

CAYMAN ISLANDS



PORT AUTHORITY (LICENSING OF VEHICLES) LAW

(1999 Revision)

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(1999 Revision)

PART I - Introductory

Short title

1. This Law may be cited as the *Port Authority (Licensing of Vehicles) Law (1999 Revision)*.

Definitions

2. In this Law —

“**Authority**” means the Port Authority established by the *Port Authority Law (1999 Revision)*;

“**authorised officer**” includes —

- (a) any officer of the Authority authorised in writing by the Authority for the purposes of this Law; and
- (b) any constable;

“**bus**” means any vehicle (whether or not a motor vehicle) constructed or adapted to seat more than eight passengers, which is used or proposed to be used —

- (a) for the carriage of passengers for hire or reward; or

(b) for standing or plying for hire;

“**Caymanian**” shall include holders of Caymanian status as defined in the *Immigration Law (1997 Revision)*;

“**driver**”, in relation to any vehicle, includes any conductor of that vehicle;

“**Governor**” means the Governor in Council;

“**operator**” means any person who, in the course of a business, makes provision for the invitation or acceptance of bookings for a vehicle; and in this definition “**vehicle**” means a vehicle which is provided for hire with the services of a driver for the purposes of carrying passengers;

“**port**” has the same meaning as in the *Port Authority Law (1999 Revision)*;

“**port area**” has the same meaning as in the *Port Authority Law (1999 Revision)*;

“**proprietor**” includes a part-proprietor and, in relation to a vehicle which is the subject off a hiring, hire-purchase or loan agreement, means the person in possession under that agreement; and

“**taxi**” means any vehicle constructed or adapted to seat fewer than nine passengers which is used or proposed to be used —

(a) for standing or plying for hire; or

(b) for the carriage of passengers for hire or reward.

PART II - Functions of the Authority for the Licensing of Vehicles, etc.

Functions of the Authority

3. (1) In addition to the functions conferred on the Authority by or under the *Port Authority Law (1999 Revision)*, the functions of the Authority shall, subject to subsection (2), include, and shall be deemed always to have included —
- (a) the licensing of vehicles used or proposed to be used —
 - (i) for standing or plying for hire; or
 - (ii) for the carriage of passengers for hire or reward; and
 - (b) the licensing of persons to act as operators or drivers of vehicles used or proposed to be used —
 - (i) for standing or plying for hire; or
 - (ii) for the carriage of passengers for hire or reward.
- (2) Any licence granted by the Authority in exercise of the functions conferred under paragraphs (a) and (b) of subsection (1) shall apply (and may contain conditions that apply) outside as well as inside a port or port area; and any such licence which applies outside a port or port area shall be without prejudice to



any requirement relating to the vehicle or person so licensed which is imposed by or under the *Traffic Law, 1991 [Law 24 of 1991]*.

Licensing of vehicles

4. (1) Subject to this Law, the Authority may, on the receipt of an application from the proprietor of any vehicle for the grant (in respect of the vehicle) of a licence to use the vehicle as a bus or a taxi, grant a licence in respect of that use of the vehicle.
- (2) The Authority shall not grant a licence under subsection (1) unless the Authority is satisfied —
- (a) that the vehicle is —
 - (i) suitable in type and design for use as a bus, or, as the case may be, a taxi;
 - (ii) in a suitable mechanical condition;
 - (iii) safe; and
 - (iv) comfortable; and
 - (b) that there is in force in relation to the use of the vehicle a policy of insurance of such security that compiles with the requirements of the *Motor Vehicles Insurance (Third Party Risks) Law (1997 Revision)*.
- (3) The Authority may attach to the grant of a licence under subsection (1), such conditions as the Authority may consider reasonably necessary.
- (4) Every licence granted under subsection (1) —
- (a) shall relate to not more than one vehicle; and
 - (b) shall remain in force for such period, not being longer than one year, as the Authority may specify in the licence.
- (5) Any person who —
- (a) is aggrieved by the refusal of the Authority to grant a bus or taxi licence under subsection (1); or
 - (b) is aggrieved by any conditions attached to a bus or taxi licence granted by the Authority under subsection (1),
- may, within twenty-one days after notice of the refusal or condition (as the case may be) was given to him, appeal to the Summary Court.
- (6) The procedure on an appeal to the Summary Court shall be by way of plaint, and the *Summary Jurisdiction Law (1995 Revision)* and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.
- (7) On an appeal under subsection (5), the Court may make such order as in all the circumstances it thinks fit.

Inspection of vehicles

5. (1) The proprietor or operator of any bus or taxi licensed by the Authority under section 4 —
- (a) shall present such bus or taxi for inspection by or on behalf of the Authority within such period and at such place as the Authority may reasonably require; and
 - (b) shall, at the request of any authorised officer of the Authority, produce for inspection —
 - (i) the licence for the vehicle granted under this section; and
 - (ii) the certificate of the policy of insurance or security required in relation to the use of that vehicle under the *Motor Vehicles Insurance (Third Party Risks) Law (1997 Revision)*.
- (2) For the purposes of satisfying itself as required by section 4(2), the Authority shall require the proprietor or operator of a vehicle, in respect of which an application under that section has been made, to present the vehicle and the certificate of insurance for inspection in the same manner as required under subsection (1) for vehicles that have been licensed.

Licensing of drivers

6. (1) Subject to this Law, the Authority may, on the receipt of an application from any Caymanian for the grant to that Caymanian of a licence to drive a bus or a taxi, grant to that Caymanian a bus or taxi driver's licence to drive that description of vehicle.
- (2) The Authority shall not grant a bus or taxi driver's licence under subsection (1) —
- (a) unless the Authority is satisfied that the applicant is a fit and proper person to hold such a licence; or
 - (b) to any person who has not for at least twelve months been, and is not at the date of the application for a licence, the holder of —
 - (i) a valid bus licence; or
 - (ii) a valid taxi driver's licence granted under the *Traffic Law (Revised)* or the *Traffic Law, 1991 [Law 24 of 1991]*.
- (3) The Authority may attach to the grant of a licence under subsection (1) such conditions as the Authority may consider reasonably necessary.
- (4) Every licence granted under subsection (1) shall remain in force for such period as the Authority may specify in the licence.
- (5) Any person who —
- (a) is aggrieved by the refusal of the Authority to grant a bus or taxi driver's licence under subsection (1); or



- (b) is aggrieved by any conditions attached to a bus or taxi driver's licence under subsection (1),
- may, within twenty-one days after notice of the refusal or condition, as the case may be, was given to him, appeal to the Summary Court.
- (6) The procedure on an appeal to the Summary Court shall be by way of plaint, and the *Summary Jurisdiction Law (1995 Revision)* and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.
- (7) On an appeal under subsection (5) the court may make such order as in all the circumstances it thinks fit.

Licensing of operators

7. (1) Subject to this Law, the Authority may, on the receipt of an application from any Caymanian for the grant to that Caymanian of a licence to operate a bus or taxi, grant to that Caymanian a licence to operate the description of bus or taxi specified in the licence.
- (2) The Authority shall not grant a licence to operate a bus or taxi under subsection (1) unless satisfied that the applicant is a fit and proper person to hold such a licence.
- (3) The Authority may attach to the grant of a licence under subsection (1) such conditions as the Authority may consider reasonably necessary.
- (4) Every licence granted under subsection (1) shall remain In force for such period as the Authority may specify in the licence.
- (5) Any person who —
- (a) is aggrieved by the refusal of the Authority to grant a licence to operate a bus or taxi under subsection (1); or
 - (b) is aggrieved by any conditions attached to a licence to operate a bus or taxi under subsection (1),
- may, within twenty-one days after notice of the refusal or condition, as the case may be, was given to him, appeal to the Summary Court.
- (6) The procedure on an appeal to the Summary Court shall be by way of plaint, and the *Summary Jurisdiction Law (1995 Revision)* and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.
- (7) On an appeal under subsection (5), the court may make such order as in all the circumstances it thinks fit.

Byelaws

8. (1) With the approval of the Governor, the Authority may make byelaws —
- (a) providing for conditions to be attached to the grant of any licences granted under this Law; and



- (b) prescribing that any or all such conditions shall have effect in respect of any vehicle or any person licensed under this Law, outside as well as inside a port or port area.
- (2) The Authority may also, with the approval of the Governor, make byelaws —
 - (a) regulating the conduct of operators and drivers of vehicles licensed under the regulations;
 - (b) prescribing the dress and means of verification (whether by badge or otherwise) of operators and drivers of vehicles licensed under this Law;
 - (c) regulating the hours within which those drivers shall exercise their calling;
 - (d) regulating the number of persons to be carried by vehicles licensed under this Law;
 - (e) fixing the stands for such vehicles;
 - (f) prescribing the rates or fares, as well for times as by distance, to be paid for such vehicles; and for securing the due publication (whether in or on such vehicles by the drivers of the vehicles, or by the proprietors, operators or drivers of the vehicles in that or any other manner) of such rates or fares; and
 - (g) securing the safe custody and re-delivery of any property accidentally left in such vehicles.

PART III-Offences, Fees and Suspension, etc., of Licences

Offences

9. (1) Except as authorised by or under this Law —
- (a) no proprietor of any bus or taxi in respect of which a licence under section 4 is not in force, shall use or permit that bus or taxi to be used in a port or port area —
 - (i) for standing or plying for hire; or
 - (ii) for the carriage of passengers for hire or reward,without having for that bus or taxi a current licence under section 4;
 - (b) no person shall act as driver of any bus or taxi in a port area without having a current licence under section 6;
 - (c) no proprietor of a bus or taxi licensed under this Law shall employ or engage as the driver of that bus or taxi in a port or port area any person who does not have a current licence under section 6;
 - (d) no person shall operate in a port or port area any vehicle as a bus or taxi without having for that vehicle a current licence under section 7;



- (e) no person licensed under section 7 shall operate in a port or port area any vehicle as a bus or taxi —
 - (i) if, for that bus or taxi, a current licence under section 4 is not in force; or
 - (ii) if the driver does not have a current licence under section 6.
- (2) Whoever knowingly contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to a further fine of two hundred and fifty dollars for every day on which the offence continues after he has been convicted of that offence.
- (3) Where the commission by any person of an offence under subsection (1) is due to an act or default of some other person that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of subsection (1) whether or not proceedings are taken against the first-mentioned person.
- (4) Where an offence under subsection (1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of —
 - (a) any director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Fees for licences

- 10.** (1) Subject to subsections (2) and (3), the Authority may charge such fees for the grant of licences as it may determine are reasonable.
- (2) The fees so chargeable may be sufficient in the aggregate to cover in whole or in part —
- (a) the reasonable cost of the carrying out by or on behalf of the Authority of inspection of buses or taxis for the purpose of determining whether any licence in respect of those buses or taxis should be granted or renewed;
 - (b) the reasonable cost of providing taxi stands; and
 - (c) any reasonable administrative costs in connection with the carrying out of the Authority's functions under this Law.
- (3) The fees so chargeable shall not exceed such amount in respect of any description of licence as the Governor may determine, and any such determination shall be published in the Gazette.

Power to require applicants to submit information

- 11.** (1) The Authority may require an applicant for a licence under this Law to submit such information as the Authority may reasonably consider necessary to enable the Authority to determine whether the licence should be granted and whether conditions should be attached to any such licence.
- (2) Without prejudice to the generality of subsection (1) the Authority may require an applicant for an operator's licence to submit to the Authority —
- (a) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time, and any trade or business activities carried on by that company;
 - (b) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company, and any trade or business activities carried on by any such director or secretary; or
 - (c) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person, and any trade or business activities carried on by that person.
- (3) Whoever knowingly or recklessly makes a false statement or omits any material particular in giving information under this section is guilty of an offence and liable on summary conviction to a fine of two thousand dollars.

Obstruction of authorised officers

- 12.** (1) Whoever —
- (a) intentionally obstructs any authorised officer acting in the execution of this Law;
 - (b) without reasonable cause, fails to comply with any requirement properly made to him by such an officer; or
 - (c) without reasonable cause, fails to give any authorised officer acting in the execution of this Law any assistance or information which the officer may reasonably require of him for the performance of his functions under this Law,
- is guilty of an offence.
- (2) Whoever, in purported compliance with any such requirement as is mentioned in paragraph (c) of subsection (1) —
- (a) furnishes information which he knows to be false or misleading in a material particular; or
 - (b) recklessly furnishes information which is false or misleading in a material particular,
- is guilty of an offence.



- (3) Whoever is guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

Suspension and revocation of vehicle licences

- 13.** (1) The Authority may suspend or revoke, or, on application for a licence under section 4, refuse to renew a licence granted under that section where —
- (a) the Authority is satisfied that the bus or taxi in respect of which the licence was granted is unfit for use as such; or
 - (b) the driver or operator of the bus or taxi has committed an offence under this Law or has not complied with a provision of this Law.
- (2) Where the Authority suspends, revokes or refuses to renew any licence under this section the Authority shall give to the proprietor of the vehicle notice of the reason for that decision.

Suspension and revocation of other licences

- 14.** (1) The Port Authority may suspend or revoke or, on application for a licence under section 6, refuse to renew the licence of a driver of a bus or taxi where, since the grant of the licence —
- (a) he has been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) he has been convicted of an offence under, or has failed to comply with any provisions of, this Law.
- (2) The Authority may suspend or revoke or, on application for a licence under section 7, refuse to renew a licence of an operator granted under that section where —
- (a) he has been convicted of an offence under, or has failed to comply with any provisions of, this Law;
 - (b) there is conduct on the part of the operator which appears to the Authority to render him unfit to hold a licence to act as an operator of a bus or taxi; or
 - (c) there has been any material change, since the licence was granted, in any of the circumstances of the operator on the basis of which the licence was granted.
- (3) Where the Authority suspends, revokes or refuses to renew any licence under this section the Authority shall give to the driver or operator concerned notice of the reason for that decision.
- (4) Any driver or operator aggrieved by a decision of the Authority under section 13 or this section may, within twenty-one days after notice of the decision was given to him, appeal to the Summary Court.

- (5) The procedure on an appeal to the Summary Court shall be by way of plaint, and the *Summary Jurisdiction Law (1995 Revision)* and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.
- (6) On an appeal under subsection (4), the court may make such order as in all the circumstances it thinks fit.
- (7) The Authority may authorise the Port Director and any person acting under his authority to exercise all or any of the powers of suspension conferred on the Authority by section 13 and this section.
- (8) Any delegation under subsection (7) may be —
 - (a) made either generally or as otherwise provided by the decision of the Authority granting the delegation;
 - (b) made subject to such conditions and exceptions as may be provided in that decision; and
 - (c) revoked or varied by a subsequent decision of the Authority.

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Carmena H. Parsons
Clerk of Executive Council

