

ABILL

ENTITLED

AN ACT to Amend the Transport Authority Act.

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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:—

1. This Act may be cited as the Transport Authority (Amendment) Act, 2015, 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
and
construction.

2. The principal Act is amended by inserting immediately before section 16 the following as section 15A—

Insertion of
new section
15A in
principal
Act.

"Classification
of public
passenger
vehicles.

15A.—(1) Subject to subsection (2), for the purposes of the *Road Traffic Act*, this Act, and the

regulations made under those Acts, public passenger vehicles shall be divided into the following classes—

- (a) stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares for a single journey, stage by stage, and stopping to pick up or set down passengers along a designated route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages or hackney carriages as defined in this section;
- (b) express carriages; that is to say, motor vehicles not being hackney carriages, as defined in this section, carrying passengers for hire or reward at separate fares for a single journey and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying appropriate fares for the journey or journeys in question;
- (c) contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum and not standing or plying for hire on any road;
- (d) hackney carriages; that is to say, motor vehicles carrying passengers for reward or hire as a whole, used in standing or plying for hire on any thoroughfare or place frequented by the public and which have

seating accommodation for not more than five persons, including the driver; and

- (e) route taxis; that is to say, motor vehicles, adapted for carrying no more than ten passengers for hire or reward at separate fares along a designated route not exceeding thirty kilometres, and stopping to pick up and set down passengers along that route.

(2) Subject to section 21 of the *Public Passenger Transport (Corporate Area) Act*, a public passenger vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of public gatherings and other like special occasions it is used to carry passengers at separate fares.

(3) The Authority, in consultation with the Island Traffic Authority and the local authority shall, by order from time to time and subject to any restrictions or conditions specified in the order, authorize (within the area of the Authority) the use of certain sections of any road, or any other public place, as stands for contract carriages.

(4) Any person who fails to comply with a restriction or condition of an order under subsection (3) commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding ten thousand dollars.

(5) Where persons are carried in a motor vehicle for any journey for consideration of separate payments made by them, whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a vehicle

carrying passengers for hire or reward at separate fares whether the payments are solely in respect of the journey or not.

(6) A vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

(7) For the purposes of this section, a motor vehicle shall be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise, that is to say—

- (a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party shall have been made by some person, not being the holder of the licence in respect of the vehicle or a person acting on behalf of the holder of the licence or a person who receives any remuneration in respect of those arrangements;
- (b) the journey shall be made without previous advertisement to the public of the arrangements for the journey;
- (c) all the passengers shall, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;
- (d) no differentiation of fares for the journey on the basis of distance or of time shall be made; and

- (e) in the case of a journey to a particular destination, the passengers shall not include any person who, frequently or as a matter of routine, travels at or about the time of day at which the journey is made, to that destination from a place from or through which the journey is made.”.

3. Section 60 of the *Road Traffic Act* is repealed.

Repeal of
section 60 of
*Road Traffic
Act.*

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Transport Authority Act to include the classification of public passenger vehicles that is found at present in section 60 of the *Road Traffic Act* and to delete that section from the *Road Traffic Act*.

The classification is also being modified to increase the seating capacity of hackney carriages from not more than four persons to not more than five persons, including the driver.

OMAR DAVIES, M.P.
Minister of Transport, Works
and Housing.

A BILL

ENTITLED

AN ACT to Amend the Transport Authority
Act.

As introduced by the Honourable Minister of
Transport, Works and Housing.

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SECTION 16 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

General

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

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

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

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

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

SECTION 60 OF THE ROAD TRAFFIC ACT
WHICH IT IS PROPOSED TO REPEAL

PART III. *Regulation of Public Passenger Vehicles and Road Licences*

60.—(1) Public passenger vehicles shall, for the purposes of this Part and the regulations made thereunder, be divided into the following classes—

- (a) stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than ten cents for a single journey or such sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line of route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages or hackney carriages as hereinafter defined;

- (b) express carriages; that is to say, motor vehicles not being hackney carriages as hereinafter defined carrying passengers for hire or reward at separate fares (none of which is less than ten cents for a single journey or such sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying appropriate fares for the journey or journeys in question;
- (c) contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;
- (d) hackney carriages; that is to say, motor vehicles carrying passengers for reward or hire used in standing or plying for hire on any thoroughfare or place frequented by the public and which have seating accommodation for not more than four persons:

Provided that subject to section 21 of the Public Passenger Transport (Corporate Area) Act, a public passenger vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of race meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

(2) 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:

Provided that a Traffic Area Authority shall by order from time to time and subject to such restrictions and conditions as may be specified in any such order authorize within the area of the Authority 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 and any person who fails to comply with any such restriction or condition of any such order, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars.

(3) It is hereby declared that where persons are carried in a motor vehicle for any journey for consideration of separate payments made by them whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares whether the payments are solely in respect of the journey or not:

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made

separate payments which cover their conveyance by that vehicle on that occasion.

(4) For the purposes of this section a motor vehicle be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise (that is to say)—

- (a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party must have been made by some person, not being the holder of the licence in respect of the vehicle or a person acting on behalf of the holder of such a licence or a person who receives any remuneration in respect of those arrangements;
- (b) the journey must be made without previous advertisement to the public of the arrangements therefor;
- (c) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;
- (d) no differentiation of fares for the journey on the basis of distance or of time must be made;
- (e) in the case of a journey to a particular destination the passengers must not include any person who, frequently, or as a matter of routine, travels, at or, about the time of day at which the journey is made, to that destination from a place from or through which the journey is made.

