

JAMAICA

No. 21 - 2005

I assent,

[L.S.]

(Sgd.) H. C. Cooke  
Governor-General.  
9th June, 2005

AN ACT to Amend the Transport Authority Act.

[ 10th June, 2005 ]

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, 2005, 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. Section 13 of the principal Act is amended—

(a) in subsection (2) by—

Amendment  
of section 13  
of principal  
Act.

(i) deleting paragraph (a) and substituting therefor the following—

"(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;”;

(ii) inserting in paragraph (c) immediately after the word “process” the word “, summons”;

- (b) in subsection (3), by inserting in paragraphs (a) and (c) immediately after the word “police” wherever it appears, the words “or the Authority”;
- (c) by inserting next after subsection (3) the following as subsections (3A) and (3B)—

“ (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.”.

3. The principal Act is amended by inserting next after section 13 the following as section 13A—
- Insertion of new section 13A in principal Act.
- "How vehicle to be sold. 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.
- (2) Where vehicles remain unsold after they have been put up for sale by public auction, the Authority may, if it thinks fit, sell those vehicles by private treaty or cause them to be destroyed or otherwise disposed of as it thinks fit.”.
4. Section 14 of the principal Act is amended—
- Amendment of section 14 of principal Act.
- (a) in subsection (2) by deleting the word “two” and substituting therefor the words “one hundred”;
  - (b) in subsection (3) by deleting the word “five” and substituting therefor the word “fifty”.
5. The principal Act is amended by inserting next after section 16 the following as section 16A—
- Insertion of new section 16A in principal Act.
- "Release of seized vehicles, etc 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.”.

Amendment  
of section  
17 of prin-  
cipal Act.

6. Section 17 of the principal Act is amended—

- (a) in subsection (1) by deleting the word “ten” and substituting therefor the words “one hundred and fifty”;
- (b) in subsection (2) by deleting the word “ten” and substituting therefor the words “one hundred and fifty”.

Amendment  
of Justices of  
the Peace  
(Jurisdiction)  
Act.

7. Subsection (2) of section 2 of the Justices of the Peace (Jurisdiction) Act is amended by inserting after the words “Road Traffic Act” the words “or any process, summons or other document under subsection (2)(c) of section 13 of the Transport Authority Act”.

Passed in the Senate this 29th day of April, 2005, with two (2) amendments.

SYRINGA MARSHALL-BURNETT, C.D.  
*President.*

Passed in the House of Representatives this 11th day of May, 2005.

MICHAEL PEART  
*Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Clerk to the Houses of Parliament.*