

ANTIGUA AND BARBUDA

**ANTIGUA AND BARBUDA TRANSPORT BOARD
DEMERIT SYSTEM REGULATIONS 2004**

ARRANGEMENT OF REGULATIONS

Regulations

1. Short title.
2. Interpretation.
3. Demerit System.
4. Constitution of the Committee.
5. Imposition of penalty and recording of breach of condition.
6. Convictions to be recorded.
7. Conditions of a licence.
8. Suspension of public service vehicle driver's licence.
9. Effect of suspension of driver's licence.
10. Appeals.
11. Cancellation of demerit points.

SCHEDULE

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

2004, No. 1

**The Transport Board (Demerit System) Regulations, 2004
made by the Minister under section 17 of the Transport
Board Act, 1995, No. 13 of 1995.**

1. These Regulations may be cited as the Transport Board (Demerit System) Regulations, 2004. Short title.

2. In these Regulations — Interpretation.

“Act” means the Transport Board Act, 1995, No. 13 of 1995;

“Board” means the Transport Board established by section 3 of the Transport Board Act, 1995, No. 13 of 1995;

“Committee” means the committee constituted under regulation 4;

“holder of a permit” means the holder of a public service vehicle driver’s permit granted under the Transport Board Regulations 1999, No. 19 of 1999;

“Minister” means the Minister responsible for transportation;

“public service vehicle” means a motor vehicle used for the purpose of conveying people for hire or reward, whether at separate and distinct fares from their respective places or not;

“public service vehicle driver’s permit” means a permit under the Transport Board Regulations 1999, No. 19 of 1999;

3. (1) For the purposes of these Regulations, the Board may establish a demerit system which shall be applicable to any holder of a permit. Demerit System.

(2) The demerit system shall consist of the recording of points and the imposition of administrative penalties for breaches of

any condition attached to a public service vehicle driver's permit.

Constitution of Committee.

4. (1) The demerit system shall be administered by a committee of three persons constituted as follows —

- (a) the General Manager of the Board or his representative;
- (b) a police officer not below the rank of an inspector appointed by the Commissioner of Police; and
- (c) one person representing the association of public service vehicle drivers.

(2) The Chairman of the committee shall be the General Manager of the Board or in his absence the Deputy General Manager.

(3) The Committee constituted under subregulation (2) shall be responsible for —

- (a) determining whether a condition of a public service vehicle driver's permit has been breached;
- (b) issuing of notification for the breach of any condition to any holder of a permit specified in the Schedule;
- (c) recording of points for any breach against a holder of a permit;
- (d) imposing any of the penalties specified in Schedule II for a breach of condition.

Imposition of penalty and recording of breach of condition.

5. (1) Where the Committee determines that the holder of a permit is in breach of any of the conditions prescribed in regulation 7, it shall —

- (a) record against the holder of a permit the demerit points prescribed in the Schedule for the breach of that condition; and
- (b) impose on the person in breach of the condition, the appropriate penalty specified in the Schedule.

(2) Where it is determined that the holder of a permit is in breach of two or more conditions arising out of the same act, the condition which carries the greater or greatest number of demerit points, as the case may be, shall be recorded.

(3) Where a number of breaches of condition carry an equal number of demerit points, only two of the breaches of the conditions with the same number of points shall be recorded.

6. Where a holder of a permit is convicted of any offence under The Vehicles and Road Traffic Act or any Regulations made under that Act or the Transport Board Act, the committee shall record against the holder of the permit a demerit of 10 points.

Convictions to be recorded.

7. (1) It shall be a condition of every public service vehicle driver's permit that the holder of the permit shall —

Condition of a licence.

- (a) not be abusive in his dealings with passengers or the public;
- (b) not conduct himself in a disorderly manner;
- (c) not apply on a route not covered by his permit;
- (d) comply with the lawful directions of a police officer or a traffic warden;
- (e) not cause unnecessary obstruction at his station or on the road;
- (f) comply with all traffic signs;
- (g) not park in a restricted area;
- (h) not carry passengers in excess of the number of passengers that his vehicle is allowed to carry;
- (i) not charge in excess of the prescribed charges;
- (j) not conduct himself in a manner unbecoming of a holder of a permit.

8. (1) The holder of a permit shall be liable to suspension if twenty or more demerit points are recorded against him within a period of twelve months.

Suspension of public service vehicle driver's licence.

(2) The holder of a permit in respect of whom twenty or more demerit points have been recorded shall be notified, in writing, to appear before the committee on the date and at the time specified in the notice and be required to show cause why his public service vehicle driver's permit shall not be suspended.

(3) The holder of a permit shall be suspended if the holder of a permit —

- (a) fails to appear after being notified under sub-regulation (2); or
- (b) is not able to satisfy the Board why his public service vehicle driver's permit must not be suspended.

(4) Where a person fails to comply with a notice under sub-regulation (2), the Board may, after giving ten days notice by registered mail, suspend his permit for a period not exceeding six months.

(5) The Board may order the suspension of a permit for any period of up to six months, but where such suspension may continue after the duration of any validly issued permit, the Board shall not consider any application by the permit holder for a renewal until the suspension period has expired.

(6) The General Manager or his representative and one other member of the Committee shall constitute a quorum.

(7) Any decision of the Committee shall be by a majority of those present and voting.

(8) All decisions of the Committee shall be recorded in the minute's book of the Committee and conveyed in writing under the hand of the Chairman to the holder of the permit at the date on which it is recorded.

Effect of
suspension of
driver's licence.

9. (1) Where the driving licence of a holder of a permit has been suspended by a competent court, the period of suspension of the licence shall be recorded by the committee, and the suspension of the public service vehicle driver's permit shall run concurrently with the unexpired portion of that other suspension.

(2) A person who drives a public service vehicle for hire or reward while his public service vehicle driver's permit is sus-

pending shall have his public service vehicle permit suspended for a further period of six months to run consecutively with the previous suspension.

10. (1) Any person against whom the Committee —

Appeals.

- (a) determines to be in breach of a condition of a licence; or
- (b) imposes a penalty of suspension pursuant to regulation 5;

may appeal in writing to the Board against the determination of the Committee or the imposition of the penalty within ten days of the receipt of the Committee's decision.

(2) The Board may, on receipt of the appeal, appoint a date, time and place for the hearing of the appeal.

(3) The holder of a permit may make an oral or written representation to the Board and the Board shall, after considering such representation, confirm, vary or set aside the decision of the Committee.

11. (1) All points recorded against a holder of a permit which do not result in suspension within twelve months shall be cancelled and not be carried forward to the next succeeding year.

Cancellation of demerit points.

Notwithstanding sub-regulation (1), demerit points recorded in respect of repeated breaches of the same condition on two or more separate occasions, shall not be cancelled, but shall be carried forward for a further period of six months.

SCHEDULE

All public service vehicles driver's permit issued by the Board pursuant to regulation 22 of the Transport Board Regulations 1999 (1999, No. 19) are subject to the following conditions:

CONDITIONS	PENALTY	DEMERIT POINTS
Not to be abusive to passengers or the public	\$100.00	5 points
Not to conduct himself in a disorderly manner	\$100.00	5 points

CONDITIONS	PENALTY	DEMERIT POINTS
Applying on a route not covered by permit	\$200.00	5 points
Failure to comply with lawful directions of the Police Officer or a Traffic Warden	\$200.00	6 points
Causing unnecessary obstruction	\$200.00	6 points
Failure to comply with traffic signs	\$300.00	8 points
Parking in a restricted area	\$300.00	8 points
Carrying excess passengers	\$300.00	8 points
Overcharging	\$400.00	10 points
Conduct unbecoming of a holder of a permit	\$400.00	10 points

Made this 12th day of January, 2004.

Gaston Browne,
Minister responsible for Transportation.

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