

Approved for Reprint 14th July, 1977

WESTERN AUSTRALIA.

TAXI-CARS (CO-ORDINATION AND CONTROL).

12° Elizabeth II., No. LXXXI.

No. 81 of 1963¹.

(Affected by Acts No. 113 of 1965, s. 8, and No. 91 of 1966, s. 21.)

[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;
- No. 2 of 1973, assented to 21st May, 1973;²
- No. 50 of 1975, assented to 18th September, 1975;³
- No. 41 of 1976, assented to 9th June, 1976;⁴
- No. 63 of 1976, assented to 22nd September, 1976;⁵

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—

1. This Act may be cited as the *Taxi-cars (Co-ordination and Control) Act, 1963-1976.*

Short title and citation. Amended by No. 63 of 1976, s. 1.

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

Commencement.

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

² Came into operation 1st July, 1973. See *Gazette* 22/6/73, p. 2367.

³ Came into operation 1st December, 1975. See *Gazette* 5/12/75, p. 4359.

⁴ Sections 1 to 4 came into operation on 1st August, 1976. See *Gazette* 23/7/76, p. 2521. Balance proclaimed 1st February, 1977. See *Gazette* 24/12/76, p. 5028.

⁵ Operative from 1/2/77. See s. 2 of Act No. 63 of 1976.

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Interpreta-
tion.
Amended by
No. 13 of 1967,
s. 2; No. 38 of
1968, s. 2;
No. 2 of 1973,
s. 3; No. 50 of
1975, s. 3.

3. (1) 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 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 for the purposes of this Act;

“operate”, as applied to a taxi-car, means—

(a) to drive; or

(b) to permit, cause to employ another person to drive,

that taxi-car; and cognate expressions shall be construed accordingly;

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

“taxi-stand” means a position or group of positions set apart by a competent authority, by means of a sign on or near a road, for the standing of disengaged taxi-cars.

(2) A motor vehicle, not being an omnibus within the meaning of the Road Traffic Act, 1974, which—

(a) is equipped to carry not more than seven passengers; and

(b) is used for the purpose of standing or plying for hire, or otherwise for the carrying of passengers for reward,

is a taxi-car for the purposes of this Act.

(3) For the purposes of this Act, the term “carrying of passengers for reward” is deemed to include any case where the owner or driver of the motor vehicle used—

(a) offers that carriage as an inducement in respect of an agreement for the provision of other services or goods; or

(b) receives any consideration in respect of an arrangement whereby that carriage is effected or to which that carriage is related.

(4) The carrying of passengers—

(a) into a control area from a place outside the area; or

(b) 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,

shall not be taken as operating within the control area.

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Application
of 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.

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

Taxi Control
Board.
Amended by
No. 13 of 1967,
s. 3; No. 26 of
1970, s. 2;
No. 2 of 1973,
s. 4; No. 50
of 1975, s. 4.

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.

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

(3) The members shall be—

- (a) the Commissioner, or in his absence the Deputy Commissioner, or in the absence of both the Commissioner and the Deputy Commissioner a person nominated in writing by the Commissioner, who shall be Chairman;
- (b) a representative appointed, from time to time, by the Road Traffic Authority established under section six of the Road Traffic Act, 1974; and
- (c) five persons, appointed by the Governor in accordance with the provisions of subsection (4) of this section, to hold office for a period of three years and to be eligible for re-appointment.

(4) Of the members of the Board appointed by the Governor—

- (a) one shall 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 Metropolitan (Perth) Passenger Transport Trust; and
- (c) three shall be persons chosen to represent the interests of taxi-car owners and operators in accordance with the provisions of subsection (4a) of this section.

(4a) In relation to the persons chosen to represent the interests of taxi-car owners and operators—

(a) a person holding office as such a member immediately prior to the coming into operation of section four of the Taxi-cars (Co-ordination and Control) Act Amendment Act, 1975, shall, subject to the provisions of section six of this Act, continue in that office for the balance of the period for which he was appointed; and

(b) subject to—

(i) paragraph (a) of this subsection; and

(ii) the restriction that a person shall not be eligible to be nominated as a candidate for election if, in the opinion of the Minister, he has a commercial interest in a taxi-car enterprise that is so similar to or associated with the interest in the industry held by a sitting member of the Board as to be likely to affect him in the discharge of the functions of his office as a member,

the three persons shall be elected, by and from amongst the persons who have continuously under this Act for the period of three months before the seventh day immediately preceding nomination day for the election to be held in respect of the

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vacancy been an owner or a full-time operator of a taxi-car, in such a manner as to ensure that of the persons so elected one shall be a person who is the owner of a taxi-car and one shall be a person who is registered as a full-time taxi-car driver.

(4b) [*Added by No. 26 of 1970, s. 2. Deleted by No. 50 of 1975, s. 4.*]

(5) For the purposes of subsection (4) of this section, the Minister shall, as the occasion requires, by notice in writing to such persons as, in his opinion, may be necessary, require the submission of a panel of names or the nomination of a person, as the case may require, within such period, being not less than one month, as may be stipulated in the notice; and, if upon the expiration of the period so stipulated or of any extended period as the Minister may, in his discretion, grant, he has not received the required panel of names or nomination, the Minister shall nominate such person as, having regard to the category in respect of which the panel of names or nomination was required, he thinks fit.

(6) The Minister may, in respect of any member of the Board appointed under paragraph (c) of subsection (3) of this section, appoint a person to be the deputy of that member to represent the same interests as that member, and any person so appointed has, at any meeting of the Board at which the member, of whom that person is the deputy, is not present, all the powers of that member.

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.

7. The members, other than the Chairman, the member appointed by the Road Traffic Authority 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.

Remuneration of members. Amended by No. 13 of 1967, s. 4; No. 50 of 1975, s. 5.

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

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

(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.

Adminis-
tration.
Amended by
No. 50 of
1975, s. 6.

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

(2) It shall be the function of the Board to keep under continuous review in the public interest the conduct of the taxi-car industry, to make recommendations to the Minister for amendments to this Act or the regulations where required, and generally in the administration of this Act to initiate and implement such actions as will in the opinion of the Board assist in providing an adequate and efficient taxi-car service to the public.

10. The expenses of the administration of this Act shall be paid out of the Taxi Control Fund and the moneys (if any) appropriated by Parliament for the purpose.

Expenses of administration.
Amended by No. 50 of 1975, s. 7.

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

Powers and duties of Board.
Amended by No. 55 of 1965, s. 3; No. 38 of 1968, s. 3; No. 2 of 1973, s. 5; No. 50 of 1975, s. 8.

- (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;
- (ca) the cancellation or suspension of any taxi-car licence, and where appropriate the payment of a refund on account of the premium, in accordance with the provisions of this Act relating to the disciplinary control of owners and operators and the requirements of the public interest;
- (d) the determination of fares and other charges to be taken or made for the hire of taxi-cars, including the occasions and the conditions upon which multiple hiring may be required or authorised, in so far as the continued application of the fares and other charges so determined is not disallowed by the Minister;
- (e) the supervision, subject to subsection (3) of this section, of the fitness and cleanliness of taxi-cars;

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- (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, including a requirement that specified taxi-cars be operated at specified times in specified localities;
- (h) the registration, and the cancellation or the suspension of the registration, of taxi-car drivers and radio facilities;
- (ha) the control by disciplinary procedures under this Act of the conduct and operations of owners and operators, and of taxi-cars; 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 eight hundred of the population of that area, as from time to time

estimated or declared by the Deputy Commonwealth Statistician for the State, and shall be determined from time to time by the Board having regard to the reasonable requirements of the population of that area.

(3) Except in relation to taxi-meters and other equipment required under this Act to be fitted to a taxi-car, or in so far as the provisions of section twenty-three B may require, nothing in this Act empowers, or imposes any duty on, the Board to inquire into the roadworthiness 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.

11A. (1) Where by reason of the nature of the matter, or by the locality or the time in which a matter is to be determined, or for any other cause it is considered expedient that the powers of the Board should be exercised on its behalf by the Chairman of the Board, the Board may, by resolution with the approval of the Minister, delegate to the Chairman of the Board its powers and functions under this Act in respect to any matter specified in the instrument of delegation.

Power of delegation
Added by
No. 2 of 1973,
s. 6.
Amended by
No. 50 of
1975, s. 9.

(1a) A power or function delegated to the Chairman of the Board under subsection (1), other than the power of delegating further, may be delegated by the Chairman of the Board to the person holding or acting in the office of Deputy Commissioner or to any officer of the Commissioner named in the instrument of delegation, by an instrument in writing under his hand.

(2) A delegation under this section may be varied or revoked, and does not prevent the exercise of a power or the performance of a function by the Board.

Officers and employees.

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.

(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;
No. 50 of
1975, s. 10.

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 may be paid out of the Taxi Control Fund.

Taxi-cars to be licensed under this Act.
Amended by
No. 38 of
1968, s. 5; No.
50 of 1975,
s. 11.

14. (1) No taxi-car shall be operated within a control area or any portion of a control area unless the owner is the holder of a taxi-car licence under this Act issued in respect of that vehicle for that area or portion of an area.

(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 Road Traffic Act, 1974; but, on the expiry of the passenger vehicle licence, that licence, if renewed, shall be renewed under the provisions of this Act, and, in either case, the licence shall be taken to be subject to such conditions as are prescribed or the Board may impose.

(3) Where a vehicle is owned by more than one person as owner or hirer or otherwise, the person who is deemed to be the owner pursuant to a notice given to the Road Traffic Authority for the purposes of the Road Traffic Act, 1974, shall be deemed also to be the owner for the purposes of this section unless the Board consents to another of such persons being deemed to be the owner for the purposes of this section.

(4) A person shall not, in any control area or portion of a control area, operate any taxi-car that is not licensed under this section for that control area or portion of a control area or in respect of which such a licence is not in force.

(5) A person other than an owner-driver shall not, in any control area or portion of a control area, operate a taxi-car unless there is registered with the Board in relation to the use of that vehicle in that area or portion of an area an agreement in writing in a form acceptable to the Board evidencing the terms and conditions under which the owner will permit the vehicle to be so operated.

(6) Any person who contravenes, or who permits or suffers another person to contravene, the provisions of this section commits an offence.

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

15. (1) A taxi-car licence issued under this Act shall, subject to the provisions of this Act, be valid for such period not exceeding one year as is specified therein, and the prescribed fee shall be paid at the rate of one-twelfth part for each calendar month or part thereof for which the licence is expressed to be valid.

Renewal of
licences.
Amended by
No. 50 of
1975, s. 12.

(2) Subject to section twenty, and unless the Board otherwise determines as a result of disciplinary measures taken under this Act, a licence issued to the applicant in respect of a taxi-car,

whether under the provisions of this Act or of the Road Traffic Act, 1974, shall be renewed by the Board on the application of the holder and payment of the prescribed fee within one month prior to the expiry of that licence so long as that taxi-car conforms with the Board's requirements with respect to taxi-cars and any condition imposed by the Board in relation to that licence has been observed to the satisfaction of the Board.

(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.

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

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.

(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.

Premiums
for licence.
Added by
No. 38 of
1968, s. 6.
Amended by
No. 2 of 1973,
s. 7; No. 50 of
1975, s. 13.

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.

(2) The Board shall pay to the credit of the Taxi Control Fund all moneys received as, or on account of, a premium unless the Minister directs that any proportion thereof shall be paid to the credit of the Public Account in which case the Board shall give effect to that direction.

(3) Notwithstanding the provisions of subsection (2) of this section, where after the date of the coming into operation of the Taxi-cars (Co-ordination and Control) Act Amendment Act, 1973, any moneys are received by the Board as, or on account of, a premium in respect of which payment was at that date outstanding or had been deferred with the consent of the Board, the moneys so received shall be paid by the Board to the credit of the Public Account.

(4) Where the Board is satisfied that the circumstances so warrant, whether by reason of the illness of the operator, any action taken by the Board, or otherwise, the Board may refund to any person so much of the moneys paid by way of premium as the Board, having regard to the value of the use of the licence to that person, determines to be reasonable and, to the extent to which any such moneys may have been credited to the Public Account, the Treasurer of the State is authorised to make the requisite amount available to the Board for the purposes of this section and the Public Account is hereby appropriated accordingly.

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;
No. 50 of
1975, s. 14.

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

(a) that a vehicle—

- (i) has been licensed or registered under the Road Traffic Act, 1974;
- (ii) has been approved by the Road Traffic Authority 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) [*Added by No. 38 of 1968, s. 7. Deleted by No. No. 50 of 1975, s. 14.*]

(3) A person who feels aggrieved by a decision of the Board in respect of the issue 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.

16AA. (1) A person shall not use radio facilities for the purpose of communication with and controlling or co-ordinating the operations of taxi-cars in a control area unless those facilities are registered with the Board and the manner in which the facilities are used complies with the conditions of registration.

(2) Every application for the registration of radio facilities shall be made in writing to the Board and the Board may, on being satisfied as to the facilities provided and the terms and conditions under which they are to be available to operators, register those facilities either unconditionally or subject to conditions notified to and accepted by the applicant.

(3) The registration of radio facilities under this Act shall remain in force until determined by the Board by notice in writing or surrendered, and as evidence of that registration the Board shall issue to the applicant a letter of authority which may be retained by him during the currency of the registration and no longer.

(4) The Board may from time to time require, and the person named in the registration shall furnish, further or other information as to the facilities provided and the terms and conditions under which they are to be available to operators.

(5) A person who—

- (a) contravenes subsection (1) of this section;
- (b) fails to furnish information when lawfully required to do so under this section, or furnishes false or misleading information;
- (c) interferes with the transmission or reception of communications from radio facilities registered under this Act; or
- (d) discloses, without the consent of the person carrying on or operating the business to which the information relates, any information furnished or obtained under this section, except in the performance of a duty under this Act,

commits an offence.

Penalty: One thousand dollars.

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

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—

- (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.

Multiple
hiring.
Added by
No. 26 of
1970, s. 4.
Amended by
No. 50 of 1975,
s. 16.

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.

(1a) In circumstances in relation to which the Chairman of the Board has given a direction that the provisions of this subsection shall apply, an inspector may require the operator of any taxi-car to carry passengers at separate fares that are to be calculated in the manner specified in that direction.

(2) Where a taxi-car is operated pursuant to the provisions of this section it is not an omnibus within the meaning and for the purposes of the 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 1968,
s. 8; No. 2 of
1973, s. 8; No.
50 of 1975, s. 17

(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.

(4) An inspector may require any person having custody of a number plate issued pursuant to this section to produce and deliver that number plate to him for return to the Board if—

- (a) (i) the licence under which it was issued is no longer in force; or
 - (ii) any moneys payable as, or on account of, a premium under section fifteen B relating thereto are in arrear; or
 - (iii) any other moneys payable under this Act in respect of the vehicle or licence relating thereto have not been paid; and
- (b) the inspector has been authorised to obtain possession of that number plate by written notice under the hand of the Chairman of the Board and produces that notice on demand.

(5) Where a person fails to deliver a number plate issued pursuant to this section after having been lawfully required so to do or if that person can not be found, an inspector may seize such number plate which shall thereupon be forfeited to the Board.

Substitution
of vehicle for
taxi-car
under repair.
Added by No.
13 of 1967,
s. 8; No. 2 of
1973, s. 9.

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.

(3) A person shall not operate a vehicle under the authority of a permit issued under subsection (1) of this section unless the number plates issued for the vehicle under repair are affixed in the prescribed manner to the substituted vehicle, and the substituted vehicle shall, whilst the permit remains in force, be deemed to be the vehicle for which those plates were issued.

Transfer of
licences.
Amended by
No. 55 of 1965,
s. 5; No. 113
of 1965, s. 8;
No. 38 of
1968, s. 9;
No. 2 of 1973,
s. 10.

18. (1) Subject to section twenty-two D, a current taxi-car licence is transferable from one person to another on the authority of the Board if—

- (a) it was issued without any premium; or
- (b) it was issued prior to the 15th day of October, 1971, and has been in force for a period of five years; or

- (c) it was issued after the 15th day of October, 1971, and has been in force for a period of seven years,

but in any other case it shall not be transferable except on the authority of the Minister.

(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 has paid any moneys as, or on account of, a premium payable to the Board on the issue of a taxi-car licence and surrenders that licence at a time when it cannot be transferred except on the authority of the Minister, the Board may refund to him so much of those moneys as the Board, having regard to the value of the use of the licence to that person, determines to be reasonable and, to the extent to which those moneys may have been credited to the Public Account, the Treasurer of the State is authorised to make the requisite amount available to the Board for the purposes of this section and the Public Account is hereby 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.

Endorsement on certain licences. Added by No. 13 of 1967, s. 7. Amended by No. 2 of 1973, s. 11.

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 or a taxi-car licence issued in respect of that vehicle is charged with the repayment of moneys advanced to him under that transaction, or whereby that vehicle may be repossessed from him, the Board may, if it is satisfied that—

- (a) the prescribed particulars of the proposal together with any further or other information required by the Board were

furnished to the Board and that the approval of the Board was given to the proposed 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; or
- (c) if the authority for the transfer of that licence is vested in the Minister under subsection (1) of section eighteen.

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—

Fees.
Amended by
No. 38 of
1968, s. 10;
No. 50 of
1975, s. 18.

- (a) where the licence is issued for unrestricted operation in the metropolitan area, fifty dollars; or

(b) in any other case, thirty dollars,
and, in the case of any transfer of a licence, ten dollars.

(2) Where a passenger vehicle licence was issued under the Road Traffic Act, 1974, 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 Road Traffic Act, 1974, 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.

Taxis to be licensed as vehicles under Road Traffic Act. Amended by No. 50 of 1975, s. 19.

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 Road Traffic Act, 1974, and any licence issued under this Act is valid so long, only, as the taxi-car is currently licensed or registered under the Road Traffic Act, 1974.

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

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.

Cancellation of licences. Amended by No. 13 of 1967, s. 9; No. 50 of 1975, s. 20.

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 an offence which is prescribed for the purposes of section one hundred and two of the Road Traffic Act, 1974, 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.

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.

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

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

Registration of operators. Added by No. 55 of 1965, s. 7. Repealed and re-enacted by No. 38 of 1968, s. 12. Amended by No. 50 of 1975, s. 21; No. 41 of 1976, s. 3.

(2) Upon being satisfied that the applicant is the holder of a valid driver's licence under the Road Traffic Act, 1974, entitling him for the purposes of that Act, to drive a taxi-car, the Board may, on payment of a fee of thirty-five dollars or such other fee, not exceeding fifty 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.

22C. (1) Subject to subsection (4) of this section, the registration of a person as a taxi-car driver under this Act is valid, unless sooner cancelled, suspended or surrendered, for a period expiring on the anniversary of the first day of the month in which it is first effected and may, upon payment to the Commissioner of a fee of thirty-five

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; No. 50 of 1975, s. 22; No. 41 of 1976, s. 4.

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dollars or such other fee, not exceeding fifty dollars, as may be prescribed, thereafter be renewed for successive periods.

(2) [*Deleted by No. 50 of 1975, s. 22.*]

(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 driver's identification card in the prescribed form,

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 under the Road Traffic Act, 1974, entitling him for the purposes of that Act to drive a taxi-car.

Limitation
on issue of
transfer of
licenses.

Added by No.
55 of 1965,
s. 9.

Amended by
No. 50 of 1975,
s. 23.

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 unless the Board is satisfied—
 - (i) that the proposed licensee is, or will upon completion of the transfer become, engaged full time in the management and operation of the taxi-cars; and
 - (ii) that the proposed licensee will not thereby become the holder of more than five such licences.

22E. [*Added by No. 2 of 1973, s. 12. Repealed and re-enacted as s. 28A by No. 50 of 1975, s. 24.*]

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.

Powers of inspectors and others. Amended by No. 50 of 1975, s. 25.

(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.

(3) Where any inspector or member of the Police Force has reason to believe that any vehicle is being operated as a taxi-car he may—

- (a) stop the vehicle;
- (b) direct the driver to produce for his inspection any licence or other document prescribed pursuant to section twenty-one;
- (c) direct any person to alight from, or not to enter, the vehicle;
- (d) require information as to the use of the vehicle from the operator or any hirer or passenger, and require any such person to furnish particulars of his name and place of abode; and
- (e) inspect the vehicle.

(4) A person who—

- (a) disobeys or fails to comply with a direction or requirement made pursuant to this section; or
- (b) furnishes false information, or uses improper or abusive language, to or wilfully hinders or obstructs, misleads, intimidates or threatens any inspector or member of the Police Force exercising the powers conferred by this section,

commits an offence.

Penalty: One hundred dollars.

Condition of
licensed
taxi-cars.
Added by
No. 55 of 1965,
s. 10.
Amended by
No. 50 of 1975,
s. 26.

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, does not comply with the requirements of this Act or the regulations as to its external appearance or accessories, 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 Road Traffic Act, 1974, 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.

(4) The Board may direct any owner or operator of a taxi-car to produce the vehicle at a time and place specified in the direction for inspection as to the fitness of the vehicle for use as a taxi-car, or as to the accuracy of the taxi-meter.

(5) Where a person, without reasonable excuse, fails to comply with a direction of the Board given under subsection (4) of this section—

- (a) he commits an offence; and
- (b) the Board may prohibit the further operation of the taxi-car until it has been so inspected.

Penalty: One hundred dollars.

(6) A person who operates a taxi-car the operation of which has been prohibited under subsection (5) of this section commits an offence.

Penalty: Two hundred dollars.

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 Road Traffic Act, 1974.

Prohibition of use of unsafe taxi-cars. Added by No. 55 of 1965, s. 11. Amended by No. 113 of 1965, s. 8; No. 50 of 1975, s. 27.

(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.

23E. (1) Where it appears to the Board—

- (a) that any taxi-car is not being operated, or is being operated in a manner that is not in the public interest;
- (b) that the conditions prescribed or imposed in relation to any licence, permit, or registration under this Act have been contravened or not observed;

Disciplinary powers. Added by No. 50 of 1975, s. 28.

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- (c) that the holder of any licence, permit or registration under this Act—
- (i) has been guilty of any act or omission in contravention of the provisions of this Act or the reasonable requirements of the Board and that the service that is or ought to be provided to the public is thereby prejudiced;
 - (ii) is not a fit and proper person to operate a taxi-car; or
 - (iii) obtained that licence, permit or registration by fraud or misrepresentation; or
- (d) that a person has defaulted in the payment of any moneys payable on account of a premium pursuant to section fifteen B,

and that disciplinary procedures under this Act should be instituted in relation to any person, the Chairman of the Board may call upon that person to show cause why he should not be dealt with in accordance with the provisions of this Act.

(2) Where the Chairman of the Board determines that a person has failed to show cause why he should not be dealt with according to the provisions of this Act, or if that person fails to appear before the Chairman of the Board without reasonable excuse, he may—

- (a) cancel any licence, permit or registration under this Act held by that person;
- (b) suspend the operation of any such licence, permit or registration under this Act;
- (c) determine that any such licence, permit or registration shall not be renewed;
- (d) reprimand that person; or
- (e) impose or vary any condition in respect of any licence, permit or registration relating to that person.

(3) A decision of the Chairman of the Board—

- (a) shall be notified in writing to the person required to show cause unless his whereabouts cannot reasonably be found; and
- (b) may be expressed to be conditional upon terms to be therein specified, but otherwise has immediate effect.

(4) A person who feels aggrieved by a decision of the Chairman of the Board under this section may within one month of the decision appeal against the decision to the Local Court held nearest to the place where the person resides.

23F. (1) The Chairman of the Board may by a summons in the prescribed form require the attendance before him of any person required to show cause under section twenty-three E, and may also require the attendance of any other person who in the opinion of the Chairman of the Board is likely to be able to give evidence or produce documents touching the matter in question, or who the person required to show cause desires to call as a witness.

Procedure in relation to disciplinary powers.
Added by No. 50 of 1975, s. 29.

(2) The Chairman of the Board may administer an oath or affirmation to a person appearing to give evidence before him, whether the witness has been summoned or is attending voluntarily, and the witness may be examined accordingly.

(3) In conducting any inquiry the Chairman of the Board is not bound by rules of evidence or legal procedure and may inform himself in any manner he thinks fit, but he shall afford to the person who is required to show cause an opportunity to be heard and to examine witnesses.

(4) Where the Chairman of the Board considers that the matter does not require that the licence, permit, or registration in question should be cancelled or suspended, he may, after giving the

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person required to show cause an opportunity of giving an explanation and making representations either in person or in writing, and if that person so consents in writing, deal with the matter summarily without further inquiry.

(5) A statement or disclosure made by a person before the Chairman of the Board is not, except in an appeal under this Act or in proceedings for giving false testimony, admissible in evidence against that person in any civil or criminal proceedings.

(6) The Chairman of the Board may inspect documents or other exhibits before him, may retain them for such reasonable period as appears to him to be necessary, and may make copies of so much of them as is relevant to a matter before him.

(7) A summons issued by the Chairman of the Board under this section—

(a) may require the production of any document or other thing in the custody or control of the person summoned; and

(b) may be enforced by the Supreme Court or a Judge, on application by the Chairman of the Board, in the same manner as a subpoena to the like effect issued by the Supreme Court in a civil action.

(8) A witness before the Chairman of the Board has the same protection as a witness in a matter before the Supreme Court.

(9) Unless the Chairman of the Board determines that it is in the public interest that an inquiry, or part of inquiry, should be held in public, proceedings under this section shall be held in camera.

(10) The Chairman of the Board may, by notice in writing, revoke any decision, either generally or to a specified extent, and may direct in the notice that the revocation have effect from a date specified in the notice.

23G. Where for the purposes of section twenty-three E or section twenty-three F any function is vested in the Chairman of the Board that duty may be carried out or that power exercised on behalf of the Chairman of the Board by an officer of the Commissioner named in an instrument of delegation applicable thereto signed by the Chairman of the Board with the approval of the Minister.

Delegation of disciplinary functions. Added by No. 50 of 1975, s. 30.

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; No. 50 of 1975, s. 31.

(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 proceedings; 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.

(4) In any prosecution under this Act, an averment in the complaint that no registration was effected in relation to any person or radio facilities shall, in the absence of proof to the contrary, be taken to be proved.

Affidavit
evidence.
Added by
No. 41 of 1976,
s. 5.
Amended by
No. 63 of 1976,
s. 3.

24A. (1) Where a complaint is made of an offence under this Act and a summons appointing the time and place for the hearing and determination of the complaint is duly served on the defendant at least twenty-eight days before that time, the summons may be accompanied by—

- (a) copies of affidavits of evidence in support of the matters alleged in the complaint; and
- (b) a notice in the prescribed form advising the defendant that he may, by election in writing in the prescribed form (copies of which form shall be attached to the notice) delivered by post or otherwise to the complainant and also to the clerk of petty sessions at the place so appointed not later than twenty-one days before the time so appointed, elect to appear or not on the hearing of the complaint but that if he does not so appear the Court may proceed—
 - (i) to hear and determine the complaint in his absence;
 - (ii) to permit those affidavits to be tendered in evidence; and
 - (iii) to determine the complaint on such particulars in the affidavits in support of the matters alleged in the complaint as would, under the laws of evidence apart from this section, be admissible if given orally before the Court, and not on any other particulars,

(which in this section and section twenty-four B of this Act is referred to as the alternative procedure).

(2) Where the defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) of this section and does not appear

on the hearing of the complaint, whether or not he has, pursuant to that subsection, elected to do so, the Court may use the alternative procedure.

(3) Where the defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) of this section and elects, pursuant to that subsection, not to appear on the hearing of the complaint, or makes no election at all pursuant to that subsection, but does appear at the time and place appointed in the summons, the Court shall, on the application of the complainant, adjourn the hearing of the complaint for at least such time as is shown to the satisfaction of the Court to be necessary to enable the complainant to proceed otherwise than by the alternative procedure.

(4) For the purposes of this section an affidavit of evidence in support of the matters alleged in a complaint may be taken by, and made and sworn before, any Magistrate, Justice, or clerk of petty sessions appointed under section twenty-five A of the Justices Act, 1902, or Commissioner for taking Affidavits appointed under section one hundred and seventy-five of the Supreme Court Act, 1935.

24B. (1) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) of section twenty-four A of this Act and it is alleged that he has been previously convicted of an offence, the summons may also be accompanied by a copy of a separate document in the prescribed form signed by the complainant setting out particulars of the alleged prior convictions.

Proof of prior convictions when complaint proceeds on affidavit evidence. Added by No. 41 of 1976, s. 5. Amended by No. 63 of 1976, s. 4.

(2) The document setting out the alleged prior convictions shall be endorsed with a notice in the prescribed form advising the defendant that if—

(a) he does not appear on the hearing of the complaint to which the summons refers; and

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- (b) he is convicted of the offence alleged in that complaint,

that separate document shall be admissible evidence that he was convicted of the offences alleged in that separate document, and of the particulars relating to the convictions set out in it.

(3) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) of section twenty-four A of this Act and by a copy of a separate document as mentioned in subsections (1) and (2) of this section and does not appear on the hearing of the complaint to which the summons refers and the Court uses the alternative procedure, the Court may receive that separate document as evidence that the defendant was convicted of the offences alleged in that separate document and of the particulars relating to the convictions set out in it, but the fact that a copy of the separate document was served on the defendant shall not be communicated to the Court or any member of the Court unless and until the defendant has been convicted of the offence alleged in that complaint, if the disclosure of the prior convictions alleged in the separate document is not admissible under the laws of evidence apart from this section.

(4) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) of section twenty-four A of this Act and by a copy of a separate document as mentioned in subsections (1) and (2) of this section and he appears on the hearing of the complaint to which the summons refers—

- (a) the fact that a copy of the separate document was served on the defendant shall not be communicated to the Court or any member of the Court unless and until the defendant has been convicted of the offence alleged in that complaint, if the disclosure of the prior convictions alleged

in the separate document is not admissible under the laws of evidence apart from this section; and

- (b) the separate document shall not be tendered in evidence without the consent of the defendant, if the separate document is not admissible under the laws of evidence apart from this section.

(5) Without in any way limiting the generality of the provisions of the law with respect to the re-hearing of complaints it is hereby declared that, where evidence of prior convictions is tendered pursuant to the provisions of this section, the Court may set aside on such terms as to costs or otherwise as the Court thinks just any conviction or order if it has reasonable grounds to believe that the document tendered in evidence was not in fact brought to the notice of the defendant or that the defendant was not in fact convicted of the offences as alleged in the document.

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.

Immunity
of persons
or Board
acting in
good faith.

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.

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

(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.

Determinations 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.

Saving of operation of Road Traffic Act, 1974. Amended by No. 50 of 1975, s. 32.

28. Except as otherwise expressly provided, nothing in this Act limits or affects the operation of the Road Traffic Act, 1974; 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.

Obstruction of taxi-stands. Enacted by No. 50 of 1975, s. 24.

28A. (1) A person who parks or stands any vehicle, other than a taxi-car then available for hire, at or upon a taxi-stand or who parks or stands any vehicle so as to obstruct a taxi-stand commits an offence.

Penalty:

For a first offence, forty dollars.

For a second or subsequent offence, one hundred dollars.

(2) An inspector may—

(a) direct any person apparently in charge of a vehicle parked or standing at or upon a taxi-stand or which is obstructing a taxi-stand—

(i) to remove the vehicle; and

(ii) to furnish particulars of his name and place of abode; and

(b) where no person appears to be in immediate charge of such a vehicle, himself remove the vehicle.

(3) The owner of a vehicle shall, if so directed by an inspector, inform an inspector or the Commissioner as to the identity and place of abode of the driver or person in charge of the vehicle at the time when an offence against this section is alleged to have been committed by the driver or person in charge of the vehicle.

(4) A person who disobeys or fails to comply with a direction made pursuant to this section, or who furnishes false information, commits an offence.

Penalty:

For a first offence, forty dollars.

For a second or subsequent offence, one hundred dollars.

(5) Where an offence is alleged to have been committed against this section in relation to any vehicle and the owner of the vehicle fails, when so directed within seven days of the commission of the alleged offence, to inform an inspector or the Commissioner as to the identity and place of abode of the person who was the driver or person in charge of the vehicle at the time of the commission of the alleged offence, the owner shall be deemed to be the person who committed that offence and is liable to be punished accordingly unless he shows that he could not reasonably have been aware of the identity of the driver or person in charge of the vehicle.

General penalty.
Amended by No. 113 of 1965, s. 8; No. 50 of 1975, s. 33.

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 one hundred dollars.

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

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—

- (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—

- (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.