

Third Session Fourth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 6 of 1994

[L.S.]

AN ACT to amend the Maxi-Taxi Act, 1992

[Assented to 27th May, 1994]

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act 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: Preamble

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act to which this 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. This Act may be cited as the Maxi-Taxi (Amendment) Act, 1994.
- Interpretation Act No. 6 of 1992** 2. In this Act, "the Act" means the Maxi-Taxi Act, 1992.
- Act inconsistent with Constitution** 3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
- Section 2 amended** 4. Section 2 of the Act is amended—
- (a) by renumbering section 2 as section 2(1);
 - (b) in the definition of 'permit' by inserting after the words 'section 7(1)', the words 'and includes a permit to own and operate a maxi-taxi issued prior to the commencement of the Maxi-Taxi (Amendment) Act, 1994'; and
 - (c) by adding after subsection (1) as renumbered the following subsection:
 - '(2) Notwithstanding any law to the contrary, an operator of a maxi-taxi is deemed, for all purposes including that of the Motor Vehicles Insurance (Third Party Risks) Act, to be the servant or agent of the owner of the maxi-taxi.'
- Chap. 48:51

5. Section 6 of the Act is repealed and the following sections are substituted: Section 6 repealed
and substituted

Registration
of maxi-taxi
owners

6. (1) The Authority shall compile and maintain a register of maxi-taxi owners.

(2) A person who on the commencement of the Maxi-Taxi (Amendment) Act, 1994 is the holder of a valid permit to own and operate a maxi-taxi is entitled, without application, to be registered under subsection (1).

(3) A person who is desirous of owning a maxi-taxi may apply to the Authority to be registered as a maxi-taxi owner.

(4) An application under subsection (3) shall be in the prescribed form.

(5) For the purposes of regulating the number of maxi-taxis operating on a route, the Authority may, with the approval of the Minister, suspend in respect of that route the registration of additional maxi-taxi owners for such period as it thinks fit and shall cause notice of the suspension to be published in the *Gazette* and a daily newspaper circulating in Trinidad and Tobago.

6A.(1) Subject to subsection (2), no person shall operate a maxi-taxi unless he is the holder of a valid permit to do so. Permit to
operate a
maxi-taxi

(2) A person who on the commencement of the Maxi-Taxi (Amendment) Act, 1994 is the holder of a valid permit to own and operate a maxi-taxi is deemed to be the holder of a valid permit to operate a maxi-taxi.

(3) A person who is desirous of operating a maxi-taxi may apply to the Authority for a permit to do so.

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

(5) An applicant referred to in subsection (3) shall—

(a) be the holder of a valid taxi-driver's licence and badge; and

(b) be the holder of a valid class 4 driver's permit where the maxi-taxi he proposes to operate is a heavy motor vehicle.

(6) In this section, 'heavy motor vehicle' means a motor vehicle described under class 4 in section 50 of the Motor Vehicles and Road Traffic Act."

Chap. 48:50

Section 7 amended

6. Section 7(1) of the Act is amended by deleting the words "to own and operate" and substituting the words "to operate".

Section 9 amended

7. Section 9 of the Act is amended—

(a) in subsection (1) by deleting the words "own and";

(b) by repealing subsection (2) and substituting the following subsection:

"(2) Subsection (1) shall not be construed as authorizing the reposessor to use a maxi-taxi which has been repossessed as such a taxi unless he obtains the prior approval in writing, of the Administering Authority to operate the vehicle on its usual route or a new route."

8. Section 11 of the Act is repealed and the following section is substituted: Section 11 repealed and substituted

"Offence to operate maxi-taxi without valid permit

11. (1) A person who operates a maxi-taxi without a valid permit to do so commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(2) An owner of a maxi-taxi who employs or allows a person, not being the holder of a valid permit, to operate the maxi-taxi, commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) Notwithstanding subsections (1) and (2), a mechanic may, for the purpose of testing a maxi-taxi and without using it for hire, drive the maxi-taxi on a public road."

9. After section 12 of the Act, the following section is inserted: Section 12A inserted

"Use of electrical equipment restricted

12A. (1) Subject to subsection (2) the use of televisions, videos, radios, tape decks, compact disc players, amplifiers, equalisers, speakers or other electrical or electronic equipment for the purpose of playing music or other electrically or electronically transmitted sounds in a maxi-taxi is prohibited.

(2) Subject to such conditions and technical specifications as the Administering Authority may by Order prescribe, the use of a radio is permitted in a maxi-taxi.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars.”.

Section 15 repealed

10. Section 15 of the Act is repealed.

Passed in the House of Representatives this 18th day of March, 1994.

N. COX

Acting Clerk of the House

Passed in the Senate this 19th day of April, 1994.

R. CUMBERBATCH

Acting Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 29th day of April, 1994.

N. COX

Acting Clerk of the House