

CHAPTER 297

TRANSPORT BOARD

1955-37

This Act came into operation on 24th August, 1955.

Amended by:

1960-3

1967/168

2008-16

1962-50

1973-27

1964-42

1973-55

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

2008

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 297

**TRANSPORT BOARD
1955-37**

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**BARBADOS**

TRANSPORT BOARD

1955-37

An Act to provide for the establishment of a Transport Board concerned with transport, to specify their powers and duties and for related matters.

[Commencement: 24th August, 1955]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Transport Board Act*.

Interpretation

- 2.(1) For the purposes of this Act,
“Board” means the Transport Board established under this Act;
“Chairman” means the Chairman of the Board;
“Deputy Chairman” means the Deputy Chairman of the Board;

“passenger road transport service” means a service of motor vehicles for the conveyance of passengers.

(2) Except in so far as the context otherwise requires, expressions used in this Act have the same meanings as in the *Road Traffic Act, Cap. 295*.

PART II

ESTABLISHMENT OF TRANSPORT BOARD

Establishment of Transport Board

3.(1) For the purposes of this Act, there shall be established a public authority to be called the Transport Board.

(2) The Board shall be a body corporate with perpetual succession and shall have power to acquire, hold and dispose of land for the purposes of the functions of the Board.

Seal of Board

4.(1) The Board shall have a common seal, and the affixing of the seal shall be authenticated by the signatures of the Chairman or some other member of the Board authorised, either generally or specially, by the Board to act for that purpose, and of the secretary or some other person authorised by the Board to act in his stead in that behalf.

(2) Every document purporting to be an instrument issued by the Board and to be sealed as aforesaid or to be signed on behalf of the Board shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

Composition of Board

5.(1) The Board shall consist of such number of members, not being more than 9, as the Minister may from time to time appoint by instrument in writing.

(2) The Minister shall appoint a Chairman and a Deputy Chairman of the Board from amongst the members of the Board.

(3) A member of the Board shall, subject to subsections (5) and (6) and to section 9, hold office for a period not exceeding 3 years from the date of his appointment as a member of the Board, or for such shorter period as the Minister may direct in the instrument appointing such a member; but such member shall be eligible for re-appointment.

[2008-16]

(4) The Minister may appoint some suitable person as a member of the Board to act temporarily in the place of any member of the Board in the case of the absence or inability to act of such member.

(5) Any member of the Board other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause the instrument to be forwarded to the Minister; and upon the date of the receipt by the Chairman of such instrument such member shall cease to be a member of the Board.

(6) The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and upon the date of the receipt by the Minister of such instrument the Chairman shall cease to be a member of the Board.

[1962-50; 2008-16]

Presiding at meetings of the Board and quorum at such meetings

- 6.(1)** No person may preside at a meeting of the Board except
- (a) the Chairman; or
 - (b) in the absence from the meeting of the Chairman, the Deputy Chairman; or
 - (c) in the absence from the meeting of both the Chairman and the Deputy Chairman, such person as the members of the Board present at the

meeting and constituting a quorum may appoint from among their number to preside at the meeting.

(2) At a meeting of the Board a quorum shall be constituted if not less than half of the members of the Board are present, and if a quorum is present, the Board shall not be disqualified for the transaction of business by reason of any vacancy among its members; and any proceedings of the Board shall be valid notwithstanding that some person who was not entitled so to do took part therein.

Remuneration of members of Board

7. There shall be paid to the members of the Board or to any of them such remuneration, fees and allowances for expenses as the Minister may determine, but no such remuneration or fee shall be paid to any person who is in receipt of emoluments by virtue of the *Public Service Act*, Cap. 29, and such sums shall be paid out of moneys voted for the purpose by Parliament.

[1967/168]

Power to regulate procedure

8. The Board shall have power to regulate its own procedure and especially with regard to the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes and the opening, keeping, closing and handling of accounts.

Removal of members of Board

9.(1) The Minister may at any time remove from office all or so many of the members of the Board as he may consider necessary in the interests of the effective and economical performance of the functions of the Board.

(2) The Minister may at anytime remove from office any member of the Board who has become incapable through ill-health of performing efficiently his duties

as a member or who has been absent from all the meetings of the Board during a period of 6 months.

Disclosure of interest in contract by member of Board

10. A member of the Board who has any interests in any company or concern with which the Board proposes to make any contract or any interests in such contract shall disclose to the Board the fact of such interests and the nature thereof, and such disclosure shall be recorded in the minutes of the Board; and such member shall take no part in any deliberation or discussion of the Board relating to such contract nor shall he vote thereon.

PART III

POWERS OF TRANSPORT BOARD

Powers of Board

11.(1) Subject to this Act and the *Road Traffic Act*, Cap. 295, the Board shall have power

- (a) to carry goods and passengers by road within Barbados;
- (b) to provide, maintain and operate a passenger road transport service;
- (c) to provide such other amenities and facilities for passengers and other persons making use of the services provided by them as it may appear to them requisite or expedient to provide:

Provided that the Board shall not have power to carry passengers by road in a hackney carriage or motor cab adapted to carry less than 6 persons and used in plying or standing for hire on a road.

(2) Subject to this Act, the powers conferred by subsection (1) include power

- (a) to construct, manufacture, purchase, maintain and interest, and the Board shall give effect to any such directions.

(2) In framing programmes of reorganisation or development involving substantial outlay on capital account, the Board shall act on lines settled from time to time with the approval of the Minister.

(3) The Board shall furnish to the Minister such returns, accounts and other information with respect to their property and activities as he may from time to time require.

(4) Without prejudice to subsection (3), the Board shall, as soon as possible after the end of each financial year of the Board, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programmes, and the Minister shall as soon as possible thereafter cause a copy of every such report to be laid before each House.

(5) All accounts furnished by the Board in pursuance of this section shall, subject to subsection (6), be audited by an auditor approved by the Minister and appointed by the Board on such terms and conditions as may be approved by the Minister.

[1960-3]

(6) Where in any case the Minister fails to approve of any person nominated by the Board for appointment as auditor to the Board or fails to approve the terms or conditions on which such appointment is to be made, the Minister may appoint such person as he thinks fit as auditor to the Board on such terms and conditions as he thinks fit, and, notwithstanding that any appointment is so made by the Minister, any remuneration payable to the person so appointed shall be paid by the Board.

(7) No person appointed as an auditor under subsection (5) or (6) shall be dismissed by the Board except with the approval of the Minister.

Compulsory purchase of land

13. The Minister may authorise the Board to purchase compulsorily any land which they require for any purpose connected with the discharge of their functions, and the *Land Acquisition Act*, Cap. 228 shall apply with the necessary modifications and adaptations.

Board not exempted from taxation etc.

14. Nothing in this Act shall be deemed to exempt the Board from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

Liability of Board in action etc.

15. The *Limitation (Public Authorities) Act*, Cap. 206 shall apply in respect of an act, neglect or default done or committed by the Board or by any servant or agent of the Board in his capacity as a servant or agent of theirs.

Employment of officers and servants by the Board

16.(1) Subject to subsection (3), the Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers as it deems necessary.

(2) Notwithstanding subsection (1)—

- (a) no salary in excess of such sum as the Minister may determine and notify in writing to the Board may be assigned to any post;
- (b) no appointment whether temporary or permanent may be made to any post to which a salary is assigned by the Minister under paragraph (a);
- (c) no person may be dismissed from a post specified in paragraph (b),

without prior approval of the Minister.

[1973-27; 1973-55]

(3) No pension, gratuity or other benefit may be granted to an officer or servant or to any other person by reference to his service, or to dependants or estates of such persons, except in accordance with such conditions as the Board, with the approval of the Minister, determines.

PART IV
FINANCIAL PROVISIONS

Borrowing powers of Board

17.(1) The Board may from time to time and with the approval of the Minister borrow by way of loan, overdraft or otherwise such sums as the Board may require for meeting their obligations or discharging their functions under this Act or any other Act conferring duties, powers or functions on them.

(2) The Government may, subject to the approval of Parliament, guarantee in such manner and on such terms and conditions as it may think fit any sum which the Board may borrow under subsection (1).

(3) Where the Government agrees to guarantee any sum which the Board may borrow under subsection (1), any agreement entered into to effect such guarantee shall be made in the name of the Governor-General and under the Public Seal.

[1960-3]

Sums chargeable to revenue

18. The Board shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper allocations to general revenue and proper provision for depreciation or renewal of assets.

Investment of funds

19. Any sums in the hands of the Board which are not immediately required by them for the purposes of their business may, with the approval of the Minister, be invested by them in such manner as they think proper.

PART V
MISCELLANEOUS

Powers of Board to make regulations

20.(1) The Board may, with the approval of the Minister, make regulations for carrying out this Act.

(2) Without prejudice to subsection (1), regulations made by the Board may—

- (a) impose penalties on or authorise any person employed as a conductor or inspector in the service of the Board to eject from any vehicle used by the Board in their passenger road transport service any person failing to comply with any provision contained in any regulation made by the Board relating to such service;
- (b) in connection with the passenger road transport service of the Board specify terms or conditions subject to which any person may be transported in any vehicle operated by the Board.

[1960-3]

Offences

21. Any person who interferes with, obstructs or assaults any officer, agent or servant of the Board in the exercise of any of their powers or duties under this Act or any regulations shall be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.