

TAXI-CARS (CO-ORDINATION AND CONTROL.)

12° Elizabeth II., No. LXXXI.

No. 81 of 1963.¹

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 55 of 1965, assented to 9th November, 1965;
No. 13 of 1967, assented to 20th October, 1967;
No. 38 of 1968, assented to 6th November, 1968;
No. 26 of 1970, assented to 20th May, 1970;

and reprinted pursuant to the Amendments Incorporation Act,
1938.]

AN ACT to make better provision for the Co-ordination and Control of Taxi-cars and to make provision for the Registration and Conduct of Taxi-car Drivers and for other incidental purposes.

Long title amended by No. 55 of 1965, s. 2.

[Assented to 23rd December, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Taxi-cars (Co-ordination and Control) Act, 1963-1970.*

Short title and citation. Amended by No. 26 of 1970, s. 1.

¹ Came into operation 4th September, 1964. See *Gazette* 4/9/64, p. 3197.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.¹

Interpreta-
tion.
Amended by
No. 13 of 1967,
s. 2; No. 38 of
1968, s. 2.

3. In this Act, unless the context requires otherwise—

“Board” means the Taxi Control Board constituted by this Act;

“Commissioner” and “Deputy Commissioner” have the same meanings as are respectively given to those terms in the Road and Air Transport Commission Act, 1966;

“control area” means a part of the State to which this Act applies, or is from time to time declared to apply, under the provisions of section four;

“inspector” means a person so appointed under section twelve.

“local authority” means the council of a municipal district constituted under the Local Government Act, 1960, and of which district the whole or any part is in a control area;

“member” means a member of the Board;

“metropolitan area” means the metropolitan area as from time to time prescribed under the Traffic Act;

“operate”, as applied to a motor vehicle, means to ply or stand it for hire, or to carry passengers in it for reward, and inflexions and derivatives of the verb and the word, “operator” have a corresponding meaning; but the term does not include the carrying of passengers for reward into a control area, from a place outside the area, or from within a control area to a place outside the area, on the return journey by a direct route to the place from which passengers were brought into the control area;

¹ Came into operation 4th September, 1964. See *Gazette* 4/9/64, p. 3197.

“owner”, as applied to a taxi-car, means a person being the sole, part or joint owner of the vehicle and includes a person having the use of the vehicle under an agreement for its hire, lease or loan or under a hire purchase agreement and also includes a person repossessing, or purporting to repossess, the vehicle under any such agreement;

“section” means a section of this Act;

“taxi-car” means a passenger motor vehicle, other than an omnibus within the meaning of the Road and Air Transport Commission Act, 1966, that is operated within the meaning of this Act;

“Taxi Control Fund” means the fund established pursuant to section thirteen;

“Traffic Act” means the Traffic Act, 1919, or any Act enacted in substitution of that Act.

4. (1) This Act applies only to the metropolitan area and to such other portions of the State as the Governor may, by Order in Council, from time to time, declare and is by this section authorised so to declare.

Application of Act.

(2) An Order in Council made under this section may be cancelled or, from time to time, be varied by a subsequent Order.

5. (1) For the purposes of the co-ordination and control of taxi-cars and for the carrying of this Act into effect, a board shall be constituted, as provided by this section, to be known as the Taxi Control Board.

Taxi Control Board.
Amended by No. 13 of 1967, s. 3; No. 26 of 1970, s. 2.

(2) The Board shall comprise seven members, including the Chairman.

(3) The members shall be—

(a) The Commissioner or the Deputy Commissioner, who shall be Chairman;

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- (b) a member of the Police Force appointed, from time to time, by the Commissioner of Police; and
 - (c) five persons, appointed by the Governor, to hold office for a period of three years, subject to subsection (4a) of this section, and to be eligible for re-appointment.
- (4) Of the five persons mentioned in paragraph (c) of subsection (3) of this section—
- (a) one shall, in relation to appointments that commence on or after the 6th May, 1970, be chosen, to represent on the Board the interests of local authorities, from a panel of names that is obtained by each local authority submitting the name of a person;
 - (b) one shall be nominated by the body known as the W.A. Taxi Operators' Association;
 - (c) two shall, in relation to—
 - (i) appointments that commence on the 6th May, 1970, be persons who are taxi-car owners or operators and who are elected by taxi-car owners and operators; and
 - (ii) appointments that commence after the 6th May, 1970, be persons who are qualified in accordance with paragraph (a) of subsection (4b) of this section and who are elected by persons qualified in accordance with paragraph (b) of that subsection; and
 - (d) one shall be nominated by the Metropolitan (Perth) Passenger Transport Trust.

(4a) The terms of office in relation to appointments referred to in subparagraph (i) of paragraph (c) of subsection (4) of this section are two years and one year respectively so that the term of office of the one who received the least number of votes at the election in respect of the appointment expires first.

Offices of members to be vacated in certain circumstances.
Amended by No. 26 of 1970, s. 3.

6. (1) A member shall be deemed to have vacated his office if he—

- (a) becomes bankrupt or institutes proceedings for the liquidation of his affairs by arrangement or composition with his creditors or assigns any allowance payable to him under this Act for the benefit of his creditors;
- (b) without the consent of the Minister, absents himself from three consecutive meetings of the Board;
- (c) resigns his office by writing under his hand delivered to the Minister;
- (d) becomes incapable of performing his duties; or
- (e) being an owner or operator appointed under paragraph (c) of subsection (4) of section five, he ceases to be a taxi-car owner or operator.

(2) The Governor may remove a member from his office by reason of the member's misbehaviour or incompetence and his office shall thereupon be vacated.

(3) Where a casual vacancy on the Board occurs the vacancy shall be filled by the appointment of a person nominated by the Minister to be recommended where applicable by the same interests who had previously recommended the member whose place he is taking and a person so appointed shall hold office for the balance of the term for which his predecessor was appointed.

(4) The exercise of the rights, powers, authority or functions of, or the performance of the duties or obligations of, the Board is not affected by reason only of there being a vacancy in the office of member.

Remuneration of members.
Amended by No. 13 of 1967, s. 4.

7. The members, other than the Chairman, the member appointed by the Commissioner of Police and the member nominated by the Metropolitan

(Perth) Passenger Transport Trust, while acting as such, and the deputies of those firstmentioned members, are entitled to receive such fees in respect of attendance at meetings, or whilst engaged in any business of the Board, as the Governor may, from time to time, determine.

8. (1) The Board shall meet at least once in every month and whenever convened by the Chairman.

Meetings and proceedings.
Amended by No. 13 of 1967, s. 5.

(2) The Chairman shall preside at all meetings of the Board at which he is present and, in his absence, the member chosen by the members present shall preside.

(3) The Board shall conduct its proceedings in such manner as may be prescribed and, until prescribed, in such manner as the Board may determine; but in any event—

- (a) four members shall constitute a quorum for the conduct of business;
- (b) all matters shall be determined by a majority of the votes of the members present and, where there is an equality of votes, the question is determined in the negative;
- (c) each member, including the Chairman, is entitled to one vote only on the determination of any matter.

(4) The Board shall cause minutes of all its proceedings to be kept, in manner and form as the Minister may direct or approve.

9. Subject to the Minister, this Act shall be administered by the Board.

Adminis-
tration.

10. The expenses of the administration of this Act shall be paid out of the Taxi Control Fund.

Expenses of
adminis-
tration.

Powers and
duties of
Board.
Amended by
No. 55 of 1965,
s. 3; No. 38 of
1968, s. 3.

11. (1) Subject to the Minister and to the provisions of this Act, the powers and duties of the Board include—

- (a) the making of investigations and inquiries into, and the formulation of schemes for, the co-ordination and control of taxi-cars and the recommending of regulations for that purpose;
- (b) the determination, subject to subsection (2) of this section, of the number, and kind, of taxi-cars to be licensed in any control area or portion only of it;
- (ba) the determination of the number of persons to be registered as full-time or part-time taxi-car drivers in any control area;
- (c) the issue of taxi-car licences and number plates and the transfer of taxi-car licences;
- (d) the determination of fares and other charges to be taken or made for the hire of taxi-cars;
- (e) the supervision, subject to subsection (3) of this section, of the fitness and cleanliness of taxi-cars;
- (f) the establishment, in conjunction with the Main Roads Department or (as the case may require) the appropriate local authority, or on the authority of the Minister, of stands for taxi-cars;
- (g) the arrangement and enforcement of schemes for the operation of taxi-cars in any part of a control area;
- (h) the registration of, and the control of the conduct and dress of, taxi-car drivers; and
- (i) the enforcement of regulations made under this Act.

(1a) The Board, under the name of the Taxi Control Board, is a body corporate with perpetual succession and a common seal and in its corporate

name is capable of suing and being sued, and, subject to this Act, has power to acquire, hold and dispose of real and personal property, and may do and suffer all such acts and things as bodies corporate may do and suffer.

(1b) The Board shall not, except with the approval of the Governor, grant, sell, alienate, mortgage, charge or demise any real property.

(1c) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed.

(2) The number of taxi-cars that may be licensed to operate within the metropolitan area shall not at any time exceed one for every seven hundred of the population or be less than one for every eight hundred of the population of that area, as from time to time estimated or declared by the Deputy Commonwealth Statistician for the State.

(3) Nothing in this section empowers, or imposes any duty on, the Board to inquire into the road-worthiness of, or the proper working of the mechanical equipment of, taxi-cars, or to enforce the provisions of, or regulations made under, any other Act.

12. (1) In order to make provision for the proper administration of this Act, the Minister may make available to the Board the services of any servant or officer of the Commissioner and the Governor may, for that purpose, appoint such additional servants or officers of the Commissioner as he thinks necessary and may appoint any person employed by the Commissioner to be an inspector, for the purposes of this Act.

Officers and employees.

(2) The cost of the services of any employee made available under the provisions of subsection (1) of this section shall be a charge on the Taxi Control Fund.

Funds.
Amended by
No. 38 of 1968,
s. 4.

13. (1) Subject to section fifteen B, all moneys payable under this Act shall be placed to the credit of an account to be kept at the Treasury and called the Taxi Control Fund.

(2) The funds necessary for the exercise of the powers conferred, and the duties imposed on, the Board by this Act shall be paid out of the Taxi Control Fund.

Taxi-cars to
be licensed
under this
Act.
Amended by
No. 38 of 1968,
s. 5.

14. (1) Every taxi-car that is operated within a control area or a portion of it is required to be licensed under this Act for that area or portion and every person who operates a taxi-car that is not so licensed or in respect of which a licence under this Act is not in force, or who operates a taxi-car in a control area or a portion of it other than that for which it is licensed commits an offence.

Penalty: For a first offence eighty dollars; for a second offence two hundred dollars; and for any subsequent offence four hundred dollars.

(2) When first required to be licensed under subsection (1) of this section, a taxi-car is deemed, subject to the payment of any prescribed fees, to be so licensed, if it is currently licensed as a passenger vehicle, under the Traffic Act, 1919; but, on the expiry of the passenger vehicle licence, that licence, if renewed, shall be renewed under the provisions of this Act.

Renewal of
licences.

15. (1) Every licence issued under this Act is, subject to the provisions of sections eighteen, twenty and twenty-two, valid for a period of one year from the date of issue and shall, within one month prior to its expiry, be renewed and thereafter be renewed annually so long as the taxi-car in respect of which it is issued is operated in a control area.

(2) The Board shall, subject to section twenty, on the application of the operator, renew any licence issued to the applicant in respect of a taxi-car, whether issued under the provisions of this Act or of the Traffic Act, 1919.

(3) Where a licence is renewed under this Act, the renewed licence shall operate from the day following that on which the renewed licence would, but for the renewal, have expired.

15A. (1) Where the Board considers the public requirements of a portion of a control area would be served by the issue of a licence for a taxi-car to operate in that portion, only, the Board may, subject to such conditions as it may impose, issue a licence limiting the operation to that portion.

Licence for portion only of a control area.
Added by No. 38 of 1968, s. 6.

(2) For the purposes of subsection (1) of this section, the word "operate" shall be interpreted as if the portion of a control area were a control area.

15B. (1) The Board shall consider what, if any, premium is payable to the Board on the issue of a taxi-car licence and if fixing a premium shall have regard to conditions existing in the area in which the licence is to have effect and may determine the manner in which a premium so fixed is to be paid.

Licence for portion only of a control area.
Added by No. 38 of 1968, s. 6.

(2) The Board shall pay all moneys received as, or on account of, a premium to the credit of the Public Account.

16. (1) Every application for a licence in respect of a vehicle that is not currently licensed as a taxi-car shall be made to the Board.

New licences.
Amended by No. 55 of 1965, s. 4; No. 38 of 1968, s. 7.

(2) Subject to section twenty-two D, the Board, if satisfied—

(a) that a vehicle—

- (i) has been licensed or registered under the Traffic Act;
- (ii) has been approved by the Police Department for use as a taxi-car; and
- (iii) conforms with the Board's requirements with respect to taxi-cars;

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- (b) that the issue of a licence will not occasion the number of taxi-cars licensed to operate in a control area or portion only of it to exceed the number provided by this Act or determined by the Board as that to be licensed for that area or for that portion only;
- (c) that the applicant is of good repute and, if a natural person, is a fit and proper person to operate a taxi-car; and
- (d) that the applicant has such other qualifications and has complied with such other conditions as may be prescribed,

may, upon payment of the prescribed fee and any premium or payment on account of a premium payable pursuant to section fifteen B, issue a taxi-car licence in respect of the vehicle for a specified control area or portion only of it.

(2a) Where the holder of a taxi-car licence does not conform to the requirements of paragraph (c) of subsection (2) of this section or has falsely represented himself as being qualified under paragraph (d) of that subsection, or defaults in the payment of any moneys payable on account of a premium pursuant to section fifteen B the Board may suspend, cancel or refuse to renew the licence.

(3) A person who feels aggrieved by a decision of the Board in respect of an issue, suspension or cancellation of a taxi-car licence or a refusal to renew such a licence may within one month of the decision appeal against the decision to the Local Court held nearest to the place where the person resides.

(4) For the purposes of paragraph (b) of subsection (2) of this section, the Board may accept the surrender of a licence issued in respect of any one vehicle and authorise its issue in respect of an alternative vehicle, if to the person surrendering the licence and for the same area or the same portion of an area.

16A. (1) The Board may, subject to the provisions of section sixteen and of subsection (2) of this section, issue a licence for a private taxi-car and may require as a condition of the licence that the taxi-car is—

Private
taxi-car
licences.
Added by
No. 26 of 1970,
s. 4.

- (a) operated by a driver dressed in a uniform approved by the Board; and
- (b) fitted with a radio that gives communication from the taxi-car to a base specified in the licence.

(2) In relation to licences for private taxi-cars—

- (a) the Board's requirements for the purposes of subparagraph (iii) of paragraph (a) of subsection (2) of section sixteen; and
- (b) the qualifications and conditions prescribed for the purposes of paragraph (d) of subsection (2) of section sixteen,

may differ from those for other taxi-cars.

16B. (1) The Minister may, in prescribed circumstances, permit taxi-cars to be operated under this Act for the carriage of passengers at separate fares that are calculated in the manner prescribed for that purpose.

Multiple
hiring.
Added by
No. 26 of 1970,
s. 4.

(2) Where a taxi-car is operated pursuant of subsection (1) of this section it is not an omnibus within the meaning and for the purposes of the Road and Air Transport Commission Act, 1966.

17. (1) Number plates of a type approved by the Board shall be issued for every vehicle licensed under this Act.

Number
plates.
Amended by
No. 38 of 1938,
s. 8.

(2) A person shall not operate a taxi-car licensed under this Act, unless number plates, issued pursuant to this section, are affixed thereto in the prescribed manner.

(3) Every number plate issued in respect of a taxi-car licensed under this Act is deemed to be, and remains, the property of the Board, irrespective of when, or by whom, it was issued; and every person having the custody of such a number plate shall return it to the Commissioner within fourteen days after the expiry, surrender, suspension or cancellation of the licence to which it relates.

Substitution
of vehicle for
taxi-car
under repair.
Added by No.
13 of 1967,
s. 6.

17A. (1) Where a vehicle licensed under this Act is under repair and cannot be operated as a taxi-car, the Chairman may, by permit in writing under his hand, authorise the owner of that vehicle to operate another vehicle in substitution for that firstmentioned vehicle, and the provisions of this Act apply in relation to the operation of any vehicle pursuant to this section as if the vehicle were licensed under this Act.

(2) A permit under subsection (1) of this section—

- (a) shall not be issued in relation to a vehicle that does not comply with the requirements of paragraph (a) of subsection (2) of section sixteen of this Act;
- (b) may be revoked by the Commissioner at any time; and
- (c) unless previously revoked, expires immediately upon the operation of the vehicle licensed under this Act for which the vehicle to which the permit relates has been substituted.

Transfer of
licences.
Amended by
No. 55 of 1965,
s. 5; No. 113
of 1965, s. 8;
No. 38 of
1968, s. 9.

18. (1) Subject to section twenty-two D, a current taxi-car licence is transferable from one person to another if the licence has been in force—

- (a) for less than five years from the date of issue, on the authority of the Minister, only;
- (b) for more than five years from the date of issue, on the authority of the Board.

(1a) Subject to subsection (2) of this section and to any adjustment of premium that the Minister may determine, the Board may, subject to such conditions as it may impose, authorise the transfer of a taxi-car licence from one control area to have effect in another, or from portion of a control area to have effect in another portion of that area or a portion of another control area.

(1b) If a person to whom a taxi-car licence is issued surrenders the licence within a period of five years from the date of issue, the Treasurer of the State shall refund to him the full amount of any moneys paid as, or on account of, a premium payable pursuant to section fifteen B, for which purpose the Public Account is hereby, to the necessary extent, appropriated accordingly.

(2) The Board shall not authorise a transfer pursuant to subsection (1a) of this section, if the transfer would occasion the number of taxi-cars licensed to operate in the area or portion only of it in which it is to have effect to exceed the number provided by this Act or determined by the Board as that to be licensed for that area or for that portion only.

(3) Where a person ceases to be the owner of a taxi-car, or has parted with possession of it in such circumstances that another person becomes an owner of a taxi-car, licensed, or deemed to be licensed, under this Act, he shall, forthwith after the happening of that event,—

- (a) notify the Board of the happening and of the name and address of the new owner; and
- (b) unless the transfer of the licence has been authorised under this section, return to the Board the licence and number plates, issued in respect of the taxi-car.

(4) Where a person becomes the owner of a taxi-car that was, or is deemed to be, licensed under this Act by some other person, he shall, forthwith after

the happening of that event, notify the Board of that happening and shall not operate the taxi-car, unless, or until, the licence is transferred to him.

(5) A person failing to comply with the provisions of subsection (3) or (4) of this section commits an offence and the court by which a person is convicted of the offence may, in addition to, or in lieu of, any penalty provided by this subsection order the cancellation of the licence and the return of the licence and number plates to the Board.

Penalty: For a first offence, forty dollars; and for any subsequent offence, one hundred dollars.

Endorse-
ment on
certain
licences.
Added by
No. 13 of 1967,
s. 7.

18A. (1) Where a person has, for the purpose of becoming the owner of a vehicle that is a taxi-car licensed under this Act, entered into a transaction whereby that vehicle is charged with the repayment of moneys advanced to him under that transaction, or may be repossessed from him, the Board may, if it is satisfied that—

- (a) it has been fully informed of all the details of the transaction; and
- (b) the whole of the moneys, if any, advanced to that person under that transaction has been or will be used for that purpose,

endorse the licence of that vehicle issued under this Act to the effect that the Board will not, subject to subsection (2) of this section, refuse any application for the transfer of that licence that is made by that person with the consent of the other parties to the transaction.

(2) The Board shall, as the occasion arises, give effect to an endorsement made on a licence pursuant to subsection (1) of this section, but the provisions of this section do not require or authorise the Board to effect a transfer of a licence—

- (a) to a person who does not meet the requirements of paragraph (c) of subsection (2) of section sixteen of this Act; or

- (b) to a person who holds two or more licences issued under this Act.

19. (1) In addition to any premium payable pursuant to section fifteen B and any increase in premium payable pursuant to subsection (1a) of section eighteen, there shall be payable to the Board, on the issue, renewal or transfer of a taxi-car licence such fees as may be prescribed, not exceeding, in the case of the issue or renewal of a licence, thirty dollars, and, in the case of any transfer of a licence, four dollars.

Fees.
Amended by
No. 38 of 1966,
s. 10.

(2) Where a passenger vehicle licence was issued under the Traffic Act, 1919, in respect of a taxi-car that is deemed, under the provisions of section fourteen, to be licensed under this Act, there shall be payable to the Commissioner, on a *pro rata* basis for the unexpired period of the licence, such fees as may be prescribed, but so that the aggregate of the fees already paid under the Traffic Act, 1919, and the amount payable under this subsection do not exceed the amount that would be payable, on the same basis, pursuant to regulations made under subsection (1) of this section.

20. Notwithstanding any other provision of this Act, a licence shall not be issued in respect of a taxi-car unless a vehicle licence or registration certificate has been issued for that taxi-car under the Traffic Act; and any licence issued under this Act is valid so long, only, as the taxi-car is currently licensed or registered under the Traffic Act.

Taxis to be
licensed as
vehicles
under
Traffic Act.

21. Any person who operates a taxi-car shall cause to be carried in that taxi-car such documents as are prescribed; and a person who operates a taxi-car in which those documents are not carried commits an offence, unless he shows that he took all reasonable steps to ensure that those documents were so carried.

Certain
documents
to be
carried.
Repealed and
re-enacted by
No. 13 of 1967,
s. 8.

Cancellation
of licences.
Amended by
No. 13 of 1967,
s. 9.

22. Where an offence, other than a minor offence within the meaning of section thirty of this Act, is committed under this Act or an offence, other than a minor offence within the meaning of the Traffic Act, is committed under that Act, the court convicting the offender may, in addition to, or in lieu of, imposing any other penalty provided by law, order a licence issued, or deemed to be issued, to him under this Act to be cancelled.

Operators
to be
registered.
Added by No.
55 of 1965,
s. 6.
Amended by
No. 38 of 1968,
s. 11.

22A. A person shall not operate a taxi-car within a control area unless he is registered as a taxi-car driver under section twenty-two B of this Act and complies with the conditions of registration.

Registration
of operators.
Added by
No. 55 of 1965,
s. 7.
Repealed and
re-enacted by
No. 38 of 1968,
s. 12.

22B. (1) Every application by a person to be registered as a taxi-car driver shall be made to the Board.

(2) Upon being satisfied that the applicant is the holder of a valid driver's licence issued under the Traffic Act, entitling him for the purposes of that Act, to drive a taxi-car, the Board may, on payment of a fee of one dollar or such other fee, not exceeding four dollars, as may be prescribed and subject to such conditions as may be prescribed, register the applicant as a full-time or part-time taxi-car driver for the purposes of this Act.

(3) The Board shall cause to be kept a register to be called the Register of Taxi-car Drivers and cause to be entered therein—

- (a) the name of each person registered as a taxi-car driver pursuant to subsection (2) of this section, indicating whether the registration is as a full-time or part-time taxi-car driver; and
- (b) such other particulars as may be prescribed to be furnished by the person.

Renewal of
Registration.
Added by
No. 55 of
1965, s. 8.
Amended by
No. 113 of
1965, s. 8;
No. 38 of
1968, s. 13

22C. (1) Subject to subsection (4) of this section, the registration of a person as a taxi-car driver under this Act is valid for a period of twelve

months from the date on which it is first effected and may, upon payment to the Commissioner of a fee of one dollar or such other fee, not exceeding four dollars, as may be prescribed, thereafter be renewed for successive periods of twelve months.

(2) A person who, on the coming into operation of the Taxi-cars (Co-ordination and Control) Act Amendment Act, 1965, is the holder of an identity disc prescribed by, and issued pursuant to, the regulations is deemed to be registered as a taxi-car driver for the period of twelve months from the date on which the disc was so issued and the registration is thereafter renewable as provided by subsection (1) of this section.

(3) As evidence of registration as a taxi-car driver under this Act the Board shall issue to each person so registered—

(a) a prescribed certificate of registration endorsed with such particulars as may be prescribed; and

(b) a prescribed identity disc,

each of which may be retained by him during the currency of his registration and no longer.

(4) Notwithstanding any other provision of this Act, the registration of a person as a taxi-car driver under this Act is valid so long, only, as that person is the holder of a valid driver's licence issued under the Traffic Act entitling him for the purposes of that Act to drive a taxi-car.

22D. The Board shall not—

(a) authorise the issue of a licence in pursuance of subsection (2) of section sixteen of this Act to a person who holds two or more licences issued under this Act; or

(b) authorise the transfer of a licence issued under this Act to a person who holds two or more licences issued under this Act.

Limitation
on issue of
transfer of
licenses.
Added by No.
55 of 1965,
s. 9.

Powers of
inspectors
and others.

23. (1) Every person appointed an inspector under the provisions of section twelve may exercise such powers, and shall discharge such duties, as may be prescribed.

(2) It is the duty of every member of the Police Force to assist an inspector in the exercise of his powers and the discharge of his duties; and a member of the Police Force may exercise such of the powers of an inspector as are prescribed.

Condition of
licensed
taxi-cars.
Added by No.
55 of 1965,
s. 10.

23A. (1) Where an inspector is of opinion that a taxi-car licensed under this Act is, while being operated in a control area, so unclean as to be likely to mark or damage the clothing or luggage of, or to be otherwise objectionable to, a passenger, he may direct the person driving the taxi-car to have the taxi-car cleaned within such time as he then specifies.

(2) Where an inspector is of opinion that a taxi-car licensed under this Act is mechanically defective or that a taximeter or speedometer fitted to it is materially inaccurate, he may direct the person driving the taxi-car or the holder of the licence under this Act in respect of the taxi-car to submit the taxi-car, within such time as he then specifies, to the authority by which it is licensed under the Traffic Act for inspection by that authority.

(3) A person who fails to comply with a direction given by an inspector under this section commits an offence.

Prohibition
of use of
unsafe
taxi-cars.
Added by No.
55 of 1965,
s. 11.
Amended by
No. 113 of
1965, s. 8.

23B. (1) Where an inspector is of opinion that a taxi-car licensed under this Act is so mechanically defective as to render its continued use a danger to persons or property, he may prohibit the further operation of the taxi-car until it has been inspected by the authority by which it is licensed under the Traffic Act.

(2) A person who operates a taxi-car while its use is prohibited under the provisions of this section commits an offence.

Penalty: One hundred dollars.

23C. Any person who knowingly causes—

- (a) a taxi-car licensed under this Act to be operated in a manner contrary to the provisions of this Act; or
- (b) a vehicle not licensed under this Act to be operated as a taxi-car within a control area,

Causing vehicles to be unlawfully operated. Added by No. 13 of 1967, s. 10. Cf. No. 30 of 1918, s. 4. "This Act" includes regulations.

commits an offence.

23D. (1) The Board may direct any owner or person registered as a taxi-car driver to attend at the office of the Board within such reasonable time as the Board directs.

Persons may be required to attend Board's office. Added by No. 13 of 1967, s. 11.

(2) A person who, without reasonable excuse, fails to comply with a direction of the Board given under subsection (1) of this section commits an offence.

24. (1) The Board may direct proceedings to be taken for the recovery of penalties in respect of offences against the provisions of this Act or the regulations, generally, or for the recovery of a penalty for any such offence, in a particular case.

Recovery of penalties. Amended by No. 38 of 1968, s. 14.

(2) In any proceeding taken under this Act or the regulations no proof is required, in the absence of evidence to the contrary of—

- (a) the persons constituting the Board;
- (b) the presence of a quorum of the Board on the doing of any act;
- (c) any direction to take the proceeding; or
- (d) the authority of a servant or officer of the Commissioner or a member of the Police Force to take the proceeding.

(3) In any prosecution under this Act, an averment in the complaint that a person is, or was, the owner of a taxi-car, or that a licence was, or was not, issued for a specified control area or portion only of it or was not issued at all, in respect of a particular taxi-car, shall, in the absence of proof to the contrary, be taken as proved.

Immunity
of persons
or Board
acting in
good faith.

25. Proceedings shall not lie against any person for any act, matter or thing done, or commanded to be done, by him and purporting to be done for the purpose of carrying out the provisions of this Act or the regulations, or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, commanded to be done, or omitted to be done, maliciously or without reasonable and probable cause.

Regulations.
Amended by
No. 113 of
1965, s. 8.
No. 38 of
1968, s. 15.

26. (1) The Governor may, with or without the recommendation of the Board, make regulations for any purpose for which regulations are contemplated or required by this Act; and may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of, and for the due administration of, this Act.

(1a) Without limiting the generality of subsection (1) of this section, the Governor may make regulations prescribing a requirement for the furnishing of statutory declarations.

(2) Regulations made under this Act may impose a fine of forty dollars for the breach of any regulation.

Determina-
tions of the
Board to be
promulgated.

27. (1) A determination made by the Board under the provisions of paragraph (d) of subsection (1) of section eleven shall, if approved by the Minister, be published in the *Government Gazette* and in a newspaper circulating in the area to which the determination applies and shall, after the later of those publications, take effect, subject to the

provisions of section thirty-six of the Interpretation Act, 1918, as though it were a regulation made under this Act.

(2) Every person who contravenes the provisions of a determination published as provided by this section is guilty of an offence.

28. Except as otherwise expressly provided, nothing in this Act limits or affects the operation of the Traffic Act; but that Act shall be construed subject to the express provisions of this Act and, where there is any inconsistency between the provisions of this Act, and the provisions of that Act, the former provisions shall prevail.

Saving of operation of Traffic Act, 1918.

29. Every person who contravenes any of the provisions of this Act is guilty of an offence and is liable, where no other penalty is provided, to a fine of forty dollars.

General penalty. Amended by No. 113 of 1965, s. 8.

30. (1) Subject to subsection (2) of this section, the Governor may, on the recommendation of the Board, make regulations authorising the infliction and collection by prescribed persons of penalties for offences against this Act prescribed as minor offences and may by those regulations prescribe—

Regulations relating to minor offences. Added by No. 13 of 1967, s. 12. Cf. No. 30 of 1918, s. 4. "This Act" includes regulations.

- (a) what offences against this Act are minor offences;
- (b) modified penalties for first or subsequent minor offences;
- (c) the method of notifying a person alleged to have committed a minor offence of the alleged offence and of how it may be dealt with; and
- (d) the records to be kept and the manner of keeping them.

(2) Regulations made pursuant to this section—

Taxi-cars (Co-ordination and Control).

- (a) shall provide that a person alleged to have committed a minor offence may decline to have the offence so dealt with under the regulations;
- (b) may prescribe penalties not exceeding the sum of ten dollars.