
First Session Fourth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 6 of 1992

[L.S.]

AN ACT to re-enact the Maxi-taxi Act, Chap. 48:53

[Assented to 12th June, 1992]

WHEREAS it is enacted *inter alia* by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title 1. (1) This Act may be cited as the Maxi-taxi Act, 1992.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation 2. In this Act—

“Administering Authority” or “Authority” means the Licensing Authority appointed in accordance with the provisions of section 4 of the Motor Vehicles and Road Traffic Act for the registration, licensing and control of motor vehicles;

“Advisory Committee” means the Committee appointed by the Minister under section 4;

“maxi-taxi” means a public service motor vehicle with seating accommodation for not less than nine nor more than twenty-five passengers;

“permit” means a permit issued under section 7(1);

“system” means the maxi-taxi system.

Administering
Authority to
implement and
regulate system

3. (1) The Administering Authority shall be charged with the responsibility for implementing and regulating the system.

(2) In the exercise of its functions under subsection (1), the Authority shall collaborate with—

- (a) the Advisory Committee;
- (b) the Police Department—Traffic Division;
- (c) the Transport Board;
- (d) the Highways Division;
- (e) the Public Transport Service Corporation;
- and
- (f) the Ministry of Legal Affairs.

4. (1) The Minister shall appoint an Advisory Committee for the purpose of assisting the Authority in the exercise of its functions under this Act. Minister to appoint Committee

(2) The Committee shall consist of not more than seven persons who by their qualifications or experience, or both, are competent to assist the Authority in carrying out its functions.

(3) The Committee shall be paid such remuneration and allowances as may be determined by the President.

5. (1) The Authority shall determine the type of vehicle suitable for use as a maxi-taxi and in so doing shall take into account— Authority to determine suitability for use as maxi-taxi

- (a) its safety as a public service vehicle;
- (b) the convenience and comfort of the passengers;
- (c) the availability of the vehicle as well as its spare parts in Trinidad and Tobago;
- (d) the facilities available for assembling the vehicle locally; and
- (e) such specifications of the vehicle as may be prescribed.

(2) The Authority shall by Notice published in the *Gazette* and in a daily newspaper circulating in Trinidad and Tobago publish the type of vehicle selected for use as a maxi-taxi.

Holder of taxi driver's licence and badge may apply for permit

6. (1) Subject to subsection (2), a person who is desirous of owning and operating a maxi-taxi may apply to the Authority for a permit to do so.

(2) An applicant for a permit shall be the holder of a valid taxi driver's licence and badge.

(3) An application shall be in the prescribed form and shall be accompanied by a certificate of good character.

Authority to issue permit

7. (1) The Authority shall issue to an applicant a permit to own and operate a maxi-taxi where it is satisfied that he has complied with all the requirements of this Act and the Regulations governing applications for such permits.

(2) A permit shall be subject to such conditions as may be prescribed and breach of any such conditions may result in its revocation.

Review Tribunal

8. (1) There is hereby established for the purposes of this Act a Tribunal which shall comprise the following persons to be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition:

- (a) a person who holds legal qualification; and
- (b) two persons with knowledge of and experience in the operation of public service vehicles.

(2) The Tribunal shall hear and determine all appeals from decisions of the Authority in the exercise of its functions and duties under this Act and, in particular, respecting the refusal of a permit under this Act.

(3) No appeal shall lie to any Court from a decision of the Tribunal.

Repossessor not in breach of Act by not being holder of a permit

9. (1) Where, in exercise of powers contained in any hire-purchase agreement or mortgage bill of sale or other similar form of agreement or instrument, a maxi-taxi is repossessed, the reposessor shall not be in breach of any of the provisions of this Act by reason

only of the fact that he is not the holder of a permit to own and operate a maxi-taxi.

(2) Subsection (1) shall not be construed as authorising the repossessor to use a maxi-taxi which has been repossessed as such a taxi unless—

- (a) he obtains the prior approval, in writing, of the Administering Authority to operate the vehicle on its usual route or a new route; or
- (b) he obtains the prior approval, in writing, of the Administering Authority to transfer the permit to operate the maxi-taxi to a person approved by the Authority.

(3) A repossessor who contravenes subsection (2) is liable on summary conviction to a fine of one thousand dollars and in the case of a continuing offence to a further fine of fifty dollars for each day during which the offence continues after conviction.

10. (1) A person to whom a permit is issued or a person by whom a maxi-taxi has been repossessed shall not, without the prior approval in writing of the Authority, use the maxi-taxi for commercial purposes, other than the transportation of passengers.

Offence to use
maxi-taxi for
other commercial
purposes

(2) A person who contravenes subsection (1) is liable on summary conviction—

- (a) to a fine of five thousand dollars, where the contravention takes place within four years of the vehicle's first being registered as a maxi-taxi; or
- (b) to a fine of one thousand dollars, where the contravention takes place after the expiration of the period referred to in paragraph (a).

(3) In addition to the penalty imposed by paragraph (a) of subsection (2), a person who is found guilty under that paragraph shall—

- (a) have his permit revoked; and

(b) be liable for the repayment of an amount equivalent to the customs duty and the motor vehicles tax which would have been ordinarily payable.

(4) All sums payable under subsection (3) shall be recoverable summarily as a civil debt.

Offence to operate
maxi-taxi after
revocation
of permit

11. A person who continues to operate a maxi-taxi after his permit to do so has been revoked is liable on summary conviction to a fine of one thousand dollars and in the case of a continuing offence to a further fine of fifty dollars in respect of each day during which the offence continues after conviction.

Vehicle not to be
painted in such
manner as is likely
to be mistaken
for maxi-taxi

12. (1) No vehicle, other than a maxi-taxi may be painted or decorated in such a manner and in such a combination of colours as are likely to cause the vehicle to be mistaken for a maxi-taxi.

(2) A person who contravenes subsection (1) is liable on summary conviction to a fine of five hundred dollars and to a further fine of twenty-five dollars for each day during which the offence continues after conviction.

Regulations

13. (1) The Authority may with the approval of the Minister make such Regulations as it considers necessary for the operation of this Act and in particular may make Regulations—

- (a) prescribing all that is required by this Act to be prescribed;
- (b) governing the criteria by which a permit to operate a maxi-taxi shall be issued;
- (c) specifying route areas;
- (d) governing the operation of maxi-taxis on route areas;
- (e) governing the allocation of maxi-taxis to specific route areas;
- (f) restricting the number of maxi-taxis to be allocated to a successful applicant; and
- (g) pertaining to the colour in which a maxi-taxi may be painted.

(2) Regulations made under subsection (1) shall be subject to affirmative resolution of Parliament.

(3) Regulations made under subsection (1) may provide for a penalty of five hundred dollars for any breach thereof.

14. All acts and things done or omitted to be done under the Maxi-Taxi Act (hereinafter called "the former Act") shall, notwithstanding any law to the contrary, be deemed to have been lawfully done or omitted under this Act as if this Act had been in force at the commencement of the former Act and all legal proceedings pending and all permits and other documents issued and in force at the commencement of this Act or made under the former Act shall continue to have full force and effect as if commenced, made or issued under this Act. Validation
Chap. 48:53

15. (1) The Motor Vehicles and Road Traffic Act is amended in section 50 by substituting for Class 3, the following: Chap. 48:50
amended

“Class 3 Light motor vehicles (including private motor cars, taxis with a tare weight not exceeding 2270 kilograms, maxi-taxis whatever their tare weight and light goods vehicles not exceeding a maximum gross weight of 2950 kilograms)”.

(2) Subsection (1) is deemed to have come into effect on 21st April, 1982.

Passed in the Senate this 28th day of May, 1992.

R. CUMBERBATCH

Acting Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 23 Senators.

R. CUMBERBATCH

Acting Clerk of the Senate

Passed in the House of Representatives this 30th day of May, 1992.

N. COX

Acting Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of 33 members of the House.

N. COX

Acting Clerk of the House

House of Representatives Amendments agreed to by the Senate this 2nd day of June, 1992.

R. CUMBERBATCH

Acting Clerk of the Senate