

**THE PUBLIC PASSENGER TRANSPORT (RURAL
AREA) ACT**

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SCHEDULES

THE PUBLIC PASSENGER TRANSPORT (RURAL
AREA) ACT

[25th August, 1970.]

Acts
40 of 1969,
12 of 1985
Sch.,
13 of 1987
2nd Sch.,
21 of 1991
S. 21(b),
9 of 1998
S. 8.

1. This Act may be cited as the Public Passenger Transport (Rural Area) Act.

Short title.

2.—(1) In this Act—

Interpreta-
tion.

“Board” means the Public Passenger Transport (Rural Area) Board of Control established under section 7;

“exclusive licence” means a licence granted under subsection (1) of section 3;

“franchise holder” means the holder of an exclusive licence;

“Kingston Metropolitan Transport Region” has the same meaning as in the Public Passenger Transport (Kingston Metropolitan Transport Region) Act;

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“licensed Area” means an area in respect of which an exclusive licence is in force; and, in relation to a franchise holder means the area in respect of which such a licence has been granted to that franchise holder;

“Licensing Authority”, “Road Authority” and “road licence” shall have the same meaning as in the Road Traffic Act;

“market service” means a service of stage carriages or express carriages for the carriage of passengers and goods between any place within a licensed Area and any market within that Area;

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

“Rural Area” means that part of Jamaica which is not within the Kingston Metropolitan Transport Region;

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

“the undertaking” means the equipment, vehicles, buildings, and plant, used by a franchise holder for the purpose of providing the passenger transport service in accordance with any exclusive licence.

(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.

3.—(1) (a) Subject to the provisions of this Act, the Minister may in his discretion grant to any person upon an application made in writing an exclusive licence on such conditions and with effect from such date as may be specified therein to provide public passenger transport services by means of stage carriages or express carriages or both within and throughout the licensed Area:

Provided that no application for an exclusive licence may be considered by the Minister except in relation to an area the limits of which were defined in an order under paragraph (b) prior to the making of application.

(b) The Minister may by order published in the *Gazette*—

- (i) define the limits of any area (being part of the Rural Area) in relation to which applications for exclusive licences may be made; and
- (ii) in like manner, at any time, whether before or after the grant of an exclusive licence in relation to any such area alter the limits of that area.

(c) A franchise holder who suffers loss by reason of any alteration of the limits of the licensed Area under sub-paragraph (ii) of paragraph (b) shall be entitled to be paid by the Government reasonable compensation and any question arising as to the amount of such compensation shall be determined by arbitration in the manner provided by the Arbitration Act.

(d) An application under paragraph (a) for an exclusive licence shall be in such form and furnish such particulars as may be prescribed by the Minister by regulations, and before consideration by him shall be referred to the Licensing Authority for its recommendations but the Minister shall not be obliged to act in accordance with any such recommendations.

(2) Subject to the provisions of this Act, during the continuance in force of any exclusive licence no person shall hold or be granted a road licence authorizing the use of any stage carriage or express carriage within the licensed Area and no person except the franchise holder shall carry within the licensed Area any person on any vehicle while that vehicle is being used as a stage carriage or express carriage.

(3) Nothing in subsection (2) shall—

- (a) affect the operation of any railway by the Jamaica Railway Corporation;
- (b) prevent the grant or holding of a road licence authorizing the operation of a contract carriage service or hackney carriage service within the licensed Area; or
- (c) prevent the grant or holding of a road licence authorizing, subject to the condition specified in subsection (7), the operation of any stage carriage service or express carriage service on any route which is partly within a licensed Area or the

carriage of passengers on any service operated under and in accordance with such licence.

(4) A person other than the franchise holder may hold or be granted a road licence authorizing the use of any stage carriage or express carriage within the licensed Area on the terms and conditions specified therein if the franchise holder consents in writing thereto, or if the Board, subject to subsections (5) and (6), grants a certificate to that person certifying that in the opinion of the Board the consent of the franchise holder as aforesaid has been unreasonably withheld and for the avoidance of doubt it is hereby expressly declared that section 9 shall not apply in relation to a licence granted pursuant to such consent or certificate.

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(5) The Board shall not grant a certificate pursuant to subsection (4) unless the Board—

- (a) notifies the franchise holder that the Board proposes to grant such a certificate; and
- (b) affords to the franchise holder, to the applicant for the certificate and to such other persons as the Board may regard as interested persons a reasonable opportunity to make representations and to submit evidence to the Board (whether orally or in writing) in relation to the grant or refusal of the certificate.

(6) A certificate granted pursuant to subsection (4) may contain such supplemental provisions and requirements as the Board thinks necessary, and, without prejudice to the generality of the foregoing, may stipulate that the road licence aforesaid shall not be held or granted unless the person to whom the certificate is granted makes payment to the franchise holder of such amount or at such rate as the Board thinks fit.

(7) 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 licensed Area or less than 100 yards beyond the boundary of that area and set down on the same journey at any other point within that area or less than 100 yards beyond the boundary of that area unless the franchise holder has consented in writing to the taking up and setting down of passengers as aforesaid on such service and for the avoidance of doubt it is expressly declared that any consent given by the franchise holder for the purposes of this paragraph may be given subject to such conditions as the franchise holder may think fit.

(8) Every road licence which is in force at the date of the coming into force of any exclusive licence and which authorizes the operation of any stage carriage service or express carriage service on any route partly within the licensed Area shall unless the Minister by order otherwise directs, be deemed to be subject to the conditions specified in subsection (7) and have effect in all respects as if that condition had been attached to the road licence.

(9) Upon the grant of the exclusive licence to the franchise holder every other person holding a road licence to operate entirely within that area may, in the absence of arrangements under subsection (10) acceptable to him, continue, subject to the provisions of the Road Traffic Act and of this Act, to operate his road licence until the expiration thereof.

(10) A franchise holder shall, before the expiration of such period as the Minister shall specify, offer to make reasonable arrangements for the acquisition of the interests (including compensation for loss of road licence if un-

expired) of every other person holding a road licence within the licensed Area in respect of any stage or express carriage who at the time of the grant of the exclusive licence is operating entirely within such area; and such arrangements may take place either at the expiry of the relevant road licence or such earlier date as may be mutually agreed upon between the franchise holder and the holder of such road licence.

(11) If at any time after the expiration of six months from the date upon which the licence has come into force the Minister is satisfied that the franchise holder has failed to take all reasonable steps to render the licence effective, the Minister may require the franchise holder to take such steps as may be necessary to render the licence effective by the date specified by the Minister and if the franchise holder, 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.

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

(13) Subject to the provisions of section 9, nothing in this Act shall authorize the use of any vehicle otherwise than in accordance with the provisions of the Road Traffic Act.

(14) 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.

4.—(1) Subject to the provisions of this section, the Board may, during the continuance in force of any exclusive licence, grant a licence in respect of the licensed Area in such form as may be prescribed (hereafter in this Act

Market
service
licences.

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 four years, and subject to such conditions (including conditions as to the frequency or timetable 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 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 is 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 is 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) The Board may require a franchise holder to provide a market service within the licensed Area and the

franchise holder shall provide such market service subject to the provisions of subsection (2).

(5) It shall not be necessary for the Board to obtain the consent of a franchise holder to the grant of a market service licence or the variation of the conditions of a market service licence, so, however, that where the Board proposes to grant such a licence it shall—

- (a) notify the franchise holder; and
- (b) afford to the franchise holder, to the applicant for the market service licence and to such other persons as the Board may regard as interested persons a reasonable opportunity to make representations and to submit evidence to the Board (whether orally or in writing) in relation to the grant or refusal of the licence.

(6) If the holder of a market service licence or any person operating a market service 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.

Duty of franchise holder.

5. It shall be the duty of a franchise holder during the continuance in force of any exclusive licence to provide 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 adequately, efficiently and without wasteful or unjustifiable expense the needs of the licensed Area or such particular parts thereof as may be specified from time to time by the Board.

Revocation or termination of exclusive licence.

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

(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 facts to the Minister specifying the ground upon which it is 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) A franchise holder may terminate any exclusive licence granted to him 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 (Rural Area) Board of Control. Establishment of Board.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto. First Schedule.

8.—(1) It shall be the general duty of the Board so to exercise its powers under this Act or any exclusive licence as to secure the provision by each franchise holder 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 adequately, efficiently and without wasteful or unjustifiable expense the needs of the licensed Area or particular parts thereof: General duty and powers of the Board.

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 a franchise holder 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 without wasteful or unjustifiable expense of suitable and efficient services the Board is of opinion that—

- (a) any of the fares charged or proposed to be charged by a franchise holder 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 franchise holder 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 franchise holder 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 franchise holder's right of appeal under section 10, 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 franchise holder:

Provided that an order shall not be made on the ground that any fare charged or proposed to be charged by a franchise holder for any journey is unreasonable if such fare

is not more than the maximum fare which the franchise holder is for the time being authorized by the exclusive licence or any order made thereunder to charge for that journey.

(3) If the Board proposes to make an order under this section the Board shall give to the franchise holder notice in writing of its 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 franchise holder may reasonably require.

(4) If after hearing and considering any objections or representations made by the franchise holder in respect of any order proposed to be made by the Board and any evidence given by the franchise holder in support of such objections or representations the Board is satisfied that the order proposed to be made is necessary, whether with or without modification, in the proper exercise of its duties, the Board shall make the order subject to such modification as it 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 a franchise holder contravenes the provisions of any order in force under or by virtue of this section he shall be guilty of an offence against this Act.

Exclusion
of certain
provisions
of Road
Traffic
Act.

9.—(1) Sections 61, 62, 63, 64 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 or 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.

(2) During the continuance in force of any exclusive licence or of any market service licence, 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.

Appeals.

10.—(1) Where a franchise holder is dissatisfied with—

- (a) any order made by the Board in exercise of its powers under this Act or under any exclusive licence; or
- (b) the refusal or failure of the Board on the application by a franchise holder 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,
the franchise holder 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 the variation of the conditions or the revocation or suspension of such licence, 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 a franchise holder, 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; or
- (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.

(5) For the purposes of any appeal under this section the proceedings shall be brought against the Public Passenger Transport (Rural Area) Board of Control and the practice and procedure governing such appeals shall be in accordance with rules of court made for the purpose.

(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.

Jurisdiction of Supreme Court to hear applications, etc.

11.—(1) Where under any exclusive licence provision is made for the making of an application to the Supreme Court 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.

Insurance Fund.

12.—(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 a franchise holder 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 franchise holder may suffer, incur or become liable to in consequence of or in connection with any risk against which the franchise holder would be required to insure under that Act.

(2) If a franchise holder 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 by the licensee in accordance with the direction of the Board.

13.—(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.

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

14.—(1) There shall be paid by a franchise holder or, as the case may be, by the holder of a market service licence to a Collector of Taxes in the licensed 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 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 franchise holder 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 by law to issue such certificates.

(3) If a franchise holder 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.

15. 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.

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16. The Minister may make regulations generally for the proper carrying out of the purposes and provisions of this Act, and, without prejudice to the generality of the foregoing provisions may make regulations—

Regulations.

- (a) prescribing the terms and conditions for the carriage of luggage and parcels on a stage or express carriage; and
- (b) prescribing the terms and conditions for the carriage of blind passengers with guide dogs on a stage or express carriage.

17. The proviso to subsection (1) of section 60 of the Road Traffic Act shall cease to have effect within a licensed Area while any licence granted under section 3 in relation thereto is in force.

Modification of
Road
Traffic
Act.

FIRST SCHEDULE

(Section 7)

*Constitution and Procedure of the Board*Constitu-
tion of
the Board.

1. The Board shall consist of not less than five and not more than nine members appointed by the Minister, so, however, that no person who has any financial interest in the operations of a licence under this Act shall be appointed or remain a member of the Board.

Chairman.

2. The Minister shall appoint one of the members of the Board to be the chairman thereof.

Tenure of
office.

3. The appointment of a member of the Board shall, subject to the provisions of this Schedule, be for a period not exceeding two years and such member shall be eligible for reappointment.

Acting
appoint-
ments.

4. If the chairman or any other member of the Board is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member.

Resigna-
tions.

5. (1) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Revoca-
tion of
appoint-
ments.

6. The Minister may at any time revoke the appointment of any member of the Board if he thinks it expedient so to do.

Filling of
vacancies.

7. If any vacancy occurs in the membership of the Board such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Gazetting
of appoint-
ments.

8. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Incorporation.

9. (1) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Board shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman or any other member of the Board and the secretary.

(3) The seal of the Board shall be authenticated by the signatures of the chairman or any other member authorized to act in that behalf and the secretary, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hands of the chairman or any other member authorized to act in that behalf and the secretary.

(5) The Board may sue and be sued in its corporate name and may for all purposes be described by such name.

10. (1) The Board shall meet at least once in every period of three months and at such other times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written 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 if the chairman is absent from any meeting the members present shall elect one of their number to preside at that meeting.

(4) The quorum of the Board shall be three.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the chairman or the person elected to preside pursuant to sub-paragraph (3) shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Board shall be kept.

(7) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

11. The funds of the Board shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, or such other moneys as may lawfully be paid to the Board. Funds of Board.

12. (1) The Board shall keep proper accounts and other records in relation to the business of the Board and shall prepare annually a statement of accounts in a form satisfactory to the Minister and shall submit the same from time to time with vouchers to the Auditor-General to be audited. Accounts and audit and estimates.

(2) The Board shall, on or before the thirty-first day of October in each year, submit to the Minister for his approval, its estimates of revenue and expenditure in respect of the financial year commencing on the first of April next following.

PUBLIC PASSENGER TRANSPORT (RURAL AREA)

Report of
activities
of Board.

13. (1) The Board shall, as soon as practicable after the end of each financial year, cause to be made and transmit to the Minister a report dealing generally with the activities of the Board during the preceding financial year, and containing information relating to the proceedings and policy of the Board.

(2) The Minister shall cause a copy of the report to be laid on the Table of the House of Representatives and of the Senate.

Appointment
of secretary
of Board.

14. (1) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a secretary and such other officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act.

(2) No officer or servant shall be employed by the Board at any salary in excess of two thousand dollars per annum unless with the prior approval of the Minister.

Protection
of
members.

15. (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the member was a servant or agent of the Board.

Remunera-
tion of
members.

16. There shall be paid from the funds of the Board to the chairman and other members of the Board such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Members
not public
officers.

17. The office of chairman or member of the Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Institu-
tion of
proceed-
ings.

18. (1) Proceedings against any person for an offence against this Act or any regulations made thereunder may be instituted by any officer authorized in that behalf by the special or general directions of the Board and any such officer may prosecute or conduct such proceedings.

(2) In any action or other legal proceedings brought against any such officer in respect of any act done in pursuance or execution or intended execution of this Act, the plaintiff shall not recover unless he alleges in his pleading or in the particulars of his claim and proves at the trial that such act was done maliciously or without reasonable and probable cause.

(3) Any damages or costs recovered against any such officer in any such action or other legal proceedings, shall be paid out of the funds of the Board.

SECOND SCHEDULE

(Section 13) 9/1998
S. 8.

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