

CAYMAN ISLANDS



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**THE PORT AUTHORITY
(LICENSING OF VEHICLES) LAW, 1994
(LAW 17 OF 1994)**

to continue to carry on that business for the duration of the period specified in respect of that licence.

(2) In subsection (1) above, the reference to a licence includes any document issued by the Port Authority by virtue of which permission to carry on any bus or taxi business (or act as a driver of a bus or taxi in the course of the business) was conferred.

(3) The Port Authority may exercise the powers conferred by sections 13 and 14 above (suspension and revocation of licences) in respect of any licence granted by the Authority –

- (a) which authorises a person to act as operator of any bus or taxi business or driver of a bus or taxi in the course of the business; and
- (b) which is in force on the day on which this Law comes into force.

(4) In this section references to "bus or taxi business" include any business in the course of which provision is made in a port or port area for the carriage of passengers for hire or reward in a bus or taxi.

Passed by the Legislative Assembly the 5th day of December, 1994.

SYBIL McLAUGHLIN
Speaker

GEORGETTE MYRIE
Clerk of the Legislative Assembly

- (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 Port 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 Port 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 Port Authority under section 13 above or this section may, within 21 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 and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.

(6) On an appeal under subsection (4) above the court may make such order as in all the circumstances it thinks fit.

(7) The Port 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 Port Authority by section 13 above and this section.

(8) Any delegation under subsection (7) above –

- (a) may be made either generally or as otherwise provided by the decision of the Port Authority granting the delegation;
- (b) may be made subject to such conditions and exceptions as may be provided in that decision; and
- (c) may be revoked or varied by a subsequent decision of the Port Authority.

Saving and transitional.

15. (1) Where any provision of this Law comes into force on a day appointed under section 1 above which requires the licensing of a person carrying on any business, or any vehicle used by a person in connection with any business, it shall be lawful for any person who –

- (a) immediately before that day was carrying on that business; and
- (b) before that day had been granted a licence by the Port Authority to carry on that business which is in force on that day,

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- (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,

shall be guilty of an offence.

(2) Any person who, in purported compliance with any such requirement as is mentioned in subsection (1)(c) above –

- (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,

shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months or to both.

Suspension and
revocation of vehicle
licences.

13. (1) The Port Authority may suspend or revoke, or (on application for a licence under section 4 above) 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 Port 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 above) 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 Port Authority may suspend or revoke or (on application for a licence under section 7 above) refuse to renew a licence of an operator granted under that section where –

may determine are reasonable.

(2) The fees chargeable under this section 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 Port 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 Port Authority's functions under this Law.

(3) The fees chargeable under this section shall not exceed such amount, in respect of any description of licence, as the Governor in Council may determine; and any such determination shall be published in the Gazette.

Power to require applicants to submit information.

11. (1) The Port 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) above, the Port 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;
- (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) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000.

Obstruction of authorised officers.

12. (1) Any person who –

- (a) intentionally obstructs any authorised officer acting in the execution of this Law; or

CAYMAN ISLANDS

Law 17 of 1994

I Assent

MICHAEL J GORE
Governor

30th January, 1995

A LAW TO CONFIRM AND MAKE PROVISION FOR THE PORT AUTHORITY'S LICENSING OF CERTAIN VEHICLES AND PERSONS TO APPLY OUTSIDE AND IN A PORT OR PORT AREA

ENACTED by the Legislature of the Cayman Islands.

Introductory

Short title and
commencement.

1. (1) This Law may be cited as the Port Authority (Licensing of Vehicles) Law, 1994.

(2) This Law shall come into force on such day as the Governor, by notice in the Gazette, may appoint.

Interpretation.

2. In this Law, unless the context otherwise requires –

"Authority" and "Port Authority" mean the Port Authority established by the Port Authority Law;

"authorised officer" includes –

- (a) any officer of the Port 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;

"driver", in relation to any vehicle, includes any conductor of that vehicle;

"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;

"port area" has the same meaning as in the Port Authority Law;

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

"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;

Functions of the Port Authority for the licensing of vehicles, etc.

3. (1) In addition to the functions conferred on the Port Authority by or under the Port Authority Law, the functions of the Port Authority shall (subject to subsection (2) below) 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

- (ii) for the carriage of passengers for hire or reward,

without having for that bus or taxi a current licence under section 4 of this Law;

- (b) no person shall act as driver of any bus or taxi in a port area without having a current licence under section 6 of this Law;
- (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 of this Law;
- (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 of this Law;
- (e) no person licensed under section 7 of this Law 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 of this Law is not in force; or
 - (ii) if the driver does not have a current licence under section 6 of this Law.

(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding \$2,000, and to a further fine not exceeding \$250 for every day on which the offence continues after a person has been convicted of that offence.

(4) Where the commission by any person of an offence under this section 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 this section whether or not proceedings are taken against the first-mentioned person.

(5) Where an offence under this section 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.

10. (1) Subject to the remaining provisions of this section, the Port Authority may charge such fees for the grant of licences under this Law as it

(6) The procedure on an appeal to the Summary Court shall be by way of plaint, and the Summary Jurisdiction Law and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.

(7) On an appeal under subsection (5) above the court may make such order as in all the circumstances it thinks fit.

Byelaws.

8. (1) With the approval of the Governor in Council, the Port Authority may make byelaws –

- (a) to make provision for conditions to be attached to the grant of any licences granted under this Law; and
- (b) to prescribe 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 Port Authority may also, with the approval of the Governor in Council, make byelaws –

- (a) for regulating the conduct of operators and drivers of vehicles licensed under the regulations;
- (b) for prescribing the dress and means of identification (whether by badge or otherwise) of operators and drivers of vehicles licensed under this Law;
- (c) for regulating the hours within which those drivers shall exercise their calling;
- (d) for regulating the number of persons to be carried by vehicles licensed under this Law;
- (e) for fixing the stands for such vehicles;
- (f) for 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;
- (g) for securing the safe custody and re-delivery of any property accidentally left in such vehicles.

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 of this Law 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

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 Port Authority in exercise of the functions conferred under paragraphs (a) and (b) of subsection (1) above 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 (Revised) or the Traffic Law, 1991.

Licensing of vehicles.

4. (1) Subject to the provisions of this Law, the Port 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 Port Authority shall not grant a licence under this section 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;

(b) that there is in force in relation to the use of the vehicle a policy of insurance of such security that complies with the requirements of the Motor Vehicles Insurance (Third Party Risks) Law, or any revision or any statutory re-enactment of that Law.

(3) The Port Authority may attach to the grant of a licence under this section such conditions as the Authority may consider reasonably necessary.

(4) Every licence granted under this section –

- (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 Port Authority may specify in the licence.

(5) Any person who –

- (a) is aggrieved by the refusal of the Port Authority to grant a bus or taxi licence under this section; or

- (b) is aggrieved by any conditions attached to a bus or taxi licence granted by the Port authority under this section,

may, within 21 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 and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.

(7) On an appeal under subsection (5) above 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 Port Authority under this section -

- (a) shall present such bus or taxi for inspection by or on behalf of the Port 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 Port 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, or any revision or statutory re-enactment of that Law.

(2) For the purposes of satisfying itself as required by section 4 above, the Port 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) above for vehicles that have been licensed.

Licensing of drivers.

6. (1) Subject to the provisions of this Law, the Port 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 Port Authority shall not grant a bus or taxi driver's licence under this section -

- (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.

(3) The Port Authority may attach to the grant of a licence under this section such conditions as the Authority may consider reasonably necessary.

(4) Every licence granted under this section shall remain in force for such period as the Port Authority may specify in the licence.

(5) Any person who -

- (a) is aggrieved by the refusal of the Port Authority to grant a bus or taxi driver's licence under this section; or
- (b) is aggrieved by any conditions attached to a bus or taxi driver's licence under this section,

may, within 21 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 and the Summary Jurisdiction (Civil Procedure) Rules shall apply to the proceedings.

(7) On an appeal under subsection (5) above the court may make such order as in all the circumstances it thinks fit.

Licensing of operators.

7. (1) Subject to the provisions of this Law, the Port 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 a taxi, grant to that Caymanian a licence to operate the description of bus or taxi specified in the licence.

(2) The Port Authority shall not grant a licence to operate a bus or taxi under this section unless satisfied that the applicant is a fit and proper person to hold such a licence.

(3) The Port Authority may attach to the grant of a licence under this section such conditions as the Authority may consider reasonably necessary.

(4) Every licence granted under this section shall remain in force for such period as the Port Authority may specify in the licence.

(5) Any person who -

- (a) is aggrieved by the refusal of the Port Authority to grant a licence to operate a bus or taxi under this section; or
- (b) is aggrieved by any conditions attached to a licence to operate a bus or taxi under this section,

may, within 21 days after notice of the refusal or condition (as the case may be) was given to him, appeal to the Summary Court.