in a fit and serviceable condition suitable for use as a public passenger vehicle issued by the Island Traffic Authority;

- (c) in respect of the applicant, by—
  - (i) in the case of an individual, a valid police record, current proof of address and a valid government issued picture identification;
  - (ii) in the case of a body corporate, proof of incorporation or registration under the law, as applicable to the body corporate; and
  - (iii) Taxpayer's Registration Number;
- (d) in the case of an application for a road licence in respect of a stage carriage or express carriage, by—
  - (i) a document setting out the proposed route, the time-tables and fare tables of the services proposed to be provided, the frequency of the services and the

times to be taken on the journeys included in those services;

(ii) a statement as to the need for the proposed services; and

(iii) the name and address of the intended driver and, if applicable, the conductor for the motor vehicle, and in the case of the driver, the number, date of issue and expiry of his driver's licence;

(e) any representations made by the Island Traffic Authority under section 15F(2)(e) (vi); and

(f) any other information the Authority may require.

(3) In this Act—

“driver's licence” has the meaning assigned to it by section 2 of the Road Traffic Act, 2018;

“policy of insurance” has the meaning assigned to it by section 2 of the Motor Vehicle Insurance (Third-Party Risks) Act.

Emergency  
road licences.

15D.—(1) An application for an emergency road licence shall be made—

- (a) to the Authority pursuant to an order made under section 15E; and
- (b) in the prescribed form and manner, accompanied by the documents specified in section 15C(2).

(2) The Minister may approve the grant of so many emergency road licences in relation to such routes and for such periods (not being in excess of twelve months) as may be determined by the Authority.

(3) Every emergency road licence shall take effect from such day as may be specified in the licence and unless sooner revoked or suspended shall continue in force for such period (not being more than twelve months next after the date upon which such licence takes effect) as may be specified in such licence.

(4) For the avoidance of doubt it is expressly declared that nothing in this Act or in any regulation made hereunder requiring—

- (a) any application for the grant of a road licence to be advertised; or
- (b) notice of such application to be given to any person other than the Authority,

shall apply to an emergency road licence.



(5) At any time before the expiration of an emergency road licence the Minister may renew the emergency road licence for such period (not being more than twelve months from the date of the expiration of the licence) as may be specified in the licence, and the licence shall continue in force until the expiration of the period specified.

(6) The provisions of this subsection and section 15E shall have effect in relation to any renewal of an emergency road licence as they have effect in relation to the grant of such a licence.

Minister may empower Authority to grant emergency road licences for routes.

15E. The Minister may, by order, empower the Authority to grant so many emergency road licences in relation to such routes and for such periods (not being in excess of twelve months) as may be specified in such order.

Grant, *etc.*, of road and emergency road licences.

15F.—(1) The Authority may grant or refuse to grant—

- (a) subject to subsection (2), a road licence authorizing the use of a motor vehicle on any road as a public passenger vehicle; or
- (b) subject to an order under section 15E and subsection (4), an emergency road licence in relation to a route.

(2) A road licence may be granted by the Transport Authority—

- (a) in respect of the following classes of vehicles—
  - (i) stage carriages;
  - (ii) express carriages;

- (iii) contract carriages;
  - (iv) hackney carriages;
  - (v) route taxis;
- (b) if the motor vehicle which is to be authorized for use as a public passenger vehicle is not a commercial motor vehicle authorized for use under a carrier's licence, including a suspended carrier's licence, at the date of the making of the application for a road licence;
- (c) if the Authority is satisfied that—
  - (i) the applicant is a fit and proper person to hold such a licence;
  - (ii) the applicant has not repeatedly contravened the provisions of this Act;
  - (iii) it is appropriate to grant the applicant a licence having regard to the applicant's conduct in respect of the manner in which he has used a motor vehicle during the period of five years immediately preceding the date of an application made under this Act; or

- (iv) it is appropriate to grant the applicant a licence having regard to the conduct of any driver or conductor in relation to a motor vehicle which the person proposes to have authorized for use under a licence;
- (d) if it is made to appear to the Transport Authority by the Island Traffic Authority, that from the particulars furnished in pursuance of the application that speed limits prescribed under the Road Traffic Act, 2018, for motor vehicles are not likely to be contravened;
- (e) on consideration of the following matters—
  - (i) the extent if any to which the needs of the area are already adequately served;
  - (ii) in the case of an application for a licence in respect of a stage or express carriage the suitability of the routes and the condition of the roads on which the service may be

provided under the licence;

- (iii) in the case of an application for a licence in respect of a stage or express carriage, the extent, if any, to which the needs of the proposed routes are already adequately served;
- (iv) in the case of an application for a licence other than in respect of a contract carriage, the extent to which the proposed service is necessary or desirable in the public interest;
- (v) in the case of any application for a licence other than in respect of a contract carriage, the routes of the traffic area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services), and the co-ordination of all forms

of passenger transport, including transport by rail; and

- (vi) the result of any technical survey conducted pursuant to section 15I and, in the case of an application for a licence in respect of a stage or express carriage take into consideration any representations which may be made by the Island Traffic Authority or Local Authority; and
- (vii) the maintenance of public order and the interests of public safety.

(3) Each representation referred to in subsection (2)(e)(iv) shall state the grounds of any objection proposed to be made in respect of the application for the licence and a copy thereof shall be provided to the applicant.

(4) Subject to section 15E, if the Authority is satisfied that the grant of an emergency road licence is necessary due to a reduction in the provision of public transportation services in the circumstances

specified in subsection (5), the Authority shall grant an emergency road licence in relation to a route in respect of the following classes of vehicles—

- (a) stage carriages;
- (b) express carriages; and
- (c) contract carriages.

(5) The circumstances referred to in subsection (4)(b) are as follows—

- (a) the holder of any road licence in respect of a stage carriage or an express carriage (whether voluntarily or by reason of causes beyond his control) wholly or in part either—
  - (i) has failed or neglected to provide; or
  - (ii) has discontinued or suspended the provision of; or
  - (iii) is likely to discontinue or suspend the provision of,

the service authorized to be provided under such licence;

- (b) any road licence in respect of a stage carriage or express carriage which has been revoked or suspended under the provisions of this Act.

(6) There shall be paid in respect of the grant of any road licence or emergency road licence, as the case may be, the relevant licence fee at the prescribed rate.

(7) A road licence or an emergency road licence granted under this section shall not be issued unless the prescribed fee in respect thereof is paid in full.

Duration of road licence. 15G.—(1) A road licence shall, unless otherwise suspended or revoked, continue in force, for a period, at the option of the holder of the licence, not exceeding one year or four years ending—

- (a) in the case of an individual, on the date of the birthday of the holder of the licence;
- (b) in the case of a company, on the anniversary date of its incorporation.

(2) Where a road licence is to continue in force for four years, the motor vehicle authorized for use under that licence shall—

- (a) be inspected annually from the date of issue by an Inspector to ensure compliance with the terms and conditions of the licence, the provisions of this Act and the Road Traffic Act, 2018, in so far as those provisions relate to public passenger vehicles or commercial carriers or the operation thereof, including the suitability and fitness of motor vehicles; and
- (b) if compliant with the terms and conditions of the licence,

be certified as compliant by the Authority and the Authority shall issue a certificate in the prescribed form to be affixed on or otherwise displayed in the motor vehicle.

(3) Upon the first occasion on which a road licence is granted to the holder thereof, and by virtue of subsection (1), the duration of that licence is less than one year, or four years, as the case may be, the licence fee payable by the holder of that licence shall be such sum of the licence fee prorated, unless otherwise prescribed, on the basis of the period commencing from the date of issue of the licence and the date on which the licence period expires.

Prohibited  
use by licence  
holder.

15H.—(1) A person who is the holder of a road licence or an emergency road licence and who without reasonable cause fails to comply with any of the conditions attaching to that licence, commits an offence.

(2) A person who uses, causes or permits a public passenger vehicle—

- (a) licensed as a stage carriage, express carriage or route taxi to be operated on a route for which it is not licensed to operate;
- (b) licensed as a hackney carriage to be operated as a stage carriage, express carriage or route taxi;
- (c) licensed as a contract carriage to be operated as a stage carriage, route taxi or express carriage;



- (d) licensed as an express carriage to be operated as a stage carriage or route taxi,

commits an offence.

Technical surveys.

15I. For the purposes of regulating the provision of public transportation services, the Authority shall arrange to have technical surveys carried out either by officers in the service of the Authority or by other persons appearing to the Authority to be competent in that regard, to determine—

- (a) the population to be served;
- (b) the likely destinations and the likely commencement of journeys; and
- (c) the desired time of travel, the number of seats required for passengers at different times of day or on different days and the service being supplied to those passengers.

Exception.

15J.—(1) Where it appears to the Minister that existing public passenger transport services outside the Corporate Area will be inadequate to meet the needs of the public on any special occasion, the Minister may authorize, in writing, subject to such terms and conditions, if any, motor vehicles of the classes or description specified in the authorization to be used for the carrying of passengers for hire or reward on the special occasion in question notwithstanding that the vehicles are not licensed as public passenger vehicles.

(2) The Minister may revoke any authorization granted under subsection (1).

*Conductor's Licences*

Prohibition  
against  
unlicensed  
conductors.

15K.—(1) A person shall not act as a conductor of a stage or express carriage on a road unless he is the holder of a licence granted by the Authority under section 15L.

(2) A person shall not employ a person to act as a conductor of any public passenger vehicle on a road who is not the holder of a licence to act as a conductor.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Conductor's  
licence.

15L.—(1) An application to act as a conductor of a stage or express carriage shall be made to the Authority—

- (a) in writing, in the prescribed form and manner, if any, accompanied by such documents as may be prescribed or the Authority may otherwise require; and
- (b) on payment to the Authority of the prescribed application fee.

(2) A person is not eligible to hold a conductor's licence to act as conductor, unless he—

- (a) has attained the age of eighteen years;
- (b) is a fit and proper person in accordance with section 2(4)(d); and
- (c) fulfils such other conditions and conduct as may be prescribed.

(3) Upon receipt of an application for a conductor's licence under subsection (1), the Authority may grant the licence to act as a conductor of a stage or an express carriage (referred to as a conductor's licence) subject to such conditions as the Authority may think fit to impose, if satisfied that the person desirous of being licensed to act as a conductor is eligible to hold such licence under subsection (2).

(4) A conductor's licence granted under subsection (1) shall, unless otherwise suspended or revoked, continue in force for a period of two years.

(5) A person who holds a conductor's licence and fails to comply with any condition attaching to the conductor's licence commits an offence.

Conductor's badge.

15M. Where a licence is granted under section 15L(3), the Authority shall cause to be issued to the holder of the licence a conductor's badge, in the prescribed form, and on payment of the prescribed licence fee, to be worn by the licence holder when acting as a conductor.

PART IV—*Exclusive licences and Market service licences*

*Exclusive Licences*

Power to grant exclusive licence.

15N.—(1) Subject to the provisions of this Act, the Minister may, after consideration of the recommendations of the Authority, grant to any person, upon an application made in writing, an exclusive licence, on such conditions and with effect from such date as may be specified therein, to provide public

passenger transport services by means of stage carriages or express carriages or both within and throughout a Licensed Area.

(2) No application for an exclusive licence in respect of the Rural Area may be considered by the Minister except in relation to an area the limits of which were defined in an order under section 2(7) prior to the making of an application.

(3) Before consideration of an application for an exclusive licence by the Minister, the application shall be referred to the Authority for its recommendations but the Minister shall not be obliged to act in accordance with any such recommendations.

Application  
for exclusive  
licence.

15O. An application for an exclusive licence under section 15N (1) shall be in such form and furnish such particulars as may be prescribed.

Exclusivity  
of licence.

15P.—(1) Subject to the provisions of this section during the continuance in force of any exclusive licence granted by the Minister under section 15N no person shall hold or be granted a road licence authorizing the use of any stage carriage, express carriage or route taxi within the Licensed Area and no person except the franchise holder shall carry within the Licensed Area any person on any vehicle while that vehicle is being used as a stage carriage or express carriage.

(2) Nothing in subsection (1) shall prevent—

- (a) the operation in any way of the Jamaica Railway Corporation;

- (b) the grant or holding of a road licence authorizing the operation of a contract carriage service or a hackney carriage service within the Licensed Area;
- (c) the grant or holding of a road licence authorizing, subject to the condition referred to in subsection (3), the operation of any stage carriage service, express carriage service or route taxi service on any route which is partly within a Licensed Area or the carriage of passengers on any service operated under and in accordance with such road licence;
- (d) the grant or holding of a road licence authorizing the operation of any stage carriage service, express carriage service or route taxi service on any route wholly within the Licensed Area or the carriage of passengers on any service operated under and in accordance with such road licence if the franchise holder shall have consented in writing to the grant or holding of that road licence, and for the avoidance of doubt it is expressly declared that—
  - (i) any consent given by the franchise holder

for the purposes of this paragraph may be given subject to such terms and conditions as the franchise holder, with the approval of the Minister, may determine; and

(ii) the provisions of section 15X shall not apply in relation to a road licence granted pursuant to such consent as aforesaid;

(e) the grant or holding of any emergency road licence.

(3) The condition referred to in subsection (2)(c) is that, unless the franchise holder has consented, in writing, to the taking up and setting down of passengers on such service, no passenger carried on the service shall be taken up at any point within—

(a) the Kingston Metropolitan Transport Region or not more than 400m beyond the boundary of that area and set down on the same journey at any other point within that area or not more than 400m beyond the boundary of that area;

(b) a Licensed Area within the Rural Area or less than 90m beyond the boundary of that area and

set down on the same journey at any other point within that area or less than 90m beyond the boundary of that area,

and for the avoidance of doubt it is expressly declared that any consent given by the franchise holder for the purposes of this paragraph may be given subject to such terms and conditions as the franchise holder, with the approval of the Minister, may determine.

(4) Every road licence which is in force at the date of the coming into force of any exclusive licence and which authorizes the operation of any stage carriage service, express carriage service or route taxi service on any route partly within the Licensed Area shall, unless the Minister specifies otherwise in relation to the exclusive licence, be deemed to be subject to the conditions specified in subsection (3) and have effect in all respects as if that condition had been attached to the road licence.

(5) No exclusive licence granted under subsection (1) shall take effect until the Minister is satisfied that the franchise holder—

- (a) either has made reasonable arrangements for the acquisition of the interests of every other person holding a road licence within the Licensed Area in respect of any stage or express carriage who at the time of such arrangements is operating exclusively within such

Licensed Area and who will be prejudicially affected by the grant of a licence under section 15N, in which event the licence shall take effect from such date specified by the Minister;

- (b) has offered to make such reasonable arrangements and that such other person has unreasonably refused to accept such offer or has failed to accept such offer within a reasonable time and that such offer was made prior to two months before the expiration of the road licence held by such other person; and
- (c) will, in the absence of circumstances beyond the control of the franchise holder and arising subsequent to the date upon which the Minister is satisfied as to the matters referred to in paragraph (a) or (b), be in a position within six months of the date upon which the exclusive licence comes into effect, to operate a service which is not less adequate to the needs of the community than are all public passenger transport services in operation in the Licensed Area by stage carriages, express carriages or route taxis, immediately before



the date upon which the exclusive licence is granted.

(6) So soon as the franchise holder has complied with the requirements of subsection (5) the Minister may specify the date from which the exclusive licence shall take effect.

(7) If at any time after the expiration of six months from the date upon which any exclusive licence is granted under this Part the Minister is satisfied that the franchise holder has failed to take all reasonable steps to render the exclusive licence effective, the Minister may require the franchise holder to take such steps as may be necessary to render the exclusive licence effective by a date specified by the Minister and if the franchise holder, upon being so required, fails to render the exclusive licence effective by the date so specified, the Minister, may in his absolute discretion revoke the licence.

(8) Any licence granted under section 15N may, with the consent of the licensee, be amended by the Minister by an amending licence so granted.

(9) Subject to section 15X nothing in this Part shall authorize the use of any vehicle otherwise than in accordance with the provisions of this Act.

(10) Any person who carries any other person as a passenger in contravention of subsection (1), or permits any person to be so carried, commits an offence.

Compensation  
of franchise  
holder.

15Q. A franchise holder who suffers loss by reason of any alteration of the limits of a Licensed Area under section 2(7)(b) may be entitled to be paid by the Government reasonable compensation and any question arising as to the amount of such compensation may be determined by arbitration in accordance with the Arbitration Act.

Arrangements  
for the  
acquisition of  
interests of  
road licence  
holders.

15R.—(1) A franchise holder shall, before the expiration of such period as the Minister shall specify, offer to make reasonable arrangements for—

- (a) the acquisition of the interests (including compensation for loss of road licence if unexpired) of every other person holding a road licence within the Licensed Area in respect of any stage or express carriage who at the time of the grant of the licence is operating entirely within such area; and
- (b) such arrangements may take place either at the expiry of the relevant road licence or such earlier date as may be mutually agreed upon between the franchise holder and the holder of such road licence.

(2) Upon the grant of the exclusive licence to the franchise holder every other person holding a road licence to operate entirely within that area may, in the absence of arrangements under subsection (1) acceptable to him, continue, subject to the provisions of this Act, to operate his road licence until the expiration thereof.

Duty of franchise holder.

15S. It shall be the duty of a franchise holder during the continuance in force of any exclusive licence to provide such services whether of stage carriages or express carriages or both as may from time to time be necessary or desirable in the public interest to serve adequately, efficiently and without wasteful or unjustifiable expense the needs of the Licensed Area or such particular parts thereof as may be specified from time to time by the Authority.

Carriage of goods.

15T.—(1) Subject to subsections (2) and (3), a passenger shall be entitled to carry, without the payment of any additional fare, personal luggage and small parcels which may be conveniently stowed without discomfort to other passengers.

(2) No passenger shall carry any animal, or any luggage or parcels other than the luggage or parcels hereinbefore referred to save and except at such times on a stage carriage or an express carriage authorized for use under a market service licence for the purpose of providing market service over a specified route.

(3) This section shall not apply to the provision of market services in the Rural Area.

Power of Authority to give directions to franchise holders.

15U.—(1) Subject to subsection (2), it shall be the general duty of the Authority to exercise its powers under this Act or any exclusive licence, so, as to secure the provision by each franchise holder of such services, whether of stage carriages or express carriages or both, as may from time to time be necessary or desirable in the public interest to serve

adequately, efficiently and without wasteful or unjustifiable expense the needs of the Licensed Area or particular parts thereof.

(2) In exercising the powers under subsection (1) the Authority shall not unnecessarily or unreasonably interfere in the management or operation of the services from time to time provided or proposed to be provided by a franchise holder under or by virtue of the exclusive licence.

(3) Subject to subsection (4), where having regard to the safety or convenience of the public or with a view to the maintenance without wasteful or unjustifiable expense of suitable and efficient services, the Authority is of opinion that—

- (a) any of the fares charged or proposed to be charged by a franchise holder on any service provided or proposed to be provided under or by virtue of the exclusive licence is unreasonable;
- (b) any road upon which the franchise holder is providing or is proposing to provide a service under or by virtue of the exclusive licence is not suitable for that service or is suitable only subject to conditions as to the type of vehicle used or to be used on the service;
- (c) the frequency of any such service is excessive or insufficient having regard to the

needs of the route along which the service is or is proposed to be operated and any other service or services for the time being provided by the franchise holder or under a market service licence along that route or any part thereof;

- (d) for the convenience of the public the timetable of any such service requires modification; or
- (e) on any such service passengers should not be taken up or should not be set down except at, or between, specified points,

then, subject to the franchise holder's right of appeal under section 15AQ, the Authority may give such direction as may in all the circumstances be just and reasonable in the interests whether of the public or the franchise holder.

(4) A direction under subsection (3) shall not be given on the ground that any fare charged or proposed to be charged by a franchise holder for any journey is unreasonable if such fare is not more than the maximum fare which the franchise holder is for the time being authorized, by the exclusive licence or by an order made under section 16, to charge for that journey.

(5) If the Authority proposes to give a direction under this section, the Authority shall give to the franchise holder notice, in writing, of its intention to give a direction, accompanied by a draft of the

proposed direction and such opportunity of making objections to or representations in respect of the proposed direction and submitting evidence (whether orally or in writing) in support of such objections or representations as the franchise holder may reasonably require.

(6) If after hearing and considering any objections or representations made by the franchise holder in respect of any direction proposed to be given by the Authority and any evidence given by the franchise holder in support of such objections or representations the Authority is satisfied that the direction proposed to be given is necessary, whether with or without modification, in the proper exercise of its duties, the Authority shall give the direction subject to such modification as the Authority may consider necessary for that purpose.

(7) Any direction given by the Authority under this section may revoke or alter any previous direction so given.

(8) Any direction given by the Authority under this section shall not come into force until the expiration of the time prescribed for appealing therefrom and, if an appeal is lodged, until the appeal is withdrawn or disposed of.

(9) A franchise holder that contravenes the provisions of any direction given under or by virtue of this section commits an offence.

Revocation  
of exclusive  
licence.

15V.—(1) Subject to this section, the Minister, on the recommendation of the Authority, may revoke an exclusive licence granted under section 15N.

(2) The Authority may recommend to the Minister the revocation of the exclusive licence, if the Authority is satisfied that a ground referred to subsection (4) exists in relation to the holder of such exclusive licence.

(3) An exclusive licence is revocable in accordance with such provisions as to revocation as are contained in the exclusive licence.

(4) Where there are grounds upon which such exclusive licence may be revoked the Authority shall report the facts to the Minister specifying the ground upon which the Authority is satisfied that the exclusive licence may be revoked and the Minister may revoke the exclusive licence in accordance with the provisions for revocation contained in the licence if the Minister is satisfied that the licence may properly be revoked.

Voluntary  
termination  
of exclusive  
licence.

15W. The franchise holder may terminate such exclusive licence granted to the holder by giving to the Minister two years' notice in writing to that effect.

Exclusion of  
certain  
provisions of  
Act.

15X.—(1) The sections specified in subsection (2) shall not apply to any services provided under or by virtue of any exclusive licence or any service authorized by an exclusive licence or to the stage carriages or express carriages used for the purposes of any of those services whilst being so used.

(2) The sections, in relation to road licences and emergency road licences, which shall not apply are as follows—

- (a) section 15B (Road licences);

- (b) section 15C (Application for road licence);
- (c) section 15D (Emergency road licences);
- (d) section 15E (Minister may empower Authority to grant emergency road licences for routes);
- (e) section 15F (Grant, *etc.*, of road and emergency road licences);
- (f) section 15G (Duration of road licence);
- (g) section 15H (Prohibited use by licence holder);
- (h) section 15I (Technical surveys);
- (i) section 15J (Exception);
- (j) section 15AK (Suspension of road licence); and
- (k) section 15AL (Revocation of licences).

Relief from  
customs duty.

Second  
Schedule.

15Y.—(1) No customs duty or other similar impost shall be payable on any of the articles specified in the Second Schedule, which are imported into Jamaica or taken out of bond in Jamaica by a franchise holder that is a government company and shown to the satisfaction of the Commissioner of Customs to be required for use by the franchise holder in the operation of the service to which the exclusive licence relates.



(2) An article which is imported into Jamaica or taken out of bond in Jamaica free of customs duty shall not, without the prior approval of the Minister responsible for finance, be sold or otherwise disposed of at any time within a period of three years from the date on which it was imported into Jamaica or taken out of bond in Jamaica, as the case may be.

(3) Subsection (2) shall not apply if, at the time when the article is sold or otherwise disposed of there is paid to the Commissioner of Customs all sums which, but for subsection (1), would have been payable in respect of customs duty or other similar impost in respect of the importation into Jamaica or the taking out of bond in Jamaica of that article.

(4) Where any article referred to in subsection (1) is sold or disposed of otherwise than in accordance with subsection (2), that article shall be forfeited to the Crown, and the person by whom it is sold or given away commits an offence.

(5) The Minister may by order, subject to affirmative resolution of the House of Representatives, amend the Second Schedule.

#### *Market Service Licences*

Market  
Service  
Licence.

15Z.—(1) Subject to the provisions of this section, the Authority may, during the continuance in force of any exclusive licence, upon an application made in writing, grant a market service licence in respect of a Licensed Area in such form as may be prescribed

authorizing the holder thereof to provide a market service over the route specified in the market service licence, on such terms and conditions referred to or contained therein.

(2) A market service licence may be granted for such period not exceeding four years, and subject to such conditions (including conditions as to the frequency or timetable on or at which the service is to be operated, the fares to be charged and the vehicles to be used on the service) as the Authority may consider necessary for securing the provision of an adequate and efficient market service under the licence, proper co-ordination of that service with any service or services from time to time provided under or by virtue of any exclusive licence granted and the prevention of wasteful competition with any service or services so provided.

(3) Subject to the provisions of this section, the Authority may—

- (a) for any of the purposes specified in subsection (2), vary the conditions of a market service licence; or
- (b) refuse to grant or revoke or suspend a market service licence if the Authority is satisfied that having regard to the conduct of the applicant for or the holder of the licence he is not a suitable person to hold such licence, or revoke or suspend a market service licence if the Authority is satisfied that any condition of the

licence has not been complied with and that owing to the frequency of the breach of such condition or of any other condition of the licence, or the danger to the public occasioned or likely to be occasioned by such breach, the licence should be revoked or suspended.

(4) The Authority may require a franchise holder to provide a market service within the Licensed Area and the franchise holder shall provide such market service subject to the provisions of subsection (2).

(5) It shall not be necessary for the Authority to obtain the consent of a franchise holder to the grant of a market service licence or the variation of the conditions of a market service licence, so, however, that where the Authority proposes to grant such a licence it shall—

- (a) notify the franchise holder; and
- (b) afford to the franchise holder, to the applicant for the market service licence and to such other persons as the Authority may regard as interested persons a reasonable opportunity to make representations and to submit evidence to the Authority (whether orally or in writing) in relation to the grant or refusal of the market service licence.

(6) A person who holds a market service licence or a person operating a market service that uses or causes or permits to be used any stage carriage or express carriage in contravention of any of the terms or conditions of the market service licence for the time being in force, commits an offence.

Application for market service licence.

15AA. An application for a market service licence under section 15Z (1) shall be made in such form and furnish such particulars as may be prescribed.

#### PART V—*Commercial Carriers*

Use of commercial motor vehicle for hire, *etc.*, prohibited except under carrier's licence.

15AB.—(1) Subject to section 15Z and the provisions of this Part, no person shall use, cause or permit a commercial motor vehicle on a road for the carriage of goods—

- (a) for hire or reward; or
- (b) for or in connection with any trade or business,

except under a licence issued under this Part (referred to as a carrier's licence).

(2) A person who contravenes subsection (1) commits an offence.

Application for carrier's licence.

15AC.—(1) An application for a carrier's licence shall be made to the Authority—

- (a) in such form and manner as may be prescribed; and
- (b) accompanied by a statement in writing—
  - (i) specifying the commercial motor vehicle proposed to

be used under the carrier's licence and such particulars as may be prescribed;

- (ii) stating the number and type of commercial motor vehicles and of trailers proposed to be so used.

(2) A person applying for a carrier's licence shall give to the Authority any information which the Authority requests which may be required for the discharge of its duties in relation to the application and, in particular, an applicant for a carrier's licence shall, if required by the Authority, submit to the Authority in the prescribed form such particulars as the Authority may require.

Grant, *etc.*,  
of carrier's  
licence.

15AD.—(1) The Authority may—

- (a) if satisfied of the matters specified in subsection (2), grant a carrier's licence, subject to such conditions, if any;
- (b) refuse to grant a carrier's licence.

(2) The matters of which the Authority shall be satisfied are as follows—

- (a) the applicant is a fit and proper person to hold a carrier's licence;
- (b) the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport, and, in

particular, the Authority shall have regard to—

- (i) the extent if any to which the needs of the area is already adequately served;
  - (ii) the extent to which the proposed service is necessary or desirable in the public interest; and
  - (iii) the needs of the area as a whole in relation to traffic and the co-ordination of all forms of goods transport including transport by rail;
- (c) whether the applicant has previously held or holds a licence issued under this Act or the Road Traffic Act, 2018, and whether that licence expired, was suspended or revoked;
- (d) the commercial motor vehicle intended to be authorized for use under the carrier's licence is—
- (i) owned by the holder of the licence or in his possession under a hire-purchase agreement, as is specified in the carrier's licence;

- (ii) to haul trailers from time to time belonging to the holder of the carrier's licence or in his possession under an agreement for hire-purchase, hire or loan, does not exceed at any time such maximum number as is specified in the carrier's licence; and
  - (iii) not at the time of the submission of the application to the Authority, also authorized for operation as a public passenger vehicle;
- (e) in the case of a carrier's (hireage) licence, the applicant intends to use the commercial motor vehicle for the carriage of goods for hire or reward except where such carriage is not for the purpose specified in paragraph (f);
- (f) in the case of a carrier's (non-hireage) licence, the applicant intends to use the commercial motor vehicle for the carriage of goods for or in connection with any trade or business

carried on by the applicant except where such storage or warehousing of goods as may be incidental to the business as a carrier.

(3) The Authority shall not issue a carrier's licence granted under this section unless, the prescribed fee in respect thereof is paid in full.

Classes of  
carrier's  
licences.

15AE.—(1) A carrier's licence granted by the Authority shall—

- (a) in accordance with paragraph (b), authorize the holder thereof to use the commercial motor vehicle specified under the licence; and
- (b) be in one of two classes, as follows—
  - (i) a carrier's (hireage) licence, in respect of a commercial carrier licensed for the purpose of hire or reward; and
  - (ii) a carrier's (non-hireage) licence, in the respect of a commercial carrier licensed for or in connection with any trade or business.

Holding  
multiple  
licences.

15AF.—(1) A person may be the holder of two or more carrier's licences whether of the same class or of different classes.



(2) A commercial motor vehicle which is authorized for use under a carrier's licence, while it remains so authorized, shall not be authorized for use under any other carrier's licence.

Conditions of  
carrier's  
licence.

15AG.—(1) Notwithstanding any conditions imposed by the Authority attaching to a carrier's licence, it shall be a condition of every carrier's licence—

- (a) that the commercial motor vehicle which is authorized for use under a carrier's licence, is not during the continuance in force thereof, a public passenger vehicle or being used to carry passengers for hire or reward;
- (b) that the commercial carrier specified in the carrier's licence is maintained in a fit and serviceable condition;
- (c) that any provisions (whether contained in this Act or the Road Traffic Act, 2018) with respect to limits of speed and weight, laden and unladen, and the loading of goods on vehicles, are complied with in relation to the commercial carrier.

(2) For the avoidance of doubt, the public passenger vehicle referred to in subsection (1)(a), includes a public passenger vehicle authorized for use under a licence that is suspended.

Duration of  
carrier's  
licence.

15AH.—(1) A carrier's licence issued by the Authority shall, unless otherwise suspended or revoked, continue in force, for a period, at the option of the holder of the licence, not exceeding one year or four years ending—

- (a) in the case of an individual, on the date of the birthday of the holder of the licence; or
- (b) in the case of a company, the date of its incorporation.

(2) Upon the first occasion on which a carrier's licence is granted to the holder thereof and by virtue of subsection (1), the duration of that licence is less than one year, or four years, as the case may be, the licence fee payable by the holder of that licence shall be such sum of the licence fee prorated, unless otherwise prescribed, on the basis of the period commencing from the date of issue of the licence and the date on which the licence period expires.

Misuse of  
commercial  
carrier.

15AI.—(1) A person who uses or causes or permits a commercial carrier to be used in contravention of the condition of a carrier's licence, commits an offence.

(2) For the avoidance of doubt, when a commercial carrier is being used on a road for the carriage of goods, the driver of the commercial carrier, if it belongs to him or is in his possession under an agreement for hire purchase or loan, and, in any other case, the person whose agent or employee the driver is, shall be deemed to be the person by whom the vehicle is being used.

Misuse of  
registration  
plates.

15AJ.—(1) A person who—

- (a) forges or with fraudulent intent alters or uses or allows to be used by any other person, any registration plate issued under the Road Traffic Act, 2018, for a public passenger vehicle or a commercial carrier; or
- (b) with intent to enable any other person who is not the holder of the licence granted under this Act in respect of which the registration plate was issued under the Road Traffic Act, 2018, to use a registration plate issued for a public passenger vehicle or a commercial carrier authorized for use under that licence, gives or lends the registration plate to that other person,

commits an offence and the registration plate shall be liable to be removed and kept in the possession of the Police.

Suspension of  
licences.

15AK.—(1) Subject to subsection (2), the Authority may suspend a licence or authorization granted by the Authority if—

- (a) the holder is in breach of any provision of this Act;
- (b) there is a breach of any term or condition subject to which the licence or authorization is granted;

- (c) the holder was not or has ceased to be a fit and proper person;
- (d) the driver of a public passenger vehicle while the vehicle is in use as such has been issued not less than two notices under section 17B(2) within two consecutive months;
- (e) the public passenger vehicle or the commercial carrier authorized for use under the licence is not in fit and serviceable condition for the purpose;
- (f) in the case of a road licence, having regard to the conduct of the holder of the road licence or to the manner in which the public passenger vehicle is being used, the holder is no longer a fit and proper person to hold a road licence,

for such period, and subject to such terms, if any, as the Authority, may specify for the purpose of taking action to remedy the non-compliance.

(2) Before suspending a licence or authorization under subsection (1), the Authority shall notify the holder, in writing of the proposed suspension—

- (a) stating the reasons for the suspension;
- (b) requiring the holder, in the case of a breach, to remedy the

breach within the time specified in the notice; and

- (c) advising of the right to make representation to the Authority under section 15AM and the right to appeal conferred under section 15AQ.

(3) The holder of a licence or authorization who is served with a notice under subsection (2) shall, after remedying the breach which gave rise to the suspension, notify the Authority, in writing, that the breach has been remedied.

(4) The Authority shall, upon receipt of a notice referred to in subsection (3), where applicable, cause an inspection to be carried out within fifteen days of the receipt of the notice—

- (a) the Inspector shall report, in writing, to the Authority and the report shall include the Inspector's recommendation to the Authority on the proposed suspension; and
- (b) if, upon inspection, the Inspector is satisfied that the breach has been remedied, and upon the Authority's ratifying the recommendation of the Inspector, the Authority shall withdraw the notice of suspension.

(5) The Authority, on suspending a road licence shall send notice thereof to the holder of the licence, the Police, the Island

Traffic Authority and the Tax Administration  
Jamaica.

(6) The Authority shall not suspend a road licence if the Authority is satisfied that the licence should be revoked under section 15AL.

Revocation  
of licences.

15AL.—(1) Subject to subsection (2), the Authority may revoke a licence or authorization granted by the Authority on the following grounds—

- (a) it is discovered that a licence or an authorization was granted by the Authority based on false or misleading information provided by the holder of that licence or authorization;
- (b) the special circumstances referred to in section 15B(6) have ceased to exist in relation to the use of a motor vehicle, authorised for use as an express carriage, on a service of stage carriages, and the holder of the road licence is non-compliant with or uses the motor vehicle without the authorization of the Authority;
- (c) having regard to the conduct of the holder of a road licence or a carrier's licence, or to the manner in which a motor vehicle is being used, the holder of that licence is not a fit and proper person;

- (d) non-compliance with a condition subject to which a road licence or a carrier's licence was granted;
- (e) after conviction for an offence under this Act, in respect of a second or subsequent use by the licensee of a public passenger vehicle or a commercial carrier in contravention of this Act; or
- (f) in the case of the holder of a conductor's licence, he is not a fit and proper person under section 2(4)(d).

(2) The Authority shall not revoke a road licence on a ground specified in subsection (1)(c), (d) or (e), unless the Authority is satisfied that the licence should be revoked owing to—

- (a) the frequency of, or the danger to the public from, the non-compliance or breach specified in subsection (1); or
- (b) the non-compliance or breach having been committed wilfully or without reasonable cause.

(3) Before revoking a licence or authorization under subsection (1), the Authority shall notify the holder, in writing of the proposed revocation—

- (a) stating the reasons for the proposed revocation; and

- (b) the right to make representation to the Authority under section 15AM and the right to appeal conferred under section 15AQ.

(4) Notwithstanding anything to the contrary—

- (a) an emergency road licence may be revoked at any time by the Minister, without any cause assigned; and
- (b) no compensation shall be payable in respect of the revocation of any emergency road licence.

Right to  
make  
representation.

15AM. The Authority shall not exercise the power to suspend or revoke a licence or authorization under sections 15AK and 15AL, respectively, unless the Authority has first afforded the holder of the licence or authorization the opportunity to make representations, whether orally or in writing, as to why the power should not be exercised.

Return of  
suspended or  
revoked  
licence or  
authorization.

15AN.—(1) Where a licence or an authorization is suspended under section 15AK or revoked under section 15AL, the person who holds, or formerly held, that licence or authorization, shall return the licence or authorization to the Authority.

(2) A person who fails to return to the Authority a licence or an authorization that has been suspended or revoked, commits an offence.



Notice of  
revocation.

15AO. The Authority, after revoking a licence shall send notice thereof—

- (a) to the holder of the licence; and
- (b) in the case of the revocation of—
  - (i) a road licence, to the Police, the Island Traffic Authority and the Tax Administration Jamaica;
  - (ii) an emergency road licence in relation to a route, to the persons referred to in paragraph (b)(i) and the Minister.

#### PART VI—*Appeals*

Constitution  
of Public  
Transport  
Appeal  
Tribunal.  
Third  
Schedule.

15AP. There is established a Public Transport Appeal Tribunal and the provisions of the Third Schedule shall have effect as to the constitution of the Appeal Tribunal and otherwise in relation thereto.

Appeals to  
Tribunal.

15AQ.—(1) Subject to subsection (2) and section 15AR, an appeal may be made to the Appeal Tribunal by a person who is aggrieved by a decision of the Authority or any agent thereof—

- (a) by the refusal of the Transport Authority to grant or renew an authorization or a licence;

- (b) by the revocation or suspension of a licence or an authorization granted by the Authority;
- (c) by any condition imposed or the variation of conditions by the Authority attaching to a licence or an authorization; or
- (d) by any direction given by the Authority under section 15U.

(2) Nothing in this Act or in any regulation made hereunder requiring any right of appeal against the decision of the Authority to grant or refuse any application for or to revoke a licence shall apply to any emergency road licence.

(3) An appeal under subsection (1) by a person aggrieved shall be made, on payment of the prescribed fee, by a written notice of appeal—

- (a) lodged with the Appeal Tribunal, within fourteen days of the date of the decision, or within such longer period as the Appeal Tribunal may allow;
- (b) which shall set out the grounds of the appeal and be accompanied by copies of any documents relevant to the appeal.

(4) The Appeal Tribunal shall within seven days of the receipt of a notice of appeal under subsection (3), request the Authority

to furnish to the Appeal Tribunal a statement in writing setting out the grounds relevant to the appeal.

(5) The Tribunal may order that any document, relating to the appeal which is in the possession of the Authority or being held by the person aggrieved, be produced at the hearing of the appeal.

(6) The Tribunal shall cause all parties to the appeal to be informed of—

- (a) the date of the hearing of the appeal;
- (b) their right to—
  - (i) appear themselves or be represented by an attorney-at-law or other person of their choice;
  - (ii) call witnesses in support of their case.

(7) On hearing an appeal, the Tribunal may—

- (a) dismiss the appeal and confirm the decision of the Authority;
- (b) allow the appeal and set aside the decision;
- (c) vary the decision; or
- (d) direct that the matter be referred to the Authority to be determined afresh.

Declaration  
of Supreme  
Court.

15AR.—(1) Where under any exclusive licence provision is made for the making of an application to the Supreme Court for a declaration, the Court may hear and determine such application and may make such declaratory order including an order as to the costs of the application as the Court may think proper.

(2) The practice and procedure governing the making and hearing of such applications shall be in accordance with rules of court made for the purpose.”; and

- (b) deleting the heading “*General*” and substituting therefor “PART VII. General”.

Amendment  
of section  
16A  
of principal  
Act.

**15. Section 16A is amended—**

- (a) in subsection (1)—
- (i) by deleting the words “(i), (ii), (iii) or (iv)” and substituting therefor the words “and has not been disposed of under section 13A(8),”; and
  - (ii) in paragraph (b), by deleting the words “under section 61(5) of the Road Traffic Act” and substituting therefor the words “section 15B(10) or section 15AB(2), as applicable”; and
- (b) in subsection (2)—
- (i) by deleting the words “(i) to (v)”; and
  - (ii) by deleting the words “section 61(5) of the Road Traffic Act” and substituting therefor the words “section 15B(10) or section 15AB(2), as applicable”.

**16.** The principal Act is amended by inserting next after section 16A the following—

Insertion of new section 16B in principal Act.

“Non-exemption of liability under law. 16B. Nothing in this Act shall be construed or taken as relieving the driver or owner of a public passenger vehicle or a commercial carrier from any liability under the provisions of the Road Traffic Act, 2018, relating to motor vehicles or from any liability under any other law.”.

**17.** Section 17 of the principal Act is amended—

Amendment of section 17 of principal Act.

(a) by deleting the marginal note and substituting therefor the following—

“Corrupt practice.”;

(b) in subsection (1), by deleting—

(i) the words “Inspector or any member, officer, employee or servant of the Authority” wherever they appear and substituting therefor, in each case, the words “authorized officer”; and

(ii) all the words after the words “commits an offence” and substituting therefor a full stop; and

(c) in subsection 2, by deleting—

(i) the words “Inspector or any member, officer, employee or servant of the Authority” wherever they appear and substituting therefor, in each case, the words “authorized officer”; and

(ii) all the words after the words “commits an offence” and substituting therefor a full stop.

**18.** The principal Act is amended by inserting next after section 17 the following—

Insertion of new section 17A to 17L in principal Act.

“Penalties. Fourth Schedule.

17A.—(1) Where a person is convicted under a provision specified in Column 1 of the Fourth Schedule of an offence described in Column 2 of that Schedule,

the person shall be liable to the penalty set out in Column 3 of the Fourth Schedule in relation to that offence.

Part I. (2) In accordance with section 17B(3), a person is not liable to conviction in respect of an offence specified and described in Part I of the Fourth Schedule on payment of the fixed penalty set out in Column 4 in relation to that offence.

Fixed penalties. 17B.—(1) Subject to subsection (7), this section shall apply to any offence created by this Act or regulations made hereunder and punishable on summary conviction, being an offence specified in Part I of the Fourth Schedule or in any regulations as being subject to a fixed penalty.

(2) Where a Constable or an Inspector has reason to believe that a person is committing or has committed an offence referred to in subsection (1), the Constable or the Inspector may issue to the person, in accordance with subsection (7), a prescribed notice, in writing, offering the person to whom it is issued the opportunity to discharge any liability to conviction of the offence concerned by payment of a fixed penalty under this section, and the notice shall—

- (a) specify and give such particulars of the offence alleged as are necessary for giving reasonable information of the allegation; and
- (b) state—
  - (i) the period (whether thirty days or a longer period) during which, by virtue of subsection (4) proceedings will not be taken for the offence; and

- (ii) the amount of the fixed penalty payable by the person;
- (c) require the person to whom the notice is issued, in the event that the fixed penalty is not paid within the period stated in the notice, to attend before the Traffic Court, or as the case may be the Parish Court in the parish in which the offence is alleged to have been committed, to answer to the charge on such date as may be specified, being a date not earlier than ten days after the expiration of the period stated in the notice.

(3) Where a person is issued a fixed penalty notice under this section, proceedings shall not be taken against any person in respect of the offence concerned until the end of thirty days following the date of the notice or such longer period as may be specified in the notice.

(4) A person to whom a fixed penalty notice is issued under this section shall not be liable to be convicted of the offence concerned if the person pays the fixed penalty with respect thereto in accordance with this section before the expiration of the thirty days following the date of the fixed penalty notice referred to in subsection (3) or such longer period as may be specified in the notice, or before expiration of the final adjudication of the case, whichever event last occurs.

(5) A person shall not be liable to be convicted of an offence referred to in subsection (1) if the fixed penalty is paid within the period specified under subsection (4) or before the expiration of the final adjudication of the case, whichever event last occurs.

(6) In subsections (3) and (4), “proceedings” means criminal proceedings in respect of the act or omission constituting the offence concerned, and “convicted” shall be construed accordingly.

(7) Payment of a fixed penalty under this section shall be made to a Collector of Taxes, at any time before the final adjudication of the case.

(8) Payment of a fixed penalty under this section shall be made to the Collector of Taxes, and such payment may be effected electronically in accordance with the Electronic Transactions Act and any other enactment regulating such transactions.

(9) In any proceedings in respect of an offence to which a fixed penalty applies under this section, a certificate or a receipt that payment of the fixed penalty was or was not made to the Collector of Taxes by a date specified in the certificate shall be sufficient evidence of the facts stated in the certificate or the receipt, unless the contrary is proved, if—

- (a) the certificate purports to be signed by the Collector of Taxes; or
- (b) the receipt, including an electronically-generated receipt, is purportedly issued by the Collector of Taxes.

(10) In any proceedings for an offence under this Act, no reference shall be made to the giving of any notice under this section or to the payment or non-payment of a fixed penalty under this section, unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference is made by or on behalf of the accused to the giving of such a notice, or, as the case may be, to such payment or non-payment.



Minister may amend monetary penalties. 17C. The Minister may by order, subject to affirmative resolution, amend or vary any monetary penalty in this Act.

Registrar. 17D.—(1) The Authority shall cause a register to be established and maintained in which the particulars in respect of each licence or an authorization granted under this Act, including any revocation or suspension thereof, shall be entered.

(2) The register established under subsection (1) shall be—

- (a) maintained by the Authority in accordance with any prescribed requirements;
- (b) made available for inspection by the public in such manner and at such times as the Authority may determine.

(3) Any person may, on making a request, in writing, and on payment of the prescribed fee, be provided with an excerpt from the register certified for accuracy by the Authority.

Registrar. 17E.—(1) A Registrar shall be appointed by the Authority to keep, in such form and in such manner as the Authority may direct, the register referred to in section 17D.

(2) The Registrar shall cause a register established under this Act to be maintained, including the updating and rectification of incorrect entries of which the Registrar has notice, so as to ensure the accuracy of the entries therein.

Duty of licensee to provide information. 17F.—(1) Where an owner, a driver or an operator of a motor vehicle which is the subject of a licence or an authorization granted under this Act, has notice of any change in circumstance affecting the accuracy of the particulars in respect of the licence or authorization

entered on the register referred to in section 17D, that person shall not later than ten days after having notice of the changed circumstance, advise the Registrar, in writing, of the outdated or inaccurate particular.

(2) A person who without reasonable excuse contravenes subsection (1) commits an offence.

Electronic records, etc.

17G. The Authority may establish and maintain any register, generate or keep any record or other document, electronically, in accordance with the Electronic Transactions Act and any other requirements for the keeping, maintenance, access, security or storage of such electronic register, record or document under any law.

Defacing or destroying documents.

17H.—(1) A person shall not wilfully deface or destroy any document, or part of the document, kept by the Authority.

(2) A person shall not wilfully alter an entry in a register or record kept by the Authority to deceive any person.

(3) A person who contravenes subsection (1) or (2) commits an offence.

Copy of entry in any document, to be *prima facie* evidence.

17I.—(1) A document purporting to be an extract from, or a copy of, any other document kept under this Act and purporting to be certified as such shall, in any court and upon all occasions, be admissible and be *prima facie* evidence of the truth of the matters stated in the original document, without the production of the original document.

(2) The information contained in a document referred to in subsection (1) kept for the purposes of this Act shall be provided to—

- (a) a Constable who requires it for the carrying out of his duties;

- (b) a company registered under the Insurance Act and authorized by the Minister for the purpose of providing insurance coverage under the Motor Vehicles Insurance (Third-Party Risks) Act, on payment of the prescribed fee;
- (c) any person accused of an offence under this Act, regulations made hereunder or any person authorized by him in that behalf on payment of the prescribed fee.

(3) Any person or company to whom information is communicated under this Act or the regulations made hereunder shall regard and deal with such information as confidential, save and to the extent otherwise provided by any other law.

(4) A person referred to in subsection (2) or (3) having possession of any document referred to in subsection (1) who at any time communicates information or anything contained in the document to any person, otherwise than for the purposes of this Act, or any regulations made hereunder—

- (a) to any person, other than an investigative authority, except in accordance with applicable law; or

(b) otherwise than pursuant to a court order, commits an offence.

Power to do things electronically.

17J. Anything that the Authority or the Minister is required or authorized to do or provide under this Act may be done or be provided by electronic means or in an electronic format.

Duty of secrecy.

17K.—(1) Every person having an official duty under this Act, or being employed or otherwise concerned in the administration of this Act shall regard

and deal with as secret and confidential all documents and information, except that no disclosure made by a concerned person in proceedings for an offence under this Act or under the Perjury Act, by virtue of section 17(2) of that Act, shall be deemed inconsistent with any duty imposed under this subsection.

(2) The obligation as to secrecy and confidentiality imposed under this section, in relation to any documents or information obtained under this Act continues to apply to a person despite that person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

(3) Every person who is required under subsection (1) or (2) to deal with matters specified therein as secret and confidential who at any time communicates any such document or information referred to in subsection (1) disclosed to him in the execution of any official duties or otherwise in the administration of the Act to any person—

- (a) other than a person to whom he is authorized by law to communicate it;
- (b) otherwise than for the purpose of this Act,

commits an offence and is liable on summary conviction in a Parish Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding one year.

Service of  
notices.

17L.—(1) Any notice under this Act that is authorized or required to be served upon or issued to any person, shall either be—

- (a) served personally upon the person to whom it is addressed;
- (b) sent to that person by registered post to his last known address; or

(c) sent to that person by electronic means.

(2) Service by registered post in terms of subsection (1) shall be deemed to have been effected on the tenth day after the date stamped upon the receipt for registration issued by the post office which accepted notice.

(3) Service by electronic means shall be deemed to have occurred on the next business day after the document is sent to the addressee at an electronic address previously given by the addressee.

(4) A certificate by the person who issued the notice referred to in subsection (1), or a person authorized on his behalf to do so, stating the time, place and manner of issuing the notice, shall be *prima facie* evidence that the notice was duly served.”

19. Section 18 (1) of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting paragraph (c) and substituting therefor the following—

“(c) regulating all matters affecting the carriage of passengers on public passenger vehicles, including—

(i) the carriage of blind and visually impaired passengers with guide dogs on a stage or express carriage; and

(ii) the conduct of passengers in public passenger vehicles;”;

(ii) by deleting paragraph (f) and substituting therefor the following—

“(f) the documents and records to be kept and the returns to be furnished by the

Amendment  
of section 18  
of principal  
Act.

holders of a licence or an authorization, conductors, the owners and drivers of public passenger vehicles and commercial carriers;”;

- (iii) by deleting paragraph (h), and substituting therefor the following—

“(h) prescribing uniforms or other means of identification, including badges, to be used or exhibited by Inspectors, drivers and conductors, and prohibiting unauthorized persons from using in a public place any form of dress having the appearance or bearing any distinctive marks of such uniform or other identification;”;

- (iv) by deleting paragraph (i) and inserting therefor the following—

“(i) the carriage of luggage and goods on public passenger vehicles;

(j) the safe custody and re-delivery or disposal of any property accidentally left in a public passenger vehicle and fixing the charges made in respect thereof;

(k) the equipment to be carried by public passenger vehicles;

(l) the inspection of vehicles proposed to be licensed as public passenger vehicles, the maximum size, weight and dimension of such motor vehicles or their design;

(m) the classification of hackney carriages;

- (n) the control and regulation of instruments, equipment, fittings and appliances to be used in any public passenger vehicle, or any class of public passenger vehicle, by their owners, drivers, and persons holding road licences in relation thereto, and the fares to be charged whether by prescribed districts or distance or otherwise and whether or not to be ascertained by meters, either on the basis of time, distance or both;
- (o) prescribing any documents required under this Act;
- (p) in relation to offences created by any regulations, prescribing fixed penalties;
- (q) in accordance with section 17B(2), prescribing the form and manner of issue for notices in respect of offences subject to a fixed penalty;
- (r) prescribing training requirements for Inspectors, drivers and conductors.”; and

(b) by inserting next after subsection (3), the following—

“ (3A) After the commencement of the Transport Authority (Amendment) Act, 2022, any regulations made under this Act, which provide for a custodial sentence shall be subject to affirmative resolution.”.

**20.** The principal Act is amended by deleting section 19 and substituting therefor the following—

“Transitional provision relating to Road Traffic Appeal Tribunal. 19.—(1) Notwithstanding the Road Traffic Act, 2018, any appeal made to the Road Traffic Appeal Tribunal in respect of a decision of the Transport Authority which immediately before the commencement of the Transport Authority (Amendment) Act, 2022, is pending before or

Amendment of section 19 of principal Act.

otherwise being dealt with, may as from that date be continued by the Public Transport Appeal Tribunal established under this Act.

(2) In this section, “Road Traffic Appeal Tribunal” means the tribunal established under section 21 of the Road Traffic Act, 1938.”.

Amendment of First Schedule to principal Act. **21.** The schedule specified as the First Schedule to the principal Act is amended—

(a) in paragraph 1—

(i) by deleting sub-paragraph (1), and substituting therefor the following—

“ (1) The Authority shall consist of the *ex officio* members specified in sub-paragraph (2) and not less than three or more than five appointed members.”;

(ii) by deleting sub-paragraph (2), and substituting therefor the following—

“ (2) The *ex officio* members shall be—

- (a) a representative of the Ministry with responsibility for transport;
- (b) the Financial Secretary or his nominee;
- (c) the Solicitor-General or his nominee;
- (d) the Commissioner of Police or his nominee; and
- (e) the Director-General of the Island Traffic Authority or his nominee.”; and

(iii) in sub-paragraph (5)(b), by inserting next after the words “shall not” the words “be present or”;



- (b) in paragraph 13 by inserting next after the word “Minister” the words “with responsibility for the public service”; and
- (c) by inserting next after paragraph 13 the following—

“Power to  
appoint  
committees.

14.—(1) The Authority may appoint a committee of the Authority to examine and report to it on any matter arising out of or connected with any of its powers and duties under this Act.

(2) Any such committee shall consist of at least two members of the Authority and such other persons, whether members of the Authority or not, whose assistance or advice the Authority may desire.

(3) Where persons, not being members of the Authority, are members of a committee appointed under this paragraph, the Authority may by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.”.

Insertion of  
new Second,  
Third, Fourth  
and Fifth  
Schedules in  
principal Act.

22. The principal Act is amended by inserting next after the schedule specified as the First Schedule the following—

“ SECOND SCHEDULE (Section 15Y)

*Specified Articles*

Complete vehicles  
Complete chassis  
Complete bodies for vehicles  
Complete engines for vehicles

THIRD SCHEDULE (Section 15AP)

*Constitution and Procedure of Public  
Transport Appeal Tribunal*

Appointment of members. 1.—(1) The Public Transport Appeal Tribunal shall consist of a chairman and two deputy chairmen and not less than three nor more than four other members appointed by the Minister by instrument in writing from among persons appearing to the Minister to be knowledgeable and experienced in matters relating to public transport, commercial carriage or traffic management.

(2) A person shall be eligible for appointment as chairman or a deputy chairman only if he is an attorney-at-law of not less than five years standing or a person who has held judicial office.

(3) Every member of the Appeal Tribunal shall, before entering on the duties of his office, take an oath that he will duly and faithfully, and to the best of his skill and knowledge, execute the powers and trusts reposed in him as a member of the Tribunal.

(4) The oath referred to in sub-paragraph (3) shall be administered to the chairman of the Tribunal before the Chief Justice, and to the other members by the chairman, or in his absence or incapacity, by any other member.

(5) The chairman has supervision over and direction of the work of the Tribunal including, without restricting the generality of the foregoing, the allocation of the work of the members thereof.

2. If the chairman or other members of the Appeal Tribunal is absent or unable to act, the Minister may appoint another person to act temporarily as chairman or such other member. Temporary appointment.

3.—(1) Subject to the provisions of this Schedule, an appointed member shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment. Tenure of office.

(2) Every appointed member shall be eligible for reappointment.

(3) If any vacancy occurs among the appointed members, the vacancy shall be filled by the making of another such appointment, however, the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

(4) The Minister may, at any time, revoke the appointment of any member.

4.—(1) Any member of the Appeal Tribunal 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 the instrument the member shall cease to be a member of the Appeal Tribunal. Resignation.

(2) 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 or the receipt of such instrument by the Minister.

5. The names of the members of the Tribunal as first constituted and every change in membership thereof shall be published in the *Gazette*. Publication of membership.

6. All documents made by, and all decisions of the Appeal Tribunal may be signed under the hand of the chairman or any member of the Appeal Tribunal authorized to act in that behalf. Authentication of documents.

7.—(1) The Appeal Tribunal shall sit in such number of divisions as may, from time to time, be necessary. Procedure.

(2) A division of the Tribunal shall consist of—

- (a) a chairman, who shall be either the chairman or a deputy chairman of the Tribunal; and
- (b) two or more ordinary members.

(3) Where in any proceedings the members are not unanimous, the decision of the Tribunal shall be by a majority of the votes of the members, and in the event of an equality of votes, the chairman shall be entitled to a second or casting vote.

(4) Where part of any proceedings before the Tribunal has been heard and one or more members of the Appeal Tribunal are unable to continue, the Tribunal shall remain duly constituted for the purpose of those proceedings so long as the number of members is not reduced to less than three.

(5) If the chairman of a division of the Appeal Tribunal is unable to continue he shall appoint—

- (a) one of the remaining members to act as chairman; and
- (b) an attorney-at-law or a former judge to attend the proceedings and advise the members of any question arising.

(6) The decision of the Tribunal or a division thereof may be signified under the hand of the chairman.

(7) The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Appeal Tribunal may determine.

(8) The chairman or any other person appointed to act temporarily as chairman shall preside at meetings of the Tribunal.

(9) The Tribunal, with the approval of the Minister, may make rules to regulate its proceedings.

(10) Proper records of all proceedings of the Appeal Tribunal shall be kept.

Remuneration,  
expenses,  
*etc.*, of  
members.

8.—(1) There shall be paid to the chairman, other members, officers and employees of the Appeal Tribunal such remuneration, if any, and such allowances as the Minister with responsibility for the public service may determine.

(2) The expenses, accommodation and other facilities of the Appeal Tribunal shall be included in the budget of the Authority and shall be reimbursable or offset to the extent that certain expenses are itemized in the Appeal Tribunal's award of costs on particular matters.

9. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Appeal Tribunal in respect of an act done, in good faith, in pursuance or execution or intended execution of the provisions of this Act.

Protection of members.

10.—(1) Any member of the Appeal Tribunal who has any interest, directly or indirectly, in any matter brought before the Appeal Tribunal—

Disclosure of interest.

- (a) shall, by notice, disclose the nature of his interest at a sitting of the Tribunal; and
- (b) shall not take part in any deliberation or decision of the Tribunal with respect to the matter.

(2) A notice given by a member at a sitting of the Appeal Tribunal to the effect that he is interested in any appeal before the Appeal Tribunal shall, for the purposes of sub-paragraph (1), be a sufficient disclosure of his interest in relation to an appeal.

(3) A member need not attend in person at a sitting of the Appeal Tribunal in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at such sitting.

(4) Where the Minister, or any person authorised by the Minister, is satisfied that a member of the Appeal Tribunal is unable to carry out his duties properly and effectively because of any conflict of interest or potential conflict of interest in a matter before the Appeal Tribunal, the Minister may replace that member or direct that member to abstain from taking part in any proceedings relating to any matter affected by his conflict of interest or potential conflict of interest.

11. The Appeal Tribunal may order that the costs or expenses of any proceedings before it incurred by any party shall be paid by any other party, and may tax or settle the amount of any costs or expenses to be paid under any such order or direct in what manner they are to be taxed.

Power to award costs.

12. The office of the chairman or member of the Appeal Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Chairman or member not a public office.

## FOURTH SCHEDULE

(Sections 17A  
and 17B)*Part I.**Offences and Penalties*

In this Part are offences and penalties in respect of which liability may be discharged on payment of a fixed penalty.

Column 1	Column 2	Column 3	Column 4
Provision	Description of offence	Penalty	Fixed Penalty
		On summary conviction before a Judge of a Parish Court to—	
1. Section 15A(2C)	Contract carriage stands or plys for hire on any road or in any place whatsoever in public view and to which the public may have access	a fine not exceeding \$20,000.00 and in default of payment thereof, imprisonment for a term not exceeding 10 days	\$10,000.00
2. Section 15H(1)	Without reasonable cause, failure to comply with any of the conditions attaching to a road licence or an emergency road licence	a fine not exceeding \$50,000.00 and in default of payment thereof, imprisonment for a term not exceeding 15 days	\$25,000.00
3. Section 15H(2)(a)	Use, cause or permit a vehicle licensed as a stage carriage, express carriage	a fine not exceeding \$250,000.00 and in default of payment	\$125,000.00

Column 1 _____	Column 2 _____	Column 3 _____	Column 4 _____
Provision _____	Description of offence _____	Penalty _____	Fixed Penalty _____
	or route taxi to be operated on a route for which it is not licensed to operate	thereof, imprisonment for a term not exceeding 3 months	
4. Section 15H(2)(b)	Use, cause or permit a vehicle licensed as a hackney carriage to be operated as a stage carriage, express carriage or route taxi	a fine not exceeding \$250,000.00 and in default of payment thereof, imprisonment for a term not exceeding 3 months	\$125,000.00
5. Section 15H(2)(c)	Use, cause or permit a vehicle licensed as a contract carriage to be operated as a stage carriage, route taxi or express carriage	a fine not exceeding \$250,000.00 and in default of payment thereof, imprisonment for a term not exceeding 3 months	\$125,000.00
6. Section 15H(2)(d)	Use, cause or permit a vehicle licensed as an express carriage to be operated as a stage carriage or route taxi	a fine not exceeding \$250,000.00 and in default of payment thereof, imprisonment for a term not exceeding 3 months	\$125,000.00

Column 1 _____	Column 2 _____	Column 3 _____	Column 4 _____
Provision _____	Description of offence _____	Penalty _____	Fixed Penalty _____
7. Section 15L(5)	Failure to comply with any condition attaching to the conductor's licence	a fine not exceeding \$10,000.00 and in default of payment thereof, imprisonment for a term not exceeding 5 days	\$5,000.00
8. Section 15P(10)	During the continuance in force of an exclusive licence, carriage of a person, or permits any person to be so carried, as a passenger by a person other than the franchise holder, within the Licensed Area	a fine not exceeding \$20,000.00 and in default of payment thereof, imprisonment for a term not exceeding 10 days	\$10,000.00
9. Section 15U(9)	Contravention by franchise holder of the provisions of any direction given under or by virtue of section 15W	to a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 30 days or to both such fine and imprisonment	\$50,000.00
10. Section 15Z(6)	Use, cause or permit to be used any stage carriage or express carriage in contravention of	a fine not exceeding \$20,000.00 and in default of payment thereof,	\$10,000.00



Column 1 _____	Column 2 _____	Column 3 _____	Column 4 _____
Provision _____	Description of offence _____	Penalty _____	Fixed Penalty _____
	the terms and conditions of the market service licence for the time being in force	imprisonment for a term not exceeding 10 days	
11. Section 15AB(2)	Contravention of section 15AB(1) prohibiting use of a commercial motor vehicle on a road for the carriage of goods— (a) for hire or reward; or  (b) for or in connection with any trade or business, except under carrier's licence	a fine not exceeding \$100,000.00 and in default of payment thereof, imprisonment for a term not exceeding 30 days	\$50,000.00
12. Section 15AI(1)	Uses or causes or permits a commercial carrier to be used in contravention of the condition of a carrier's licence	a fine not exceeding \$20,000.00 and in default of payment thereof, imprisonment for a term not exceeding 10 days	\$10,000.00
13. Section 15AJ(a)	Forges or with fraudulent intent alters or uses or allows to be used by any other person,	a fine not exceeding \$150,000.00 and in default of payment	\$75,000.00

Column 1 _____	Column 2 _____	Column 3 _____	Column 4 _____
Provision _____	Description of offence _____	Penalty _____	Fixed Penalty _____
14. Section 15AJ(b)	<p>any registration plate issued under the Road Traffic Act, 2018, for a commercial carrier or a public passenger vehicle</p> <p>With intent to enable any other person who is not the holder of the licence granted under this Act in respect of which the registration plate was issued under the Road Traffic Act, 2018, to use a registration plate issued for a public passenger vehicle or a commercial carrier authorized for use under that licence, gives or lends the registration plate to that other person</p>	<p>thereof, imprisonment for a term not exceeding 2 months</p> <p>a fine not exceeding \$100,000.00 and in default of payment thereof, imprisonment for a term not exceeding 30 days</p>	\$50,000.00
15. Section 15AN(2)	<p>Failure to return to the Authority a licence or an authorization that has been suspended or revoked</p>	<p>to a fine not exceeding \$50,000.00 and in default of payment thereof, imprisonment for a term not exceeding 8 days</p>	\$25,000.00

Column 1 _____	Column 2 _____	Column 3 _____	Column 4 _____
Provision _____	Description of offence _____	Penalty _____	Fixed Penalty _____
16. Section 17F(2)	In contravention of section 17F(1), the Registrar not advised of any change in circumstance affecting the accuracy of the particulars in respect of the licence or authorization granted entered on the register not later than ten days after having notice of the changed circumstances	a fine not exceeding \$15,000.00 or to imprisonment for a term not exceeding 8 days	\$7,500.00

*Part II.*

*Offences and Penalties*

In this Part are offences and penalties in respect of which liability shall not be discharged on payment of a fixed penalty.

Column 1 _____	Column 2 _____	Column 3 _____
Provision _____	Description of offence _____	Penalty _____
1. Section 14(1)	Failure to comply with a lawful directions under section 13(2)(d).	On summary conviction before a Judge of the Parish Court to—  a fine not exceeding \$100,000.00 or to imprisonment for a term

Column 1	Column 2	Column 3
Provision	Description of offence	Penalty
		not exceeding 30 days or to both such fine and imprisonment.
2. Section 14(2)	Impersonation of an Inspector.	a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 30 days or to both such fine and imprisonment.
3. Section 14(3)(a)	Assault, hinder or resist an Inspector in the lawful carrying out of the Inspector's duties;	a fine not exceeding \$500,000.00 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
4. Section 14(3)(b)	Aids or abets any person to assault, hinder or resist an Inspector in the lawful carrying out of the Inspector's duties	a fine not exceeding \$500,000.00 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
5. Section 14(3)(c)	Use of abusive or calumnious language to an Inspector in the lawful carrying out of the Inspector's duties	a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 30 days or to both such fine and imprisonment.
6. Section 14(3)(d)	Use of threatening language to or behaviour which is threatening or intimidatory to an Inspector while he is lawfully carrying out his duties as an Inspector	a fine not exceeding \$250,000.00 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

Column 1	Column 2	Column 3
Provision	Description of offence	Penalty
7. Section 14(3)(e)(i)	Incitement of any person to assault, hinder or resist an Inspector in the lawful carrying out of the Inspector's duties	a fine not exceeding \$250,000.00 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.
8. Section 14(3)(e)(ii)	Incitement of any person to use abusive or calumnious language to an Inspector	a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 30 days or to both such fine and imprisonment.
9. Section 14(3)(e)(iii)	Incitement of any person to use any threatening language or to behave in a manner which is threatening or intimidatory to an Inspector	a fine not exceeding \$250,000.00 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.
10. Section 14(4)	A statement or representation made, whether in writing or not which conveys or is likely to convey the impression that a person who is not the holder of a licence under this Act is so licensed	a fine not exceeding \$150,000.00 or to imprisonment for a term not exceeding 2 months.
11. Section 14A(1)(a)	While on board a public passenger vehicle, boarding or disembarking from a public passenger vehicle, threaten with violence any driver, conductor or passenger of a public passenger vehicle	a fine not exceeding \$500,000.00 or to imprisonment for a term not exceeding 6 months.

Column 1	Column 2	Column 3
Provision	Description of offence	Penalty
12. Section 14A(1)(b)	While on board a public passenger vehicle, boarding or disembarking from a public passenger vehicle, do an act which endangers or which is likely to endanger a driver, conductor or passenger of a public passenger vehicle	a fine not exceeding \$250,000.00 or to imprisonment for a term not exceeding 3 months
13. Section 14A(2)(b)	While in a public passenger vehicle behave in a threatening, abusive, insulting or disorderly manner towards the driver, conductor or a passenger of the public passenger vehicle	a fine not exceeding \$250,000.00 or to imprisonment for a term not exceeding 3 months
14. Section 14A(2)(c)	Wilful interference with or hindrance of the performance of the driver or conductor of a public passenger vehicle while the vehicle is in use providing public transportation service	a fine not exceeding \$1,000,000.00 or to imprisonment for a term not exceeding 12 months
15. Section 14A(2)(d)	Wilful interference with a passenger or wilful hinderance or obstruction of a person boarding or disembarking from a public passenger vehicle	a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 6 months
16. Section 15B(10)	In contravention of section 15B(1), use or cause or permit a motor vehicle to be used on any road as a public	a fine not exceeding \$200,000.00 or to imprisonment for a term not exceeding 2 months

Column 1	Column 2	Column 3
Provision	Description of offence	Penalty
17. Section 15K(3)	<p>passenger vehicle without holding a road licence to use that motor vehicle in the manner specified under the road licence</p> <p>(a) In contravention of section 15K(1), acts as conductor of a stage or express carriage on a road without holding a licence granted by the Authority under section 15L</p> <p>(b) In contravention of section 15K(2), employment of a person to act as a conductor of any public passenger vehicle on a road who is not the holder of a licence to act as conductor</p>	<p>a fine not exceeding \$50,000.00 or to imprisonment for a term not exceeding 15 days</p> <p>a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 30 days</p>
18. Section 15Y(4)	<p>Sale or other disposal of article referred to in section 15Y(1) otherwise than in accordance with section 15Y(2)</p>	<p>a penalty of three times the value of the article so sold or otherwise disposed of or \$200,000.00 (whichever is greater) and in default of payment to imprisonment for term not exceeding 3 years</p>
19. Section 15AB(2)	<p>(a) In contravention of section 5AB(1)(a), use</p>	<p>a fine not exceeding \$100,000.00 or to</p>

Column 1 _____	Column 2 _____	Column 3 _____
Provision _____	Description of offence _____	Penalty _____
	of, cause or permit a commercial motor vehicle on a road for the carriage of goods to be used for hire or reward without holding a carrier's licence	imprisonment for a term not exceeding 30 days
	(b) In contravention of section 5AB(1)(b), use of, cause or permit a commercial motor vehicle on a road for the carriage of goods for or in connection with any trade or business without holding a carrier's licence.	a fine not exceeding \$100,000.00 or to imprisonment for a term not exceeding 30 days
20. Section 17(1)(a)	Offers, gives or promises to give money or money's worth to authorized officer so as to secure an advantage in relation to any function of the Authority or the performance of any duty of the authorized officer	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months
21. Section 17(1)(b)	Offering, giving or promising to give money or money's worth to authorized officer so that the authorized officer may perform or refrain from performing any function of the Authority or any duty which is assigned to such authorized officer	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months



Column 1	Column 2	Column 3
Provision	Description of offence	Penalty
22. Section 17(2)(a)	Any authorized officer or any person purporting to act on his own behalf or on behalf of an authorized officer, who solicits, receives or agrees to receive for himself or any other person money or money's worth as an inducement, in connection with the business of the Authority, to show preference or have preference shown to any person	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months
23. Section 17(2)(b)	Any authorized officer or any person purporting to act on his own behalf or on behalf of an authorized officer, who solicits, receives or agrees to receive for himself or any other person money or money's worth as a reward for showing preference or, as the case may be, having preference shown, as mentioned in section 17(2)(a)	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment
24. Section 17H(1)	Wilful defacement or destruction of any document, or part of the document, kept by the Authority	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months
25. Section 17H(2)	Wilful alteration an entry in a register or record	a fine not exceeding \$300,000.00 or to

Column 1	Column 2	Column 3
Provision	Description of offence	Penalty
	kept by the Authority to deceive any person	imprisonment for a term not exceeding 4 months
26. Section 17I(4)(a)	Communication of information or anything contained in the document to any person, otherwise than for the purposes of this Act, or any regulations to any person, other than an investigative authority, except in accordance with applicable law.	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months
27. Section 17I(4)(b)	Communication information or anything contained in the document to any person, otherwise than for the purposes of this Act, or any regulations otherwise than pursuant to a court order	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months
28. Section 17K(3)	Communication of any document or information referred to in section 17K(1), by a person required under section 17K(1) or (2) to deal with specified matters disclosed during official duties or otherwise in the administration of the Act as secret and confidential, to any person— (a) other than a person to whom	a fine not exceeding \$300,000.00 or to imprisonment for a term not exceeding 4 months

Column 1 _____	Column 2 _____	Column 3 _____
Provision _____	Description of offence _____ he is authorized by law to communicate it; (b) otherwise than for the purpose of this Act	Penalty _____

*Part I.**Boundaries of the Corporate Area*

From the line of the parish of Saint Thomas at the mouth of the Bull Bay River along the right bank of the said river to a point nine chains south-east of Halberstadt Old Works; thence, northerly in a straight line to the point where the parochial road from Halberstadt to Galloway crosses the Shooting River; thence, down the left bank of the Shooting River to its confluence with the Yallahs River; thence, up the right bank of the Yallahs River to its confluence with the Green River; thence, up the right bank of the Green River to the top of the Blue Mountain range; thence, westerly along the top of the Great Ridge, being the line of the parishes of Portland and Saint Mary, to the source of the George's Spring; thence, down the left bank of the George's Spring to its confluence with the Wag Water River; thence, up the right bank of the Wag Water River to its confluence with the Tom's River; thence, up the right bank of the Tom's River to its source at New Ramble; thence, westerly along the top of the Ridge to the line of the parish of Saint Catherine; thence, southerly in a straight line through Mount Charles and Cassava River property to a spring being a tributary of the Cassava River; thence, down the left bank of the said spring to its confluence with the said Cassava River; thence, down the left bank of the Cassava River to its confluence with the Rio Pedro; thence, up the right bank of the Rio Pedro to the confluence of the Crooked Spring and Stony River; thence, up the right bank of the Crooked Spring to Content; thence, southerly to the north-east corner of Mount Recovery at the Stony River; thence, up the right bank of the Stony River to its confluence with a spring north of the line of Rock Hall; thence, south-easterly and southerly through Rock Hall, Park's Prospect and Claremont to the Fresh River; thence, down the left bank of the Fresh River to its confluence with the Salt River; thence, down the left bank of the Salt River to its mouth at Hunt's Bay at Kingston Harbour; thence, easterly, southerly and westerly along the foreshore of Kingston Harbour to Port Royal Point; thence, easterly along the sea coast to the starting point.

*Part II.**The area which, together with the Corporate Area, constitutes the Kingston Metropolitan Transport Region*

The area starting at a point on the 555,000 grid line at the Needles (Coleman's Bay) and northerly on the same grid line to its junction with grid line 410,000 to a point touching the parish boundary of Saint Catherine and Saint Andrew at a point north-westerly of Ferry and south-easterly along the said parish boundary on the west bank of the Fresh River to the

sea coast at Hunts Bay, and south-easterly across Hunts Bay to a point on the eastern boundary of the Causeway at Greenwich Town, and south-easterly along the eastern boundary at the said Causeway, and south-westerly along its southern boundary to a point on the coastline at Passage Fort, and south-easterly along the coastline to Fort Augusta, and south-westerly along the coastline to Old House Point and north-westerly to the starting point at Needles (Coleman’s Bay).”.

**23.**—(1) The Public Passenger Transportation (Kingston Metropolitan Transport Region) Act is repealed. Repeal.

(2) The Public Passenger Transportation (Rural Area) Act is repealed.

### PART III—*Transitional*

**24.** In this Part—

Interpretation,  
Part III.

“appointed day” means the day appointed under section 1(2) for the coming into operation of this Act;

“Board” means—

- (a) the Public Passenger Transport (Kingston and Metropolitan Transport Region) Board of Control established under section 7 of the Public Passenger Transport (Kingston Metropolitan Transport Region) Act; and
- (b) the Public Passenger Transport (Rural Area) Board of Control established under section 7 of the Public Passenger Transport (Rural Area) Act;

“licence” includes—

- (a) a road licence, an emergency road licence, carrier’s licence, permit or authorization granted under the Road Traffic Act, 1938, in respect of the operation of public passenger vehicles or commercial motor cars;
- (b) an exclusive licence or a market service licence granted under a repealed Act;

“repealed Acts” means—

- (a) the Public Passenger Transport (Kingston Metropolitan Transport Region) Act;
- (b) the Public Passenger Transport (Rural Area) Act.

Savings and transitional.

**25.**—(1) Any person who immediately prior to the appointed day was the holder of a licence under—

- (a) the Road Traffic Act, 1938, and pursuant to sections 134 and 135 of the Road Traffic Act, 2018, in respect of the operation of public passenger vehicles or commercial carrier; or
- (b) a repealed Act,

(in this section referred to as an existing licence), shall subject to the provisions of the Transport Authority Act, be deemed to be duly licensed or otherwise permitted under the Transport Authority Act, as if the relevant provisions of the Transport Authority Act were in force as at the date on which any such licence was granted.

(2) As from the appointed day the provisions of the Transport Authority Act shall apply to all pending applications for licences.

(3) Any licences and permits granted prior to the appointed day, shall continue to be valid and continue in force, unless otherwise revoked, until the date for expiry thereof.

(4) The Authority may, by written notice, vary or revoke any licences or permits granted prior to the appointed day.

Savings of customs duty relief.

**26.** Any person who immediately prior to the appointed day—

- (a) was entitled to relief from the payment of customs duties or other similar impost under section 13 or 15 of a repealed Act; and
- (b) imported into Jamaica or had taken out of bond in Jamaica, free of customs duty or other similar impost, the articles specified in the respective Second Schedule to a repealed Act,

shall be deemed to be duly entitled to such relief in accordance with section 13 or 15, as if section 13 or 15, respectively, were in force as at the date on which liability for payment of customs duty or similar impost arose in respect of the articles referred to in paragraph (b).

- 27.**—(1) Any person who immediately prior to the appointed day— Savings for insurance funds.
- (a) was declared exempt from the application of the provisions of the Motor Vehicles Insurance (Third-Party) Risks Act, by order, under section 12 or section 14 of a repealed Act; and
  - (b) had established and continues to maintain an insurance fund in accordance with the provisions of the order, including any conditions,

shall be deemed to be duly entitled to such exemption as if section 12 and 14, respectively, were in force until the revocation of the order making the declaration.

(2) Where pursuant to section 31 the Minister revokes any order made under section 12 or 14 of a repealed Act, the person who was the subject of the revoked order shall forthwith cease to be exempt from the provisions of the Motor Vehicles Insurance (Third-Party Risks) Act, and the amount standing to the credit of the insurance fund shall be dealt with by that person in accordance with the direction of the Authority.

**28.**—(1) If in any agreement, arrangement, contract or any other document there is a reference to the Board, that reference is, unless the context otherwise requires, to be read and have effect on and after the appointed day, as if it were a reference to the Transport Authority. Savings of agreements, instruments, contracts, etc., of Boards.

(2) Any agreement, arrangement, contract or legal instrument subsisting immediately before the appointed day, to which the Board was a party, has effect on and after the appointed day as if—

- (a) the Government were substituted for the Board as a party to the agreement, arrangement, contract or legal instrument; and

- (b) any reference in the agreement, arrangement, contract or legal instrument to the Board, unless the context otherwise requires, is amended to be or to include a reference to the Authority.

Transitional  
arrangements  
for money.

**29.**—(1) On the appointed day, any moneys held in any bank account in the name of, or standing to the credit of the Board shall be credited to the Consolidated Fund to be applied in the payment of any liabilities of the Board which arose before the appointed day.

(2) All moneys which became payable to the Board whether before or after the appointed day shall be paid to the Transport Authority.

Devolution  
of assets and  
liabilities,  
*etc.*,

**30.**—(1) With effect from the appointed day, there shall be transferred and vested in the Transport Authority, all assets, rights and liabilities of the Board.

(2) The Authority shall, in relation to the assets, rights and liabilities so transferred and vested, have every right, power, privilege, immunity or duty which immediately before that date was capable of being enjoyed or performed by the Board.

(3) All official records of the Board are transferred to the custody of the Authority.

Savings,  
regulations.

**31.** Notwithstanding the repeal of Parts III and IV of the Road Traffic Act, by section 133 of the Road Traffic Act, 2018, and the repeal under section 23 of the repealed Acts, regulations made thereunder as in force immediately before the repeal of Parts III and IV of the Road Traffic Act, and the repealed Acts—

- (a) shall remain in full force and effect, with such changes as may be necessary, as if made under this Act, and may be amended or revoked accordingly; and
- (b) any reference in any other enactment to specific provisions of Parts III and IV of the Road Traffic Act, and the repealed Acts shall be construed as a reference to the equivalent provision, if any, of the Transport Authority Act, as amended by this Act.



**32. On the appointed day—**

- (a) all references to the Board in other enactments, shall be construed as references to the Transport Authority; and
- (b) all references to the Licensing Authority in other enactments, shall be construed as references to the Transport Authority;
- (c) except as provided in paragraph (a) and (b), any reference in other enactments to an officer of the Board or the Licensing Authority, shall be construed as a reference to an officer of the Transport Authority.

Construction  
of other  
enactments.

Passed in the Honourable House of Representatives this 19th day of July, 2022.

M. DALRYMPLE PHILIBERT, CD, MP  
*Speaker.*

Passed in the Honourable Senate this 29th day of July, 2022 with eleven (11) amendments.

CHARLES SINCLAIR,  
*Deputy President.*

MEMORANDUM OF OBJECTS AND REASONS

The Transport Authority Act regulates the public passenger transportation system and establishes the Transport Authority as the regulatory body for the purpose thereof.

This Bill seeks to amend the Transport Authority Act to—

- (a) incorporate in the Transport Authority Act the provisions relating to the licensing and regulation of public passenger vehicles, as well as commercial motor vehicles currently regulated under Parts III and IV of the Road Traffic Act, 1938 (consequent on the passage of the Road Traffic Act, 2018);
- (b) repeal the Public Passenger Transport (Kingston Metropolitan Transport Region) Act and the Public Passenger Transport (Rural Area) Act and to incorporate in the Transport Authority Act the functions of the respective Transport Control Boards under those Acts, currently being exercised by the Transport Authority; and
- (c) include provisions for the better administration of the public passenger transport sector and to deter corruption and non-compliance with the law.

AUDLEY SHAW  
Minister of Transport and Mining

# ABILL

ENTITLED

AN ACT to Amend the Transport Authority Act.

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As passed in the Honourable House of Representatives.

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As passed in the Honourable Senate.

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(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA.

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HEADING OF PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

*Preliminary*

SECTION 2 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

2. In this Act—

“Authority” means the Transport Authority established under section 3;

“chairman” means the chairman of the Authority;

“functions” includes powers and duties;

“Inspector” means an Inspector designated as such pursuant to section 12;

“member” means a member of the Authority;

“public passenger vehicle” and “road licence” shall have the same meaning respectively as in the Road Traffic Act.

HEADING OF PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

*Establishment and Functions of the Authority*

SECTION 4 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

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 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.

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

(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.

SECTION 7 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

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.

... ..

(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.

SECTIONS 11 AND 12 OF THE PRINCIPAL ACT  
WHICH IT IS PROPOSED TO AMEND

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.

... ..

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.

... ..

SECTION 13 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO REPEAL AND REPLACE

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.

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

- (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—

- (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;
- (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.

(3A) The proceeds of sale of a vehicle seized under subsection (3) shall be paid to the Accountant-General.

(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.



SECTION 13A OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

**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.

... ..

SECTION 14 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

**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 Parish 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 Parish 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.

(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;



(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) ... ..

**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 Parish 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.

(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 Parish 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.

SECTION 18 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

**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—

(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.

... ..

SECTION 19 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO REPEAL

**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 TO THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

FIRST SCHEDULE

*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.

(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.

... ..

(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.

... ..

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.