

[L. S.]

I Assent.

James B. Carlisle,
Governor-General.

27th December, 1995.

ANTIGUA AND BARBUDA

No. 13 of 1995.

AN ACT to establish a Transport Board to promote efficient management in ground transportation, to advise the Government on matters relating to ground transportation and to manage, maintain and organize the use of Government vehicles in an efficient and economical manner.

[4th January, 1996]

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. This Act may be cited as the Transport Board Act, 1995. **short title.**

2. In this Act— **Interpretation.**

"Board" means the Board established under section 3;

"General Manager" means the person appointed under section 9(2);

"Minister" means Minister responsible for transportation;

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"Public Service Commission" means the Commission established under section 99 of the Constitution of Antigua and Barbuda, 1981;

"Secretary" means the secretary appointed under section 9(5).

Establishment of
Board

3. (1) For the purposes of this Act there is established a Board to be called the Transport Board.

(2) The Board established under subsection (1) is a body corporate with perpetual succession and common seal and is capable of suing and being sued in its corporate name.

(3) Subject to this Act the Board shall have power to acquire, hold, charge and dispose of land and of doing or performing such act as bodies corporate may by law do or perform.

(4) The seal of the Board shall be kept in the custody of the General Manager and shall not be fixed to any instrument except by the authority of a resolution of the Board and the sealing of any instrument shall be authenticated by the signature of the Chairman and of such other officers of the Board as may be designated in writing by the Board.

constitution of the
Board

4. (1) The Board shall consist of a Chairman, a Deputy Chairman and such other members, not being more than seven as the Minister may, with the approval of Cabinet, appoint.

(2) The Minister shall, by instrument in writing, appoint the Chairman and Deputy Chairman of the Board

(3) A member of the Board shall unless otherwise removed by the Minister under section 9, hold office for a period of three years from the date of his appointment.

(4) Any member of the Board, other than the Chairman, may resign his office by writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Minister.

(5) The Chairman may resign his office by writing addressed to the Minister.

(6) A resignation by the Chairman or a member of the Board shall be effective from the date the Minister communicates the acceptance of the resignation to the Chairman or the resigning member.

(7) The Minister may, at any time, remove from office any member of the Board who—

- (a) is incapable for any reason of performing his functions as a member;
- (b) has been absent from meetings of the Board for three consecutive regular monthly meetings;
- (c) fails to disclose his interest in accordance with section 6.

5. (1) The Board shall meet at least once every month and shall meet within seven days at the request of the Chairman or at the request in writing addressed to the Chairman by any five members of the Board.

Meetings of Board.

(2) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Board and in the absence of both the Chairman and Deputy Chairman the members present shall appoint a member to preside at the meeting.

(3) The quorum at each meeting of the Board is five and if a quorum is present, the Board is not disqualified for the transaction of business by reason of a vacancy among its members.

(4) Decisions of the Board shall be by a majority of votes and where the votes are equal the chairman shall have a casting vote.

(5) The secretary shall keep a minute book in which the proceedings at meetings and transactions of the Board shall be recorded.

6. (1) A member of the Board who has any interest in a company or concern with which the Board proposes to enter into a contract or has an interest in the proposed contract shall disclose to the Board at its meeting the nature of his interest.

Disclosure of interest.

(2) Where a member discloses an interest in a company in pursuance of subsection (1) the Secretary to the Board shall record the disclosure in the minutes of the Board and the member making the disclosure is disqualified from participating in the deliberations or voting of the Board in relation to the proposed contract.

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Functions of the
Board.

7. (1) The Board shall generally advise the Minister on ground transportation of persons and goods in Antigua and Barbuda and in particular advise the Minister on—

- (a) standards to be prescribed for vehicles imported into Antigua and Barbuda;
- (b) measures for controlling commercial and private transportation and the establishment of standards under which commercial and private transportation may operate;
- (c) regulating fares, rates, fees and other charges relating to ground transportation;
- (d) the payment of tolls and other charges by heavy duty vehicles;
- (e) licensing of vehicles and vehicle operators in conjunction with the Police and the department of Inland Revenue;
- (f) regulatory measures to control vehicular and pedestrian traffic;
- (g) the construction and regulation of car parks.

(2) Subject to subsection (1), the Board may establish a research unit to study the conditions of the roads with a view—

- (a) to advise the Government on road building and maintenance;
- (b) to grading roads in accordance with standards of quality and use;
- (c) to prescribe the types of vehicles to be permitted on the graded roads;
- (d) collect information relating to the performance and durability of vehicles imported into Antigua and Barbuda.

(3) The Board shall also have the power to approve the establishment of driving schools and prescribe the qualification for the registration of persons to give driving lessons.

(4) It shall be the duty of the Board to prescribe qualifications for the registration of persons—

- (a) to carry on the business of repairing and maintaining motor vehicles;
- (b) to test and approve vehicles for road worthiness.

(5) The Board shall from time to time, monitor the use and maintenance of Government vehicles and advise the Minister on the efficient and economical use of the Government vehicles.

8. (1) The Minister may, from time to time and after consultation with the Chairman, give to the Board directions of a general nature as to the policy to be followed in the performance of its functions in relation to the matters appearing to him to concern the public interest.

Minister to give directions.

(2) Where the Minister gives directions in accordance with subsection (1), the Board shall in so far as such directions are consistent with the functions conferred upon the Board carry out the directions of the Minister.

(3) The Board shall furnish the Minister with returns, accounts and other information as he may require with respect to the assets and activities of the Board and shall afford to him facilities for verifying the returns, accounts and information furnished to him under this subparagraph.

9. (1) There shall be a General Manager who shall be the technical and executive head of the Board.

Appointment and duties of the General Manager and other staff.

(2) The General Manager shall be appointed by the Board on terms and conditions to be determined by the Board.

(3) The duties of the General Manager include --

- (a) the preparation of programmes for approval by the Board;
- (b) the implementation of the programmes approved by the Board;
- (c) the supervision and disciplining of the staff of the Board;

- (d) the carrying out of any other instructions or directions of the Board.

(4) Where the General Manager is absent from Antigua and Barbuda or is unable for any reason to perform his duties the Board may appoint one of its officers to act as General Manager during his absence or inability.

(5) The Board may also appoint and employ at such remuneration and on terms and conditions as it thinks appropriate, a secretary and other officers, servants and agents as it considers necessary for the proper performance of its functions.

(6) Notwithstanding subsections (2) and (5)—

- (a) no person shall be appointed or be dismissed as General Manager without the prior approval of the Minister;
- (b) no salary in excess of such sum as the Minister may determine and notify in writing to the Board shall be assigned to any post without the prior approval of the Minister;
- (c) no appointment whether permanent or temporary shall be made to any post to which a salary is assigned by the Minister under paragraph (b) without the prior approval of the Minister;
- (d) no person shall be dismissed from any post referred to in paragraph (b) without prior approval of the Minister.

(7) The Public Service Commission may, subject to such conditions as may be imposed, approve the appointment of a public officer in the service of the Government to any office with the Board, and a public officer so appointed shall, in relation to pension, gratuity or other allowance, and to other rights as public officer, be treated as continuing in the service of the Government.

Financial
provisions.

10.(1) The Funds and resources of the Board shall consist of—

- (a) such moneys as Parliament may approve as initial loan to the Board during the first two years of its constitution.

- (b) moneys borrowed by the Board under section 11 for the purpose of carrying out its functions under the Act;
- (c) moneys received by the Board for services rendered, or fees and charges collected in respect of any matter in relation to its functions.
- (d) profits made by the Board from its operations.

(2) The Board shall, after consultation with the Minister, pay such portion of its profits as the Board may determine to the Treasury for the account of the Consolidated Fund.

11. (1) Subject to subsection (2), the Board may borrow moneys required by it for meeting any of its obligations or performing any of its functions.

Borrowing powers.

(2) The power of the Board to borrow shall be exercisable only with the prior approval of the Minister responsible for finance as to the amount, as to the source of borrowing and as to the terms on which the borrowing may be effected; and an approval given in any respect for the purpose of this section may be either general or limited to the particular borrowing or otherwise and may be either unconditional or subject to conditions.

12. The Board may from time to time invest moneys standing to its credit in securities approved generally or specifically by the Minister responsible for finance and the Board may with like approval sell any or all of its holdings.

Investment.

13. (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and the accounts shall be audited annually by an auditor qualified to practise in Antigua and Barbuda and appointed by the Board.

Accounts and audit

(2) The members, officers and servants and agents of the Board shall grant to the auditor appointed under subsection (1) to audit the accounts access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operations of the Board.

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**Board to comply
with the laws**

14. (1) The Board shall in the performance of its functions under this Act comply with all the laws in force in Antigua and Barbuda.

(2) Nothing in this Act is deemed to exempt the Board from liability for any tax, duty, rate, levy or other charges imposed by law.

(3) Notwithstanding subsection (2), the Board is exempted from the payment of business tax, customs duties and consumption tax for the first three years of its establishment.

**Acquisition of
land.**

15. Where the Board has determined that it is necessary for the better carrying out of its functions under this Act that any private land be acquired by the Crown, the Board may issue a written determination to that effect and the Crown may thereupon acquire the land under the Land Acquisition Act.

Annual report

16. (1) The Board shall prepare and present to the Minister within three months after the expiration of each financial year of the Board a report—

- (a) dealing generally with the activities of the Board during the last financial year;
- (b) containing information relating to matters and policy of the Board as in its opinion can be made public without detriment to the interest of the Board;
- (c) relating to a statement of its accounts as audited in accordance with the provisions of section 13.

(2) The Minister shall submit to the House of Representatives for consideration and approval the report together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Board.

(3) Subject to subsection (2) the Minister shall, direct the report of the Board together with the annual statement of accounts and the report of the person who audited the accounts on that statement and on the accounts of the Board to be published in the *Gazette*.

17. The Minister may in consultation with the Board make regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations— **Regulations**

- (a) for establishing standards and quality control of vehicles imported into Antigua and Barbuda;
- (b) for prescribing qualifications and for approving persons applying to be drivers of public service vehicles;
- (c) for regulating the examinations of persons required to perform duties in accordance with this Act;
- (d) for prescribing anything that is required to be prescribed under this Act.

Passed the House of Representatives
this 13th day of November, 1995.

Passed the Senate this 27th day
of November, 1995.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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