

CAYMAN ISLANDS



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**THE TRAFFIC LAW
(2003 REVISION)**

**THE TRAFFIC (PUBLIC TRANSPORT APPEALS TRIBUNAL)
REGULATIONS, 2004**

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**THE TRAFFIC (PUBLIC TRANSPORT APPEALS TRIBUNAL)
REGULATIONS, 2004**

In exercise of the powers conferred by sections 48 and 119 of the Traffic Law (2003 Revision), the Governor in Cabinet makes the following regulations -

1. These regulations may be cited as the Traffic (Public Transport Appeals Tribunal) Regulations, 2004. Citation

2. In these regulations - Definitions

“Appeals Tribunal” or “Tribunal” means the Public Transport Appeals Tribunal established under regulation 4;

“Board” means the Public Transport Board established under section 41 of the Traffic Law (2003 Revision);

“chairman” means the chairman of the Appeals Tribunal;

“deputy chairman” means the deputy chairman of the Appeals Tribunal; and

“public officer” has the meaning assigned to that expression in the Constitution.

3. These regulations apply to any decision -

- (a) made by the Board not more than eighteen months prior to the date of commencement of these regulations; or
 - (b) made by the Board on or after that date.
- Application of these regulations

4. (1) For the purposes of Part IV of the Traffic Law (2003 Revision) there is established a Public Transport Appeals Tribunal which consists of the following members - Establishment of Public Transport Appeals Tribunal

- (a) a chairman;
- (b) a deputy chairman; and
- (c) six other members,

each of whom shall be appointed by the Governor for a period not exceeding two years.

(2) The chairman and the deputy chairman shall be attorneys-at-law of at least five and three years call to the bar, respectively.

(3) The Governor may appoint a secretary to the Appeals Tribunal who shall record and keep all minutes of the meetings, proceedings and decisions of the Tribunal and such secretary shall have no right to vote.

Remuneration of
members of Appeals
Tribunal

5. Those members of the Appeals Tribunal who are not public officers shall receive such remuneration in respect of each meeting attended, and the chairman and deputy chairman shall receive such additional remuneration, as may be determined by the Governor.

Meetings of Appeals
Tribunal

6. (1) The Appeals Tribunal shall meet at least once in every month and upon such other occasions as, in the opinion of the chairman, is necessary or desirable in the public interest.

(2) Any member of the Appeals Tribunal who, without obtaining the prior written permission of the chairman, is absent for more than three out of five consecutive meetings of the Tribunal shall cease to be a member of the Tribunal.

(3) The deputy chairman, in the temporary absence or inability to act of the chairman, shall act as chairman and exercise all the powers and functions of the chairman.

(4) The Appeals Tribunal shall reach its decisions by a majority of the votes of members present and voting at any meeting.

(5) The chairman or presiding member shall have no original but only a casting vote.

(6) Five members of the Appeals Tribunal present at any meeting shall form a quorum.

(7) If a member of the Appeals Tribunal has any personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Tribunal, he shall, if present at the meeting of the Tribunal at which such matter is to be determined, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of such matter or vote on any question with respect thereto.

(8) Subject to paragraphs (1) to (7) and to regulation 10, the Appeals Tribunal shall have power to regulate its own procedure.

7. (1) A person aggrieved by or dissatisfied with a decision of the Board may, within - Appeal from decision of the Board

- (a) twenty-eight days of the communication of the decision to him; or
- (b) such longer period as the chairman may, for good reason, allow,

appeal therefrom by way of rehearing to the Appeals Tribunal, and matters referred to the Tribunal under this regulation may not be remitted to the Board.

(2) Where the Appeals Tribunal sends notice of its decision to the appellant by post, such notice shall be deemed to have been communicated to the appellant at the time at which it should have been received by him in the ordinary course of post.

8. (1) Appeals under regulation 7 shall be by notice in writing addressed to the secretary of the Appeals Tribunal, and such notice - Conduct of appeal

- (a) shall set forth -
 - (i) the decision against which the appeal is made;
 - (ii) the Board's reasons for its decision;
 - (iii) the grounds of the appeal; and
 - (iv) whether or not the appellant wishes to be heard personally or by a representative; and
- (b) shall be accompanied by a non-refundable processing fee of two hundred and fifty dollars.

(2) On receipt of the notice of appeal the Appeals Tribunal shall -

- (a) notify the Board of the decision against which the appeal is made and the grounds of the appeal and give the Board twenty-eight days (or such longer period as the chairman may, for good reason, allow) to provide a written defence to the appeal; and
- (b) if the appellant has applied to be heard personally or by a representative, fix a time and a date for such hearing and notify the appellant and the Board thereof.

(3) At every hearing of an appeal where the appellant or his representative is present, the appellant or his representative shall be given an opportunity to address the Appeals Tribunal, and then the Board or its representative, as the case may be, shall be heard in answer if called upon by the Appeals Tribunal in that behalf; and thereafter, the Tribunal may, in its absolute discretion, call upon either party further to address it.

(4) Representatives appearing on behalf of either party need not be persons having legal qualifications.

(5) The decision of the Appeals Tribunal shall be notified to the appellant not more than twenty-one days after the decision has been made.

Decisions of Appeals
Tribunal

9. (1) On an appeal the Appeals Tribunal may make such order (including any order for costs) as it thinks fit.

(2) An appeal may be made to the Grand Court from a decision of the Appeals Tribunal on a point of law only.

Rules relating to appeals

10. The Chief Justice may make rules relating to the procedure and forms to be used for the notice of appeal to the Appeals Tribunal, the documents to accompany the notice of appeal, the admission of evidence in any appeal heard by the Tribunal, and the procedure and forms to be used in an appeal from a decision of the Tribunal.

Made in Cabinet the 22nd day of June, 2004.

Carmena Watler

Clerk of the Cabinet.

Laid in the Legislative Assembly the day of , 2004, in
accordance with section 119 of the Traffic Law (2003 Revision).

Clerk of the Legislative Assembly.