



ST. CHRISTOPHER AND NEVIS

CHAPTER 15.04

PUBLIC SERVICE VEHICLE DRIVERS (SPECIAL PROVISIONS) ACT

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PUBLIC SERVICE VEHICLE DRIVERS (SPECIAL PROVISIONS) ACT

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CHAPTER 15.04

PUBLIC SERVICE VEHICLE DRIVERS (SPECIAL PROVISIONS) ACT

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SCHEDULE

CHAPTER 15.04**PUBLIC SERVICE VEHICLE DRIVERS (SPECIAL PROVISIONS) ACT**

AN ACT TO MAKE SPECIAL PROVISION RELATING TO LICENCES TO DRIVE PUBLIC SERVICE VEHICLES AND NEW PROVISION FOR THE ISSUE OF MOTOR OMNIBUS CONDUCTORS LICENCES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Public Service Vehicle Drivers (Special Provisions) Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Act” means the Vehicles and Road Traffic Act;

“Assistant Controller” means any Assistant Controller appointed under this Act;

“Board” means the Traffic Safety and Public Service Drivers Board referred to in section 3;

“Controller” means the Controller of Public Service Vehicle Drivers appointed under this Act; and any interim Controller so appointed, and includes any assistant Controller so appointed who is authorised by the Controller or by the interim Controller to act on his or her behalf;

“dispatcher” means a person employed by the Minister responsible for Transport to regulate the flow of public service vehicles at a port;
(*Inserted by Act 23 of 1999*)

“hire or reward” includes the meaning assigned to that expression in section 2(2) of the Act;

“licence” means a licence issued under this Act;

“Minister” means the Minister charged with responsibility for the subject of public Transport;

“police officer” includes any member of the Royal Saint Christopher and Nevis Police Force;

“Public service drivers inspector” means any person authorised by the Board to inspect public service vehicles;
(*Inserted by Act 23 of 1999*)

“summary conviction” means summary conviction after trial in a Magistrate’s Court;

“Taxi” means a motor vehicle having a seating capacity of no more than fourteen passengers and which stands or plies for hire with a flexibility to operate as a tour vehicle and bearing a letter “T” on a yellow number plate;
(*Substituted by Act 23 of 1999*)

“tour car”, “livery car”, “motor omnibus”, “public service vehicle”, “self-drive vehicle”, “Traffic Commissioner”, “pre-arranged journey”, “pre-arranged travellers journey” have the meanings respectively assigned to the expressions “tour car”, “livery car”, “motor omnibus”, “public service vehicle”, “self-drive vehicle”, “Traffic Commissioner”, “pre-arranged journey” and “pre-arranged travellers journey” in the Act;

“tour bus” means a motor vehicle which is hired for parties and having a seating capacity of not less than twenty-five passengers and bearing the letters “GT” on a light pink number plate;

(Inserted by Act 23 of 1999)

“Traffic Commissioner” means the Traffic Commissioner appointed under the Act.

The Traffic Safety and Public Service Drivers Board.

3. (1) The Traffic Safety and Public Service Drivers Board established by section 3 of the Vehicles and Road Traffic Act shall, for the purpose of regulating the conduct of public service drivers, serve as the Board under this Act.

(2) The functions of the Board shall, in relation to this Act, be those functions conferred on it under section 4 (1) (c), paragraphs (d), (e), (f), (g) and (h) of section 4(2), sections 4(3), 4(4) (b) and 4(5) of the Vehicles and Road Traffic Act, Cap. 15.06.

(Substituted by Act 23 of 1999)

Appointment of Controller of Public Service Drivers.

4. (1) The Governor-General may, acting in accordance with the advice of Cabinet, appoint a person to be called the Controller of Public Service Drivers.

(2) The Controller shall be assigned to the Ministry responsible for Transport and shall exercise and perform the functions assigned to him or her by this Act and the regulations made under this Act.

(3) The Controller shall be—

(a) subject to the directions of the Board and responsible to the Board for the execution of the Board’s policy and management of the Board’s affairs;

(b) responsible for keeping a register which register shall contain—

(i) the name and address of the holder and full particulars of every public service vehicle driver’s licence;

(ii) the name and address of the holder and full particulars of every motor vehicle inspector’s licence; and

(iii) such other particulars as the Minister may, from time to time, determine.

(4) Upon payment of a fee to be determined by the Board, from time to time, any person shall be entitled to be given a typed copy of any of the information contained in the records referred to in paragraph (b) of subsection (3) of this section.

(Substituted by Act 23 of 1999)

Appointment of Inspectors.

5. (1) For the purposes of this Act, there shall be appointed by the Minister such number of Public Service Drivers Inspectors as may be necessary for those purposes.

(2) A Public Service Drivers Inspector shall be responsible for inspecting public service vehicles and comportment of public service vehicles drivers.

(3) A Public Service Drivers Inspector may, in the discharge of his or her functions under this Act, order any driver of a public service vehicle to stop and not

to proceed on his or her journey where the Inspector considers the vehicle to be in a condition which may expose the public to danger.

(4) A Public Service Drivers Inspector shall, in respect to his or her functions and powers referred to in subsection (2) of this section make a report to the Board, and in respect of subsection (3) of this section make a report to the police and the Board.

(5) For the purposes of subsections (2) and (3) of this section a person employed as a dispatcher by the Ministry of Transport shall be an *ex officio* Public Service Drivers Inspector.

(Inserted by Act 23 of 1999)

Offence of obstruction.

6. A person who obstructs a Public Service Drivers Inspector while executing his or her duties or exercising his or her powers under this Act or the regulations made under this Act commits an offence and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or both.

(Inserted by Act 23 of 1999)

The register.

7. (1) For the purposes of this Act, the Controller shall keep a register.

(2) The register shall contain a record of the following—

- (a) the name and address of the holder and full particulars of every public service vehicle driver's licence;
- (b) the name and address of the holder and full particulars of every motor omnibus conductor's licence.

(3) The register may contain such other records and particulars as the Minister may from time to time determine.

(4) Upon payment of a fee of two dollars any person shall be entitled to be given a typed copy of any of the information contained in the records referred to in subsection (2) of this section.

(5) A copy of any part of the register purporting to be certified by the Controller to be a true copy, shall be deemed to be such a true copy without proof unless the contrary is shown, and shall be received in evidence in any court without there being required to be produced the register or any licence or other document which would be evidence of the matter sought to be proved by such certified copy, and any person applying to the Controller shall be furnished with such a certified copy on payment of a fee of two dollars.

Annual Reports.

8. As soon as possible after the end of each year, the Minister and the Authority shall submit to the Cabinet a report on the exercise and performance of their respective functions under this Act and a copy of each such report shall be laid on the Table of the National Assembly as soon as possible thereafter.

Public Service Drivers' Licence.

9. (1) Notwithstanding the provisions of the Act or of any law in force at the date of the commencement of this Act, a person shall not drive or employ any other person to drive—

- (a) a motor omnibus; or
- (b) any other public service vehicle (other than a self-drive vehicle) carrying passengers for hire or reward, unless he or she or that other person (as the case may be) is the holder of the relevant public service driver's licence and any person acting in contravention of this subsection commits an offence and is liable, on summary conviction, to a fine of one hundred and fifty dollars in respect of a first offence and liable, on summary conviction, to a fine of one hundred and fifty dollars or to imprisonment for a term of six months in respect of a second or subsequent offence.

(2) For the purposes of this section, the relevant public service driver's licence is—

- (a) in the case of a tour car, a tour car driver's licence;
- (b) in the case of a taxi or livery car, a tour car driver's licence or a taxi driver's licence;
- (c) in the case of a motor omnibus, a tour car driver's licence, a taxi driver's licence or a motor omnibus driver's licence.

(3) The Minister may, without prejudice to the generality of the provisions of section 3 of this Act, by regulations, require any applicant for a public service driver's licence to satisfy the Board as to his or her physical fitness, competency and suitability to be a public service driver, and until such regulations are made, the issue of all public service driver's licences shall be subject to such requirements as the Board may impose.

(Substituted by Act 23 of 1999)

(4) A person—

- (a) who does not hold a driver's licence, issued to him or her under the Act;
- (b) who is not entitled to drive a motor vehicle, under the Act;
- (c) who is under twenty-one years;
- (d) who cannot read or write;
- (e) who does not hold a certificate of competency issued by the Board pursuant to section 3(a)(b);

(Inserted by Act 23 of 1999)

- (f) who is not either a person who—
 - (i) is deemed a believer for the purposes of the Immigration Act; or
 - (ii) possesses a valid and subsisting certificate of permanent residence granted under the Immigration Act,

shall not be granted a public service driver's licence:

Provided that the provisions of paragraph (f) shall not apply to any person who had been licensed to drive a taxi, or omnibus under the authority of the Act for a longer period than six months before the commencement of this Act.

(Amended by Act 23 of 1999)

(5) A refusal by the Minister to grant a public service driver's licence shall be subject to confirmation by the Board which shall, before confirming such refusal, hear the Minister, and hear the applicant if he or she desires to be heard.

(6) A public service driver's licence shall be granted for such period not exceeding one year from its commencement as the applicant's driving licence shall remain valid.

(7) A public service driver's licence shall only be granted on payment of the appropriate fee specified in the Schedule to this Act.

(8) Every public service driver's licence shall bear a number, and that number shall appear also on the badge to be issued to the holder by the Minister, and every holder while acting as a public service vehicle driver shall wear the badge which indicates that he or she is the holder of the relevant public service driver's licence, and any driver who fails to comply with this subsection commits an offence and shall be liable, on summary conviction, to a penalty of fifteen dollars for each offence.

(Amended by Act 23 of 1999)

Rights of existing public service drivers.

10. (1) Any person who satisfies the Minister that he or she has had not less than one year's experience of driving a motor omnibus in the period of five years immediately preceding the commencement of this Act may be granted an omnibus driver's licence without having to satisfy an examiner except as to his or her physical fitness to drive an omnibus, if he or she applies for such a licence within six months of the commencement of this Act.

(Amended by Act 23 of 1999)

(2) Any person who—

(a) immediately before the commencement of this Act, was driving a taxi licensed by himself or herself; or

(b) at any time during the period of one year immediately preceding the commencement of this Act, was employed for a continuous period of not less than six months as a chauffeur under the authority of a chauffeur's licence issued under the Act,

shall be entitled to be granted a tour car driver's licence and a taxi driver's licence and an omnibus driver's licence, or all or any of these licences, without having to satisfy any examiner except as to his or her physical fitness to drive an omnibus, if he or she applies therefor within six months of the commencement of this Act.

Conduct and appearance of public service drivers.

11. (1) Every driver of a public service vehicle (other than a self-drive vehicle) shall be required, while driving for hire or reward or while attending at any place as a public service driver, to be sober, of orderly behaviour and of clean and tidy appearance, and to wear any public service driver's badge issued to him or her by the Board, and the Minister may make regulations prescribing the standard of conduct, appearance and dress to be required of any such drivers at any such time.

(2) Any driver of a public service vehicle (other than a self-drive vehicle) who, while in charge of such a vehicle—

- (a) uses any insulting or abusive language or makes any insulting gesture;
- (b) wilfully causes any injury or damage to any person or property; or
- (c) drives wantonly or furiously,

commits an offence and is liable, on summary conviction, to a fine of one hundred and fifty dollars or to imprisonment for a term of one month for a second or subsequent offence.

(3) Every driver of a public service vehicle (other than a self-drive vehicle) who, while in charge of such a vehicle—

- (a) demands more than the legal fare; or
- (b) refuses to carry in the vehicle which he or she is driving the number of persons for which such vehicle is licensed,

commits an offence and is liable, on summary conviction, before a Magistrate to a fine of one hundred and fifty dollars for such offence.

(Amended by Act 23 of 1999)

Revocation or suspension of public service driver's licence.

12. (1) Subject to the provisions of this section any public service driver's licence may be revoked or suspended at any time by the Minister upon the ground that, by reason of his or her conduct or physical disability, the holder is not a fit person to hold any such licence:

Provided that—

- (a) if the Minister is satisfied that the holder is not a fit person to hold a tour car driver's licence; but is not satisfied that he or she is not a fit person to hold a taxi driver's licence; he or she may revoke or suspend the holder's tour car driver's licence, but shall not revoke or suspend his or her taxi driver's licence;
- (b) if the Minister is satisfied that the holder is not a fit person to hold a tour car driver's licence or a taxi driver's licence, but is not satisfied that he or she is not a fit person to hold a motor omnibus driver's licence, he or she may revoke or suspend the holder's taxi driver's licence and his or her tour car driver's licence (if any), but shall not revoke or suspend his or her motor omnibus driver's licence.

(2) Before revoking or suspending any public service driver's licence upon the grounds of any complaint made against the conduct of the holder, the Minister shall investigate the complaint and afford to the holder an opportunity to be heard and to adduce evidence.

(3) A holder of any public service driver's licence may appeal to the Minister against any decision of the Minister under this section, and any holder who is aggrieved by the decision of the Minister may appeal to the High Court.

(Amended by Act 23 of 1999)

Fraudulent use of public service vehicle driver's badge.

13. Any person who, for the purpose of deception, has or uses any badge resembling or intended to resemble any taxi driver's badge, tour car driver's badge or

motor omnibus driver's badge, which has been issued by the Board under this Act, and any person who shall transfer or attempt to transfer the same to any other person, commits an offence and is liable, on summary conviction, to a fine of one hundred and fifty dollars for the first offence and to a fine of three hundred dollars for a second or subsequent offence.

(Amended by Act 23 of 1999)

Offence of soliciting.

14. (1) It shall be an offence for the driver of any taxi, livery car, or motor omnibus to recommend or solicit custom for any place of business, unless directly requested to give advice or to make a recommendation by a passenger, and it shall be an offence for the owner of any such vehicle to cause, require or knowingly permit any driver employed by him or her to commit any such offence.

(2) It shall be an offence for the owner of any taxi, livery car or tour car to cause to be affixed thereto or displayed therein any advertising matter advertising any place of business other than the owner's transport business.

(3) A person who is found guilty of an offence under this section and any person found guilty of aiding or abetting such an offence shall be liable, on summary conviction, to a fine of seventy-five dollars or to imprisonment for a term of one month for a second or subsequent offence, and, in addition, to have his or her licence revoked.

Regulation of conduct of passengers in public service vehicles.

15. The Minister may make regulations generally as to the conduct of passengers in public service vehicles (other than self-drive vehicles) and any such regulations may, in particular, without prejudice to the generality of the foregoing, authorise the removal of a passenger from a vehicle, require a passenger to give his or her name and address to the driver, and to declare the journey he or she intends to take or has taken and to pay the legal fare therefor and to produce on demand at the proper time and to the proper person any ticket issued to him or her.

Motor omnibus and passenger truck to carry conductor.

16. (1) Except as otherwise approved by the Minister every motor omnibus and every truck when carrying passengers shall at all times when in use on any road carry a conductor in addition to the driver.

(2) The owner of any motor omnibus or passenger truck used in contravention of the provisions of this section commits an offence and shall, on summary conviction, be liable to a fine of one hundred and fifty dollars.

(Amended by Act 23 of 1999)

Conductor's licence.

17. (1) No person shall act as a conductor of a motor omnibus or passenger truck unless he or she is licensed for that purpose, and no person shall employ as a conductor any person who is not so licensed.

(2) Any person who acts in contravention of the provisions of this section commits an offence and shall on summary conviction, be liable to a fine not exceeding one hundred and fifty dollars.

Application for conductor's licence.

18. (1) Any person who desires to be licensed as a conductor of a motor omnibus or passenger truck shall apply to the Minister in the prescribed form.

(2) A conductor's licence shall be in such form as may be prescribed and shall be issued by the Minister upon being satisfied that the prescribed fee has been paid in accordance with the provisions of the Schedule and that the provisions of any regulations made under this Act have been complied with.

(Amended by Act 23 of 1999)

Duration of conductor's licence.

19. A conductor's licence shall, unless previously cancelled or suspended by the Minister, expire upon the 31st day of December next following the date of issue.

(Amended by Act 23 of 1999)

Cancellation and suspension of conductor's licence.

20. The Minister may cancel or suspend the licence of any conductor on his or her being convicted of an offence under the Act or under this Act or for any contravention of the provisions of this Act or of any regulations made thereunder.

(Amended by Act 23 of 1999)

Rights of existing motor omnibus conductors.

21. Any person who before the commencement of this Act was the holder of a motor omnibus conductor's licence shall be entitled to be granted a motor omnibus conductor's licence if he or she applied for the licence within three months of the commencement of this Act.

Duty to produce public service vehicle driver's licence.

22. A police officer in uniform may require the driver of a motor vehicle to produce any public service vehicle driver's licence of which he or she is the holder, and if that driver does not produce such licence to that officer at the time of the requirement or at a police station selected by the driver within forty-eight hours of the time of the requirement, he or she commits an offence and shall be liable, on summary conviction, to a fine of seventy-five dollars, and, in addition, to have his or her licence revoked.

Fees.

23. All fees received by the Controller under this Act, or under any regulations made thereunder, shall be paid to the Accountant General to the credit of the general revenue.

Conflict of law.

24. Whenever the provisions of this Act or of any regulations made thereunder are in conflict with the provisions of any other Act relating to the licensing and conduct of drivers of public service vehicles the provisions of this Act and the regulations made thereunder shall prevail.

Special provisions relating to taxis.

25. (1) Every motor vehicle standing or plying for hire as a taxi shall comply with the provisions of this section and of any regulations made thereunder.

(2) Every taxi shall have the word "taxi" painted thereon or affixed thereto in such form and manner as may be prescribed by regulations made under this section and shall comply with any such regulations prohibiting or restricting the painting thereon or affixing thereto of any other lettering.

(3) Every taxi shall carry a card bearing a photograph of the driver and his or her name and the number of his or her public service driver's licence, which card shall be carried in such position and shall be in such form as may be prescribed by regulations, and subject to any such regulations made under this section as may be directed by the Controller.

(4) Every taxi shall have affixed therein in such position as the Controller may direct and in a legible condition any card which may be issued free of charge to the owner by the Controller and relating to the maximum rates of fares or to the offence of soliciting or to any provision of this Act which in the opinion of the Controller should be brought to the attention of passengers.

(5) Further copies of cards referred to in subsection (4) may be obtained from the Controller on payment of a fee of fifty cents for each copy.

(6) Regulations made under this section shall be made by the Minister.

(7) Every owner of a taxi which does not comply with any of the provisions of this section commits an offence and shall be liable, on summary conviction, to a fine of one hundred and fifty dollars.

SCHEDULE

	\$	¢
1. For the issue of public service vehicle driver's licence per category	10	00
2. To replace public service vehicle driver's licence damaged or lost	10	00
3. For the issue of a Motor Omnibus conductor's licence	2	25
