

CAYMAN ISLANDS



PUBLIC TRANSPORT BILL, 2024

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A BILL FOR AN ACT TO CONTINUE THE PUBLIC TRANSPORT BOARD; TO ESTABLISH THE PUBLIC TRANSPORT UNIT; TO PROVIDE FOR THE APPOINTMENT OF THE DIRECTOR OF PUBLIC TRANSPORT; TO PROVIDE FOR PERMITS FOR DRIVERS OF PUBLIC BUSES AND TAXIS; TO PROVIDE FOR CONDITIONS FOR TRANSPORTING PASSENGERS; TO PROVIDE FOR REGULATIONS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development (PAHI-TD)



Memorandum of OBJECTS AND REASONS

This Bill seeks to continue the Public Transport Board; to establish the public transport unit; to provide for the appointment of the Director of Public Transport, to provide for permits for drivers of public buses and taxis, to provide for conditions for transporting passengers, to provide for regulations; and to provide for incidental and connected purposes.

Clause 1 provides for the short title and commencement of the legislation.

Clause 2 contains definitions used throughout the legislation.

Clause 3 provides for the continuation of the Public Transportation Board. It is proposed that the Board will consist of —

- (a) the Chief Officer or the delegate of the Chief Officer of the Ministry responsible for public transport who shall be chairperson;
- (b) a public officer from the Ministry of Tourism appointed by the Cabinet;
- (c) two public officers from either the Port Authority, Airports Authority or the Police Service appointed by the Cabinet; and
- (d) five persons appointed from the private sector by the Cabinet.

Clause 4 sets out the functions of the Board which are as follows —

- (a) the consideration of every application for a permit made in accordance with this Act;
- (b) the grant, renewal, suspension, amendment, revocation or refusal of a permit in accordance with this Act;
- (c) the enforcement of compliance with the provisions of this Act;
- (d) carrying out policy instructions of the Cabinet as given pursuant to section 7; and
- (e) such other functions as may be conferred upon the Board by this legislation or any other law.

Clause 5 sets out the procedure of the Board.

Clause 6 provides that the Board may assign or delegate to the Unit, in writing, any of the Board's duties and functions under clause 4 and may, by written notice to the Director, at any time, revoke any functions so assigned or delegated.

Clause 7 provides that the Cabinet may give policy directions to the Board. Thus, the Cabinet may, after consultation with the Board and the Director, give directions as to the total number of public buses and taxis which may be registered by the Director under Part 2 of the Traffic Act (2023 Revision) at any time, and the Director shall supply the Board with all such information from the register as the Board may require for the purpose of enabling the Board to limit or suspend applications for permits under the legislation.

Clause 8 provides that the validity of any act or proceeding of the Board shall not be affected by any vacancy among its members, or by any defect in the appointment of a member.

Clause 9 imposes a duty of confidentiality on Board members.

Clause 10 provides that where a Board member has a personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Board, the member shall, if present at the duly constituted meeting of the Board at which such matter is to be determined, as soon as practicable after the commencement of the meeting, disclose the fact and leave the meeting.

Clause 11 provides the members of the Board with indemnity and protection from liability for their actions while acting as members of the Board.

Clause 12 establishes the Public Transport Unit. The Unit will be managed by a Director whose office is a public office and who shall be appointed by the chief officer in accordance with the Public Service Management Act (2018 Revision). The Unit shall also comprise such other public officers as are appointed by the chief officer in accordance with the Public Service Management Act (2018 Revision) and such officers shall assist the Director in discharge of the duties and functions of the Unit.

Clause 13 provides that the Unit shall be the Secretariat of the Board.

Clause 14 sets out the powers of the Unit. Clause 14 provides that where an officer, in the exercise of the officer's functions or in carrying out the officer's duties becomes aware of the alleged commission of an offence, the officer shall report this to the Director, who shall as soon as reasonably practicable, report the matter to the Police Service.

Clause 15 provides that applications for public passenger vehicle permits shall be made to the Board in the prescribed manner. At its discretion the Board may grant a permit with or without conditions, or may refuse to grant or renew a permit if the Board thinks fit. Before issuing permits, the Board shall consider the total number of public buses and taxis that are already authorised as well as other matters such as the reasonable needs for the public for transportation facilities.

Clause 16 deals with the revocation and suspension of permits.

Clause 17 provides that in determining whether a person is a suitable person to be granted a permit under section 15, or whether to revoke or suspend a permit under section 16, the Board shall have regard to —

- (a) the conditions prescribed in regulations for the holding of a permit; or
- (b) a breach of any regulations controlling the operation of public buses and taxis made under the legislation.

Clause 18 provides that a permit issued under the legislation is not a driver's licence.

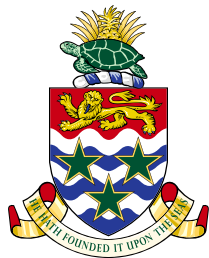
Clause 19 provides conditions for driving passengers for hire or reward and the penalties for contravention.

Clause 20 provides that Cabinet may make regulations for the purposes of the legislation.



Clause 21 contains transitional provisions relating to permits which are in force at the date of the commencement of the legislation. Clause 21 also provides that a person, not being a public officer, who was appointed to the Board under the Traffic Act (2023 Revision) continues as a member of the Board for the purposes of the legislation for a term expiring on the day on which the appointment of the person would have expired under the Traffic Act (2023 Revision).

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PUBLIC TRANSPORT BILL, 2024

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CAYMAN ISLANDS**PUBLIC TRANSPORT BILL, 2024**

A BILL FOR AN ACT TO CONTINUE THE PUBLIC TRANSPORT BOARD; TO ESTABLISH THE PUBLIC TRANSPORT UNIT; TO PROVIDE FOR THE APPOINTMENT OF THE DIRECTOR OF PUBLIC TRANSPORT; TO PROVIDE FOR PERMITS FOR DRIVERS OF PUBLIC BUSES AND TAXIS; TO PROVIDE FOR CONDITIONS FOR TRANSPORTING PASSENGERS; TO PROVIDE FOR REGULATIONS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

PART 1 - PRELIMINARY**Short title and commencement**

1. (1) This Act may be cited as the Public Transport Act, 2024.
- (2) This Act shall come into force on such date as may be appointed by Order made by the Cabinet.

Interpretation

2. In this Act —
“**Board**” means the Public Transport Board continued under section 3;

“**Cayman Islands Airports Authority**” means the Cayman Islands Airports Authority established under section 3 of the *Airports Authority Act (2005 Revision)*;

“**Commissioner**” means the Commissioner of Police;

“**Director**” means the Director of the Public Transport Unit appointed under section 12;

“**Director of Licensing**” means the Director appointed under section 3 of the *Traffic Act (2023 Revision)*;

“**Director of the Port Authority**” has the meaning assigned to the word “**Director**” under section 2 of the *Port Authority Act (1999 Revision)*;

“**Director of Tourism**” means the Director of Tourism referred to in section 5(2) of the *Tourism Act (1995 Revision)*;

“**driver’s licence**” means a licence to drive a vehicle, but not a learner’s licence;

“**learner’s licence**” means a licence issued under section 35 of the *Traffic Act (2023 Revision)*;

“**public bus**” means a public passenger vehicle which is permitted to provide a public service of transporting passengers between designated stops along a fixed route, to a set timetable;

“**public passenger-vehicle**” means a passenger vehicle that is operated for hire or reward and includes an electrically powered vehicle, an agricultural and earthmoving vehicle, a motor cycle, a school vehicle, a scooter and wheeled trailer;

“**road**” means a public place where a vehicle may be driven or parked and such areas adjacent to that place as may be prescribed by the *Traffic Act (2023 Revision)* or regulations made under that Act;

“**school vehicle**” means a vehicle used for the conveyance of school children for hire or reward;

taxi” means a public passenger vehicle or horse-drawn vehicle which is permitted to stand or ply for hire for the purpose of transporting persons to a destination on a private arrangement basis; and

“**Unit**” means the Public Transport Unit.

PART 2 - PUBLIC TRANSPORT BOARD

Continuation of the Public Transport Board and composition of the Board

3. (1) There continues to be established, for the purpose of dealing with permits for the operation of public passenger vehicles, the Public Transport Board, which has the powers, duties and functions conferred on it by or under this Act or any other law.



- (2) The Board consists of —
 - (a) the following public officers who hold office by virtue of their public service appointment —
 - (i) the Chief Officer or the delegate of the Chief Officer of the Ministry responsible for public transport who shall be chairperson;
 - (ii) a public officer from the Ministry of Tourism appointed by the Cabinet; and
 - (iii) two other public officers from either the Port Authority, Airports Authority or the Police Service appointed by the Cabinet; and
 - (b) five persons appointed from the private sector by the Cabinet.
- (3) The Cabinet may appoint a member appointed under subsection (2) as a deputy chairperson.
- (4) Members appointed under subsection (2)(b) shall —
 - (a) hold office for two years and shall be eligible for re-appointment; and
 - (b) may be paid by the Board out of the funds of the Board such remuneration and allowances as may be determined by the Cabinet.
- (5) The name of the members appointed under subsection (2)(a) and (b) shall be published in the Gazette.
- (6) The Board is a continuation of, and is the same as, the Board established under the *Traffic Act (2023 Revision)*.

Functions of the Board

4. The functions of the Board are —
- (a) the consideration of every application for a permit made in accordance with this Act;
 - (b) the grant, renewal, suspension, amendment, revocation or refusal of a permit in accordance with this Act;
 - (c) the enforcement of compliance with the provisions of this Act;
 - (d) carrying out policy instructions of the Cabinet as given pursuant to section 7; and
 - (e) such other functions as may be conferred upon the Board by this Act or any other law.

Procedure of the Board

5. (1) The Cabinet may appoint any person in the place of the chairperson or any member of the Board where the chairperson or a member of the Board is removed or has vacated the office.

- (2) The Board shall meet as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the chairperson may determine.
- (3) If the chairperson is absent from a meeting the deputy chairperson shall preside and, if both the chairperson and the deputy Chairperson are absent, the members present at the meeting shall elect one of their numbers to preside as chairperson.
- (4) The quorum for meetings of the Board shall be six members including the chairperson.
- (5) The decisions of the Board shall be by a majority of votes of members present and voting and, in addition to an original vote, the chairperson shall have a second or casting vote in any case in which the voting is equal.
- (6) Minutes in proper form of each meeting shall be kept by the Secretariat and shall be confirmed by the Chairperson as soon as practicable at a subsequent meeting.
- (7) The Board may appoint sub-committees to deal with any specified matter and the members of the Board or a sub-committee of the Board may participate in a meeting of the Board or of the sub-committee by means of a conference telephone, computer or similar equipment providing real time communication and allowing the participants in the meeting to communicate with each another at the same time.
- (8) Participation by telephone, computer or similar equipment as provided under subsection (9) shall constitute presence in person at the meeting of the Board or a sub-committee.
- (9) For the purposes of this section, “**minutes**” includes any electronic record or transcript of votes or decisions made during a meeting that takes place by means of conference telephone, computer or similar equipment.
- (10) The Cabinet may make regulations governing the procedure of the Board.
- (11) Where a procedural matter is not regulated by this section or regulations made under subsection (11), the Board shall regulate its own procedure.

Delegation by the Board

6. (1) The Board may assign or delegate to the Unit, in writing, any of the Board’s duties and functions under section 4 and may, by written notice to the Director, at any time, revoke any functions so assigned or delegated.
- (2) Any delegation made pursuant to subsection (1) may be subject to such conditions as determined by the Board.
- (3) The Board may co-opt any person to attend any meeting of the Board at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Board, but a co-opted person shall not have the right to vote.



Cabinet may give policy directions

7. (1) The Cabinet may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of its functions —
- (a) under this Act; and
 - (b) any other enactment,
- in relation to matters which appear to the Cabinet to affect or be necessary in the public interest, and the Board shall give effect to such policy directions.
- (2) The Cabinet may, after consultation with the Board and the Director, give directions as to the total number of public buses and taxis which may be registered by the Director under Part 2 of the *Traffic Act (2023 Revision)* at any time, and the Director shall supply the Board with all such information from the register as the Board may require for the purpose of enabling the Board to limit or suspend applications for permits under this Act.

Validity of acts by the Board

8. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members, or by any defect in the appointment of a member.

Duty of confidentiality

9. (1) The facts and particulars of, or relating to, any matter falling for consideration by the Board or any decision of the Board shall be treated as confidential by each Board member and by any person to whom the Board delegates its functions; and any such facts or particulars shall not be disclosed otherwise than in the proper performance of duties under this Act or in compliance with an order of a court or tribunal of competent jurisdiction.
- (2) The failure of any Board member or any person to whom it delegates its functions to comply with subsection (1) is an offence and constitutes sufficient ground for the termination of the appointment.
- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of one year, or to both.
- (4) Any allegation of a breach of subsection (1) shall be fully investigated by a constable of the rank of Inspector or above.

Board members' interests

10. Where a Board member has a personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Board, the member shall, if present at the duly constituted meeting of the Board at which such matter is to be determined, as soon as practicable after the commencement of the meeting, disclose the fact and leave the meeting.



Indemnity and protection from liability

- 11.** (1) A Board member shall not be liable in damages for anything done or omitted in the discharge or purported discharge of the member's functions, responsibilities, powers and duties under this Act unless it is shown that the act or omission was in bad faith.
- (2) The Government shall indemnify a Board member against all claims, damages, costs, charges or expenses incurred by that member in the discharge or purported discharge of the member's functions, responsibilities, powers and duties under this Act, except claims, damages, costs, charges or expenses caused by the bad faith of that Board member.

PART 3 - PUBLIC TRANSPORT UNIT**Public Transport Unit and officers of the Unit**

- 12.** (1) There is established the Public Transport Unit to carry out such functions and duties as are assigned to it by this Act or by any other legislation.
- (2) The Unit shall be managed by a Director whose office is a public office and who shall be appointed by the chief officer in accordance with the *Public Service Management Act (2018 Revision)*.
- (3) The Unit shall also comprise such other public officers as are appointed by the chief officer in accordance with the *Public Service Management Act (2018 Revision)* and such officers shall assist the Director in discharge of the duties and functions of the Unit.

Secretariat of the Board

- 13.** (1) The Unit is designated as the Secretariat to the Board.
- (2) The Secretariat shall be responsible for the day to day administration of the Board and, to the extent of the authority delegated to it by the Board, shall be responsible for the carrying out of the administrative duties of the Board, and shall provide the secretary who shall record and keep the minutes of all meetings, proceedings and decisions of the Board.

Functions and duties of the Unit

- 14.** (1) In exercise of the Unit's functions and duties under this Act, an officer of the Unit may —
- (a) require an applicant for a permit or a recipient of a permit to provide the Unit with information and produce documents as the Director may specify; and
- (b) require an applicant for a permit or a recipient of a permit to attend at a time and place as the Director may require.



- (2) Where an officer, in the exercise of the officer's functions or in carrying out the officer's duties becomes aware of the alleged commission of an offence, the officer shall report this to the Director, who shall as soon as reasonably practicable, report the matter to the Police Service.
- (3) The Unit in carrying out its functions and duties has power to do anything which is reasonably required to discharge such functions and duties under this Act or any other law.

PART 4 - PERMITS

Permits for public passenger vehicles

- 15.** (1) A person shall not operate or drive a public passenger vehicle without a valid permit issued by the Board.
- (2) An application for the grant of a permit shall be made to the Board in the prescribed manner and contain the prescribed particulars and accompanied by the prescribed fee.
 - (3) Subject to section 4(b) and subsection (4), the Board shall consider every application and may, in its discretion, either grant a permit, subject to such conditions, if any, as it thinks fit, or refuse to grant a permit.
 - (4) The Board, before issuing permits, shall take into consideration the total number of public buses and taxis that are, at the time of the application, already authorised to be used by holders of permits, and in that regard, shall consider matters such as —
 - (a) the reasonable needs of the public for transport facilities;
 - (b) the character and condition of the roads;
 - (c) the amenities of the Islands;
 - (d) the safety, comfort and convenience of the community; and
 - (e) any other matters it considers relevant.
 - (5) Notwithstanding subsections (3) and (4) —
 - (a) the Board shall refuse to consider an application for a permit by a person who does not fulfil the prescribed conditions as to age, driving experience or local knowledge; and
 - (b) the Board may, in its discretion, refuse to consider an application for a permit by a person who has been convicted in any court for —
 - (i) an offence connected with illegal drugs;
 - (ii) an offence involving dishonesty;
 - (iii) an offence which cannot be expunged in accordance with the *Criminal Records (Spent Convictions) Act (2018 Revision)*;



- (iv) an offence relating to dangerous, inconsiderate or reckless driving, whether or not causing death; or
 - (v) an offence under section 78, 79, 80, 82, 83 or 92 of the *Traffic Act (2023 Revision)*.
- (6) A permit authorising a person to operate or drive a public passenger vehicle shall, unless previously revoked or suspended, remain in force for up to three years after the date of issue.
- (7) A government entity is not required to obtain a permit to operate a public bus or taxi but a driver employed by the government entity must have a permit to drive such public buses and taxis.
- (8) A permit is not transferable.

Revocation and suspension of permits

- 16.** (1) The Board may revoke a permit issued under section 15 if it is satisfied that a person to whom the permit was issued —
- (a) has been convicted of an offence referred to in section 15(5)(b); or
 - (b) is, as a result of new information that the Board was not aware of at the time of issue of the permit, found not to be a suitable person to hold a permit.
- (2) The Board may suspend a permit issued under section 15 for up to six months on being satisfied that a person to whom such a permit has been issued has conducted themselves in such a way as to cause annoyance or nuisance to any member of the public, or generally to bring themselves, the Islands or the operation of tourism in the Islands into disrepute.

Matters to be considered by Board

- 17.** In determining whether a person is a suitable person to be granted a permit under section 15, or whether to revoke or suspend a permit under section 16, the Board shall have regard to —
- (a) the conditions prescribed in regulations for the holding of a permit; or
 - (b) a breach of any regulations controlling the operation of public buses and taxis made under section 20(1)(a).

Permit not a driver's licence

- 18.** The holding of a permit issued under section 15 for the operation of a public bus or taxi does not authorise the holder to drive a vehicle outside the group covered by that person's driver's licence.



Conditions for driving passengers for hire or reward and penalty for contravention

- 19.** (1) No vehicle, other than a public passenger vehicle when driven by a person holding a valid permit issued under section 15, may be used or offered for the carriage of passengers for hire or reward.
- (2) A person who drives a public passenger vehicle without a permit, or an operator or driver of public passenger vehicle who has a permit but who causes another person without a permit to drive a public passenger vehicle for hire or reward commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months, or to both.
- (3) Public passenger vehicles shall operate under such conditions as may be prescribed, and notwithstanding the issuance of a permit under section 15, a person who uses or offers a vehicle for the carriage of passengers for hire or reward in contravention of any of the prescribed conditions commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months, or to both.
- (4) A public passenger vehicle that is not a taxi shall not stand or ply for casual hire, and a person who uses or offers a public passenger vehicle, not being a taxi, for casual hire commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months, or to both.

Regulations

- 20.** (1) The Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Act, or are necessary to be prescribed for giving effect to the purposes of this Act and, in particular, may make regulations to provide for —
- (a) the conditions under which public passenger vehicles may operate, ply for hire or be made available for hire;
- (b) the fares that may be charged for the carriage of passengers and their luggage on public passenger vehicles;
- (c) the charges that may be made for the hire of public passenger vehicles;
- (d) the location and marking of bus stops, and the conditions under which they shall be used;
- (e) the safe custody and re-delivery or disposal of property accidentally left in a public passenger vehicle, and the charges to be made in that respect;
- (f) the equipment of public passenger vehicles and the manner in which such equipment is to be used;
- (g) distinctive or other marks, signs or lettering to be displayed on public passenger vehicles;

- (h) conditions, including conditions as to the age and driving experience of applicants, and tests of knowledge in connection with the issue of permits under this Act;
 - (i) badges and uniforms to be worn by drivers and other persons having charge of public passenger vehicles, their conduct and their obligations as carriers;
 - (j) the number of hours for which a person may lawfully drive a public passenger vehicle in each period of twenty-four hours;
 - (k) the conduct of persons carried as passengers on public passenger vehicles;
 - (l) the manner and form in which applications may be made for the grant and renewal of permits issued under this Act and the fees to be paid on an application; and
 - (m) the creation of an administrative penalty system in respect of any offence under this Act or regulations made under this Act, and for other matters including —
 - (i) a failure to comply with the National Taxi Fare Schedule;
 - (ii) forms and procedures for imposing the administrative penalty;
 - (iii) how the administrative penalty shall be paid and may be enforced; and
 - (iv) that are necessary to give effect to the creation of the administrative penalty system.
- (2) Regulations made under subsection (1) may make different provisions in relation to different categories of public passenger vehicles.
- (3) Until regulations are made under this Act to provide for a matter that may be prescribed, the *Traffic (Public Passenger Vehicles) Regulations (2020 Revision)* made under the *Traffic Act (2023 Revision)* that are in force immediately before the commencement of this Act or the repeal of Part 4 of that Act shall have effect until expressly repealed by this Act or by regulations made under this Act.



Transitional provisions

- 21.** (1) A permit issued under *the Traffic Act (2023 Revision)* and which is in force on the date of commencement of this Act shall remain in force until its expiration on the date provided under the permit.
- (2) A person, not being a public officer, who was appointed to the Board under the *Traffic Act (2023 Revision)* continues as a member of the Board for the purposes of this Act for a term expiring on the day on which the appointment of the person would have expired under the *Traffic Act (2023 Revision)* or on such other date as determined by Cabinet.

Passed by the Parliament the _____ day of _____, 2024.

Speaker

Clerk of the Parliament

