

THE PUBLIC PASSENGER TRANSPORT (KINGSTON
METROPOLITAN TRANSPORT REGION) ACT

ARRANGEMENT OF SECTIONS

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SCHEDULES

THE PUBLIC PASSENGER TRANSPORT (KINGSTON
METROPOLITAN TRANSPORT REGION) ACT

[24th April, 1947.]

Cap. 325.
Laws
21 of 1953,
39 of 1955,
Acts
12 of 1985
Sch.,
13 of 1987
2nd. Sch.,
21 of 1991
S. 21(b),
9 of 1998.

1. This Act may be cited as the Public Passenger Transport (Kingston Metropolitan Transport Region) Act.

Short title.
9/1998
S. 2 (a).

2.—(1) In this Act—

Interpreta-
tion.
21/1953
S. 2 (a).

“Board” means the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control established under section 7;

“Corporate Area” means the Corporate Area as defined in the Kingston and St. Andrew Corporation Act;

“Kingston Metropolitan Transport Region” means the Corporate Area together with the area specified in the First Schedule;

9/1998
S. 3 (a).

First
Schedule.

“licensee” means the holder of a licence granted under section 3;

“market service” means a service of stage carriages or express carriages for the carriage of passengers and goods between any place within the Rural District of the Corporate Area (as defined and described in the Second Schedule to the Kingston and St. Andrew Corporation Act) and any market within the Kingston Metropolitan Transport Region;

21/1953
S. 2 (b).

9/1998
S. 3 (b)(i).
9/1998
S. 3 (b)(ii).

“market service licence” means a market service licence granted under section 4;

21/1953
S. 2 (b).

“stage carriage”, “express carriage”, “contract carriage”, “hackney carriage”, “road licence”, “Licensing Authority” and “Road Authority” shall have the same meaning as in the Road Traffic Act;

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“the undertaking” means the equipment, vehicles, buildings, and plant, used by the licensee for the purpose of providing the public passenger transport service in accordance with any licence granted under section 3.

21/1953
S. 2 (c).

(2) In this Act references to the variation of the conditions of a market service licence shall be construed as including references to the cancellation of any condition or the insertion of an additional condition.

**Power to
grant
exclusive
transport
licence.
21/1953
S. 3 (a).**

3.—(1) The Minister may grant to any person an exclusive licence on such conditions as may be specified therein to provide public passenger transport services within and throughout the Kingston Metropolitan Transport Region by means of stage carriages or express carriages or both.

(2) Subject to the provisions of this section during the continuance in force of any exclusive licence granted under subsection (1) no person shall hold or be granted a road licence authorizing the use of any stage carriage or express carriage within the Kingston Metropolitan Transport Region and no person except the licensee shall carry within the Kingston Metropolitan Transport Region any person on any vehicle while that vehicle is being used as a stage carriage or express carriage.

(3) Nothing in subsection (2) 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 Kingston Metropolitan Transport Region;
- (c) the grant or holding of a road licence authorizing, subject to the condition referred to in subsection

9/1998
S. 2 (a).

(4), the operation of any stage carriage service or express carriage service on any route which is partly within the Kingston Metropolitan Transport Region or the carriage of passengers on any service operated under and in accordance with such licence;

9/1998
S. 2 (a).

(d) the grant or holding of a road licence authorizing the operation of any stage carriage service or express carriage service on any route wholly within the Kingston Metropolitan Transport Region or the carriage of passengers on any service operated under and in accordance with such licence if the licensee shall have consented in writing to the grant or holding of that licence, and for the avoidance of doubt it is expressly declared that—

9/1998
S. 2 (a).

13/1987
2nd Sch.

(i) any consent given by the licensee for the purposes of this paragraph may be given subject to such terms and conditions as the licensee, with the approval of the Minister, may determine; and

(ii) the provisions of section 10 shall not apply in relation to a licence granted pursuant to such consent as aforesaid.

(4) The condition referred to in paragraph (c) of subsection (3) is that no passenger carried on the service shall be taken up at any point within the Kingston Metropolitan Transport Region or not more than 440 yards beyond the boundary of that area and set down on the same journey at any other point within that area or not more than 440 yards beyond the boundary of that area unless the licensee has consented in writing to the taking up and setting down of passengers as aforesaid and for the avoidance of doubt it is expressly declared that any consent given

9/1998
S. 2 (a).

39/1955
S. 3.

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by the licensee for the purposes of this paragraph may be given subject to such conditions as the licensee may think fit.

(5) Every road licence in force at the date of the coming into force after the 31st day of May, 1953, of any exclusive licence granted under subsection (1) which authorizes the operation of any stage carriage service or express carriage service on any route partly within the Kingston Metropolitan Transport Region shall be deemed to be subject to the condition referred to in subsection (4) and have effect in all respects as if that condition had been attached to the road licence.

13/1987
2nd. Sch.

9/1998
S. 2 (a).

(6) No licence granted under subsection (1) shall take effect until the Minister is satisfied that the licensee—

- (a) either has made reasonable arrangements for the acquisition of the interests of every other person holding a road licence within the Kingston Metropolitan Transport Region in respect of any stage or express carriage who at the time of such arrangements is operating exclusively within such Area and who will be prejudicially affected by the grant of a licence under subsection (1), in which event the licence shall take effect from such date as the Minister may by order declare; or
- (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 licensee and arising subsequent to the date upon which the Minister is satisfied as to the matters referred to in paragraph (a) or

9/1998
S. 2 (a).

paragraph (b), be in a position within six months of the date upon which the 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 Kingston Metropolitan Transport Region by stage or express carriages under the Road Traffic Act, immediately before the date upon which the licence is granted.

9/1998
S. 2 (a).

(7) So soon as the licensee has complied with the requirements of subsection (6) the Minister may by order declare that the licence shall take effect from a date specified in such order.

13/1987
2nd. Sch.

21/1953
S. 3 (c).

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

(9) Any licence granted under subsection (1) may, with the consent of the licensee, be amended by an amending licence so granted.

(10) Subject to the provisions of section 10 nothing in this Act shall authorize the use of any vehicle otherwise than in accordance with the provisions of the Road Traffic Act.

21/1953
S. 3 (e).

(11) Any person who carries any other person as a passenger in contravention of this section, or permits any person to be so carried, shall be guilty of an offence against this Act.

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Market
service
licences.
21/1953
S. 4.

4.—(1) Notwithstanding anything contained in section 3 but subject to the provisions of this section, the Board may during the continuance in force of any exclusive licence granted under that section grant a licence in such form as may be prescribed (hereafter in this Act referred to as “a market service licence”) authorizing the holder thereof to provide a market service over the route specified in the licence under and in accordance with the terms and conditions therein contained or referred to.

(2) A market service licence may be granted for such period not exceeding one year, and subject to such conditions (including conditions as to the frequency or time-table 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 Board 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 under section 3 and the prevention of wasteful competition with any service or services so provided.

(3) Subject to the provisions of this section the Board 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 Board are satisfied that having regard to the conduct of the applicant for or the holder of the licence he is not a fit person to hold such licence, or revoke or suspend a market service licence if the Board are 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) Save as hereafter in this section otherwise provided the Board shall not grant a market service licence (whether for the continuance of an existing market service or for a new market service) or vary the conditions of a market service licence without the previous consent in writing of the licensee.

(5) Consent to the grant of a market service licence or to the variation of the conditions of a market service licence may be given by the licensee subject to such conditions as the licensee may consider necessary for any of the purposes specified in subsection (2) and any conditions subject to which such consent is given shall, subject as hereafter in this section otherwise provided, be incorporated by the Board in the market service licence or otherwise made binding upon the holder thereof.

(6) If the Board are of opinion that the consent of the licensee to the grant of a market service licence or the variation of the conditions of a market service licence is unreasonably withheld or that any condition upon which such consent is given is not reasonably necessary for any of the purposes specified in subsection (2) the Board may—

- (a) if they propose to grant the market service licence, give to the licensee notice in writing that the Board propose to grant a market service licence to the person, over the route, for the period and subject to the conditions specified in the notice; or
- (b) if they propose to vary the conditions of a market service licence give notice in writing to the licensee specifying the variation proposed,

and if within fourteen days of the receipt of such notice the licensee shall give notice in writing to the Board that he objects to the grant of the market service licence or to

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any of the terms and conditions on which the Board propose to grant such licence, or, as the case may be, to the variation specified in the notice, then the Board shall not grant such licence or vary the conditions of the market service licence without first giving to the licensee and to the applicant for or holder of such market service licence such opportunity of making representations and submitting evidence (whether orally or in writing) in support of or in reply to such objections as the licensee or such applicant or holder may reasonably require.

(7) If after hearing and considering any objections made by the licensee under subsection (6) and any representations and evidence given in support of or in reply to such objections the Board are satisfied that the grant of the market service licence or the variation of the conditions of the market service licence is necessary or desirable in the public interest the Board may grant the licence for such period and subject to such conditions as they may consider necessary for any of the purposes specified in subsection (2), or, as the case may be, may vary the conditions of the market service licence.

(8) No market service licence or variation of the conditions of a market service licence shall come into force or take effect until the expiration of the time prescribed for appealing from the grant or making thereof and if an appeal is lodged, until the appeal is withdrawn or disposed of.

(9) If the holder of a market service licence 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, he shall be guilty of an offence against this Act.

5. It shall be the duty of the licensee during the continuance in force of any exclusive licence granted under section 3 to provide such services whether of stage carriages

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or express carriages or both as may from time to time be necessary or desirable in the public interest to serve without wasteful or unjustifiable expense the needs of the Kingston Metropolitan Transport Region or particular parts thereof adequately and efficiently.

9/1998
S. 2 (b).

6.—(1) An exclusive licence granted under section 3 shall be revocable in accordance with such provisions as to revocation as are contained therein.

Revocation
or termina-
tion of
exclusive
licence.
21/1953
S. 6.

(2) The Board, if satisfied that there exists any ground upon which such licence may be revoked in accordance with the provisions contained therein, shall report the fact to the Minister specifying the ground upon which they are satisfied that the licence may be revoked and the Minister may if he is satisfied that the licence may properly be revoked take such steps as may be necessary to effect the revocation of the licence in accordance with the provisions contained therein.

(3) The licensee may terminate any exclusive licence granted under section 3 by giving to the Minister two years' notice in writing to that effect.

7.—(1) There is hereby established a Board to be known as the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control which shall consist of five members to be appointed in accordance with the provisions of this section.

Establish-
ment of
Board.
9/1998
S. 2 (b).

(2) The Minister shall appoint the members of the Board, so, however, that no person who has any financial interest in the operations of the licence shall be appointed a member of the Board.

21/1953
S. 8 (a).

(3) The Minister shall appoint one of the members to be chairman of the Board.

(4) The members of the Board, shall, subject to the

21/1953
S. 8 (b).

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provisions of this section, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment.

Temporary appointments and leave of absence of members. 39/1955 S. 4.

(5) The Minister may---

- (a) appoint any person to act in the place of the chairman or any other member of the Board in case of the absence or inability to act of the chairman or such other member; and
- (b) upon the application of any member (including the chairman) of the Board, grant to such member leave of absence for any period not exceeding six months.

(6) Any member of the Board may at any time resign his office by instrument in writing addressed to the chairman thereof who shall forthwith cause it to be forwarded to the Minister, and as from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Board.

21/1953 S. 8 (e).

Procedure of Board.

8.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any two members of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present and in case of his temporary absence the members present and constituting a quorum shall elect a chairman from among their number.

(4) The quorum of the Board at any meeting shall be three and decisions of the Board shall be by a majority

of votes and in any case where the voting is equal the chairman shall have a casting vote.

(5) Minutes in proper form of such meetings shall be kept by the Secretary and shall be confirmed by the chairman at the next meeting if practicable.

(6) The powers of the Board shall not be affected by any vacancy in the membership thereof nor by the fact that it is afterwards discovered that there is some defect in the appointment or qualifications of a person purporting to be a member of the Board.

(7) Subject to the provisions of this section, the Board shall have power to regulate their own proceedings.

(8) The Governor-General shall appoint a person to be the secretary of the Board and may appoint such other persons as he may think fit to be servants of the Board.

9.—(1) It shall be the general duty of the Board so to exercise their powers under this Act or any exclusive licence granted under section 3 as to secure the provision by the licensee under any exclusive licence so granted 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 without wasteful or unjustifiable expense the needs of the Kingston Metropolitan Transport Region or particular parts thereof adequately and efficiently :

General
duty and
powers of
the Board.
21/1953
S. 9.

9/1998
S. 2 (b).

Provided that in exercising any such powers the Board 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 the licensee under or by virtue of the exclusive licence.

(2) In particular if having regard to the safety or convenience of the public or with a view to the maintenance

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without wasteful or unjustifiable expense of suitable and efficient services the Board shall be of opinion that—

- (a) any of the fares charged or proposed to be charged by the licensee 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 licensee 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 licensee or under a market service licence along that route or any part thereof;
- (d) for the convenience of the public the time-table 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 specified points or should not be taken up or should not be set down between specified points,

then, subject to the licensee's right of appeal under section 11, the Board may make such order as may in all the circumstances be just and reasonable in the interests whether of the public or the licensee:

Provided that an order shall not be made on the ground that any fare charged or proposed to be charged by the licensee for any journey is unreasonable if such fare is not more than the maximum fare which the licensee is for the time being authorized by the exclusive licence or any order made thereunder to charge for that journey.

(3) If the Board shall propose to make an order under this section the Board shall give to the licensee notice in writing of their intention so to do accompanied by a draft of the proposed order and such opportunity of making objections to or representations in respect of the proposed order and submitting evidence (whether orally or in writing) in support of such objections or representations as the licensee may reasonably require.

(4) If after hearing and considering any objections or representations made by the licensee in respect of any order proposed to be made by the Board and any evidence given by the licensee in support of such objections or representations the Board are satisfied that the order proposed to be made is necessary, whether with or without modification, in the proper exercise of their duties, the Board shall make the order subject to such modifications as they may consider necessary for that purpose.

(5) Any order made by the Board under this section may revoke or alter any previous order so made.

(6) Any order made by the Board 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.

(7) If the licensee contravenes or fails to comply with the provisions of any order in force under or by virtue of this section he shall be guilty of an offence against this Act.

10.—(1) Sections 61, 62, 63 and 68 of the Road Traffic Act (which relate to road licences for public passenger vehicles) shall not apply to any services provided under or by virtue of any exclusive licence granted under section 3 or to any service authorized by a market service licence or to the stage carriages or express carriages used for the purposes of any of those services whilst being so used.

Exclusion
of certain
provisions
of Road
Traffic Act
and
additional
power of
Board.
21/1953
S. 9.

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(2) During the continuance in force of any exclusive licence granted under section 3 or of any market service licence—

- (a) the powers and duties of a traffic authority or a licensing authority under or by virtue of any of the provisions of sections 10, 69, 70 and 73 of the Road Traffic Act shall not be exercisable or discharged by the traffic authority or licensing authority, as the case may be, in relation to the vehicles used on any of the services from time to time provided under or by virtue of such exclusive licence or under such market service licence or the conductors of such vehicles, and those powers and duties shall in relation to such vehicles and conductors be exercisable by and devolve on the Board and accordingly the provisions of those sections shall be construed and have effect as if references to the Board were substituted for the references therein to the traffic authority or licensing authority, as the case may be;
- (b) the Board may make regulations—
 - (i) prohibiting the driving of vehicles used on the aforesaid services except by the holders of licences issued in that behalf by the Board; and
 - (ii) providing for the issue, suspension and cancellation of such licences and prescribing the conditions subject to which the same may be granted and held;
- (c) the Board may for the regulation of the services provided under or by virtue of such exclusive licence or under such market service licence or the vehicles from time to time used for the purpose of any of those services or for any matter incident-

39/1955
S. 5 (a).

tal thereto, make regulations for any purpose for which the Minister may make regulations under the provisions of sections 71, 74, 75 and 76 of the Road Traffic Act or for prescribing anything which may by this Act be prescribed, and the provisions of section 107 of that Act shall apply to any regulations made by the Board by virtue of this section as they would apply if such regulations had been made by the Minister under the provisions of those sections;

- (d) the Board may by order direct that any regulations made by the Minister under the Road Traffic Act and for the time being in force shall not apply or shall apply only with such modifications as may be specified in the order in relation to the services provided under or by virtue of such exclusive licence or such market service licence or the vehicles from time to time used for the purpose of any of those services; and
- (e) the Board may place or cause to be placed on or near any road on which there is provided or proposed to be provided any service of stage or express carriages under or by virtue of such exclusive licence or such market service licence any sign or other device for the guidance or direction of the licensee, the holder of such market service licence or the public in relation to such service, and for such purpose the Board may enter land and exercise such powers as may be necessary;

In this subsection the expression "traffic authority" means the Island Traffic Authority constituted under the Road Traffic Act or the Traffic Area Authority constituted under that Act for the Traffic Area in which is included the Corporate Area.

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39/1955
S. 5 (b).

(3) Notwithstanding anything to the contrary regulations made by the Board under paragraphs (b) and (c) of subsection (2) shall not come into force until approved by the Minister, and may at any time be amended, varied or revoked by the Minister.

Appeals.
21/1953
S. 9.

11.—(1) Where the licensee is dissatisfied with—

- (a) any order made by the Board in exercise of their powers under this Act (other than in the exercise of their powers under paragraph (d) of subsection (2) of section 10) or under any exclusive licence granted under section 3; or
- (b) the refusal or failure of the Board on the application by the licensee under any provision in the exclusive licence to make an order; or
- (c) the grant of a market service licence or any term or condition subject to which such licence is granted or the failure or omission of the Board to impose any particular term or condition in the licence, or the variation of the conditions of a market service licence; or
- (d) the refusal or failure of the Board to issue, or the revocation by the Board of, a certificate of fitness, the licensee may appeal to the Court of Appeal.

(2) Where any applicant for the grant of a market service licence is dissatisfied with the refusal or failure of the Board to grant such licence or with any term or condition subject to which such licence has been granted he may appeal to the Court of Appeal.

(3) Where the holder of any market service licence is dissatisfied with—

- (a) the variation of the conditions or the revocation or suspension of such licence; or

- (b) the refusal or failure of the Board to issue, or the revocation by the Board of, a certificate of fitness in respect of any vehicle used or to be used on a market service,

he may appeal to the Court of Appeal.

(4) On any appeal under this section the Court of Appeal may hear and determine the appeal and—

- (a) where the appeal relates to an order made by the Board the Court may confirm the order either without modification or subject to such modifications as the Court may consider just and reasonable and the Board would in the order have had the power to make, or rescind the order;
- (b) where the appeal relates to the refusal or failure of the Board to make an order on the application of the licensee, the Court may make such order (if any) as the Court may consider just and reasonable and the Board would on such application have had power to make;
- (c) where the appeal relates to the grant by the Board or the refusal or failure of the Board to grant a market service licence or to the imposition or omission of any term or condition in or from the licence or the variation of the conditions of the licence the Court may confirm or revoke the grant or the variation of the conditions of the licence or make such variation of the terms or conditions of the licence as the Court may consider just and reasonable and the Board would have had power to make; or
- (d) where the appeal relates to the refusal or failure of the Board to issue, or the revocation by the Board of, a certificate of fitness the Court may make such order as the Court may consider just and reasonable.

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(5) For the purposes of any appeal under this section the proceedings may be brought against the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control and it shall not be necessary to specify the members thereof but otherwise the practice and procedure governing such appeals shall be in accordance with rules of court made for the purpose under section 20.

9/1998
S. 2 (b).

(6) The Court may refer any question arising out of any appeal under this section to any person possessing professional, technical or scientific qualifications for a report thereon.

(7) The cost of any such appeal shall be in the discretion of the Court and if costs are awarded against the Board they shall be paid out of the Consolidated Fund on a warrant under the signature of the Minister responsible for finance.

Jurisdiction
of Court of
Appeal to
hear applica-
tions, etc.
21/1953
S. 10.

12.—(1) Where under any exclusive licence granted under section 3 provision is made for the making of an application to the Court of Appeal 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 under section 20.

Carriage of
goods.

13. 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:

Provided that 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 bus provided for the purpose of taking market people.

14.—(1) Notwithstanding the provisions of the Motor Vehicles Insurance (Third Party Risks) Act, the Minister may, after considering any recommendation of the Board, by order declare that the licensee shall, as from a date to be specified therein, be exempt from the provisions of that Act, and any such order shall set out the conditions upon which the licensee shall establish and maintain an insurance fund for the provision of a sum of money which shall be available for making good all losses, damages, costs and expenses which the licensee may suffer, incur or become liable to in consequence of or in connection with any risk against which the licensee would be required to insure under that Act.

(2) If the licensee contravenes any of the provisions of any order made under this section he shall be guilty of an offence against this Act.

(3) Where the Minister revokes any order made under this section, the licensee 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 in accordance with the direction of the Board.

15.—(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 licensee and shown to the satisfaction of the Commissioner of Customs to be required for use by the licensee in the operation of the service to which his licence relates.

(2) An article which is imported into Jamaica or taken out of bond in Jamaica free of customs duty shall not,

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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 shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a penalty of three times the value of the article so sold or otherwise disposed of or two hundred thousand dollars (whichever is the greater) and in default of payment to imprisonment for a term not exceeding three years.

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

Second
Schedule.

Annual
duties.
21/1953
S. 11.

16.—(1) There shall be paid by the licensee or, as the case may be, by the holder of a market service licence to a Collector of Taxes in the Corporate Area in respect of each stage carriage or express carriage used in the provision of services under or by virtue of the exclusive licence or

the market service licence, an annual duty of four dollars, the first annual payment to be made immediately before the stage or express carriage in respect of which it is payable is brought into such use and subsequent annual payments on the 1st day of April in each year.

(2) The licensee or, as the case may be, the holder of the market service licence shall produce to the Collector of Taxes on each occasion of payment of such duty a certificate of the fitness of the stage carriage or express carriage in respect of which the duty is payable, issued by a person authorized to issue such certificates under the provisions of regulations made or applied by virtue of section 10.

(3) If the licensee or the holder of any such market service licence uses any stage or express carriage upon which duty is payable under the provisions of subsection (1) without such duty having been paid in accordance with those provisions he shall be guilty of an offence against this Act and such duty unless sooner paid may be recovered under the provisions of the Tax Collection Act.

17. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Member of Board not personally liable for *bona fide* act.

18. Every person guilty of an offence against this Act shall be liable on summary conviction therefor before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or in default of payment thereof to imprisonment with hard labour for any term not exceeding six months, and in respect of a continuing offence, to a further fine of ten thousand dollars a day in respect of every day on which such offence continues after conviction.

Penalty.

9/1998
S. 6 (a).

9/1998
S. 6 (a)(b).

*PUBLIC PASSENGER TRANSPORT (KINGSTON
METROPOLITAN TRANSPORT REGION)*

Regulations. **19.** The Minister may make regulations generally for giving effect to the provisions of this Act.

Rules of court.
21/1953
S. 12. **20.** Rules of court may be made regulating the appeals and applications mentioned in section 11 or section 12 and all matters incidental thereto.

Modification of Road Traffic Act.
9/1998
S. 2 (b). **21.** The proviso to subsection (1) of section 60 of the Road Traffic Act shall cease to have effect within the Kingston Metropolitan Transport Region while any licence granted under section 3 of this Act is in force.

9/1998
S. 7.

FIRST SCHEDULE

(Section 2)

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).

9/1998
S. 7.

SECOND SCHEDULE

(Section 15)

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