

ROAD TRAFFIC (AMENDMENT) BILL, 2020

EXPLANATORY NOTES

This Bill seeks to amend the Road Traffic Act CAP. 289A.

This Bill contains 10 clauses.

Clause 1 provides for the short title.

Clause 2 provides for amendment of **section 2** of the principal Act to repeal the definition of “Board” and insert the definition of “Commission”.

Clause 3 provides for insertion of new **sections 2A to 2G** to the principal Act to establish the Grenada Transport Commission as a body corporate as a replacement for the Grenada Transport Board.

Clause 4 seeks to repeal **section 3** of the principal Act which established the Grenada Transport Board.

Clause 5 seeks to amend **section 3A** to replace reference to the Grenada Transport Board with reference to the Grenada Transport Commission and to specify that the appropriate Permanent Secretary is the Permanent Secretary with responsibility for Transport.

Clause 6 seeks to amend **section 3B** to replace reference to the Grenada Transport Board with reference to the Grenada Transport Commission.

Clause 7 seeks to amend **section 4A** to specify that the appropriate Permanent Secretary is the Permanent Secretary with responsibility for Transport.

Clause 8 seeks to amend **section 14** of the principal Act to empower the Chief Technical Officer to nominate a nominee to act on his or her behalf for the purposes of consultation when granting special licences.

Clause 9 seeks to amend **section 77D** of the principal Act to correct a typographical error in Road Traffic (Amendment) Act, 2017, Act No. 21 of 2017.

Clause 10 seeks to amend Road Traffic (Bus Routes) Regulations, Chapter 289A to replace reference to the Grenada Transport Board with reference to the Grenada Transport Commission.

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Darshan Ramdhani
ATTORNEY-GENERAL

ROAD TRAFFIC (AMENDMENT) BILL, 2020

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 of principal Act
3. Insertion of new sections 2A to 2G to principal Act
4. Repeal of section 3 of principal Act
5. Amendment of section 3A of principal Act
6. Amendment of section 3B of principal Act
7. Amendment of section 4A of principal Act
8. Amendment of section 14 of principal Act
9. Amendment of section 77D of principal Act
10. Amendment of the Road Traffic (Bus Routes) Regulations

ROAD TRAFFIC (AMENDMENT) BILL, 2020

GRENADA

ACT NO. OF 2020

AN ACT to amend the Road Traffic Act CAP. 289A.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

Short title

1. This Act may be cited as the

ROAD TRAFFIC (AMENDMENT) ACT, 2020,

and shall be read as one with the Road Traffic Act, Chapter 289A, hereinafter referred to as the “principal Act”.

Amendment of section 2 of principal Act

2. Section 2 of the principal Act is amended by repealing the definition of “Board” and inserting in the appropriate alphabetical order the following new definition—

““Commission” means the Grenada Transport Commission established under section 2A;”.

Insertion of new sections 2A to 2G to principal Act

3. (1) The principal Act is amended by inserting after section 2 the following new sections—

“Establishment and functions of the Grenada Transport Commission

2A. (1) There is hereby established the Grenada Transport Commission which shall be a body corporate to which section 49 of the Interpretation and General Provisions Act, Chapter 153 shall apply.

(2) The Grenada Transport Commission shall advise the Minister on all matters pertaining to road transport and traffic including the following matters—

- (a) transport rates, fares, tolls, dues or other charges;
- (b) licence duties and fees in respect of motor and other vehicles;

- (c) the needs of any area or areas in relation to transport (including the provision of adequate, suitable and efficient services and the elimination of unnecessary or unremunerative services) and the co-ordination of all forms of passenger and goods transport;
- (d) road safety;
- (e) the regulation and control of traffic;
- (f) regulating road transport;
- (g) standards to be prescribed for vehicles to be used in public, commercial and private transportation;
- (h) regulation of public transport infrastructure, including car park facilities, terminal facilities, bus-stops and roundabout facilities;
- (i) measures for controlling public, private and commercial transportation and establishing conditions under which they may operate;
- (j) any other matter affecting traffic or transport that the Minister may refer to the Grenada Transport Commission.

(3) Where a person is aggrieved against any order or decision of the Grenada Transport Commission, the Licensing Authority or a Licensing Officer, the aggrieved person may submit an appeal to the Minister for consideration by an appeals tribunal.

(4) Where the Minister receives an appeal under subsection (3), the Minister shall appoint an appeals tribunal consisting of three persons, of which one person shall be an attorney-at-law who shall be the chairperson of the appeals tribunal and of which two persons shall have knowledge on the subject area in question.

(5) No rates, fares, tolls, dues or other charges charged by public service vehicles shall be increased except with the prior written approval of the Minister in consultation with the Commission under subsection (2).

(6) Any owner, driver or conductor of any public service vehicle, or any other person on their behalf, who knowingly demands, collects, or attempts to collect any increase in the rate, fare, toll, due or other charge charged by such vehicle when such owner, driver, conductor or other

person knows or ought to know that such increase has not had the prior written approval of the Minister in consultation the Commission under subsection (2) commits an offence.

(7) The Commission shall perform such other duties as are assigned to it by this Act or regulations made hereunder.

Board of the Commission

2B. (1) The affairs of the Grenada Transport Commission shall be managed by a Board consisting of seven members appointed by the Minister as follows—

- (a) the Commissioner of Police or his or her designate;
- (b) the Permanent Secretary with responsibility for Transport;
- (c) one senior representative of the Ministry with responsibility for road infrastructure, with expertise in engineering; and
- (d) four persons with knowledge and experience in appropriate disciplines including—
 - (i) policy and management of transport;
 - (ii) insurance; and
 - (iii) law.

(2) The Minister shall appoint from the members under subsection (1)—

- (a) a Chairperson who shall preside at every meeting; and
- (b) a Deputy Chairperson who shall preside in a meeting in the absence of the Chairperson.

(3) In the absence of the Chairperson and the Deputy Chairperson, the members present may elect one of their members present to preside as Chairperson of the meeting.

(4) Where the Permanent Secretary with responsibility for Transport is unable to attend a meeting of the Board, the Minister may authorise another representative of the Ministry with responsibility for Transport to attend the meeting.

(5) The members of the Board may be remunerated as may be determined by the Minister.

Tenure of members of the Board

2C. (1) Subject to subsection (2), a member of the Board shall be appointed for a period not exceeding three years and shall be eligible for re-appointment.

(2) A person shall be disqualified from being a member of the Board and shall not become or continue to be appointed as a member of the Board, if the person has—

- (a) been declared bankrupt;
- (b) been declared by the Court to be physically or mentally incapacitated;
- (c) been convicted of a criminal offence under the Criminal Code, Chapter 72A; or
- (d) been convicted of an offence pursuant to the provisions of this Act, except where the offence is a fixed penalty offence;
- (e) been found guilty of misconduct which is related to the performance of his or her functions under this Act;
- (f) been absent from three consecutive meetings of the Board without leave granted by the Minister; or
- (g) has become incapable, wilful or otherwise of carrying out his or her functions pursuant to the provisions of the Act.

(3) A member may resign by giving written notice to the Minister by delivery to the Chairperson.

(4) Notwithstanding subsection (3), a Chairperson may resign by giving written notice to the Minister.

(5) Resignation under subsection (3) or (4) shall take effect immediately upon receipt of the notice by the Minister or the Chairperson, as the case may be.

(6) In the case of vacancy by reason of termination, the Minister may appoint a new member in accordance with subsection (1) for the remainder of the tenure of the previous member.

(7) In the case of absence of the member, the Minister may appoint a temporary member to act for the period of the absence of the member.

Quorum, meetings and voting of the Board

2D. (1) Quorum of the Board is any four members notwithstanding any vacancy in the numbers constituting the Board.

(2) The Board may meet as often as may be necessary for the efficient performance of its functions but shall meet at least once in every two months.

(3) The decisions of the Board shall be by a majority vote of the members present and, in any case in which the voting is equal, the Chairperson or other person presiding shall have a casting vote.

(4) For the purposes of discharging his or her duties under section 2E, the Chief Executive Officer shall be present at all meetings of the Board, unless he or she has obtained leave of absence from the Chairperson or is incapacitated by illness or other cause from attending.

(5) The Board may regulate its procedure.

Chief Executive Officer and Staff of the Grenada Transport Commission

2E. (1) The Board shall appoint a Chief Executive Officer, on such terms and conditions as it thinks fit.

(2) The Chief Executive Officer shall be responsible for the management of the affairs of the Grenada Transport Commission in accordance with the decisions of the Board.

(3) The Board may appoint on such terms and conditions as it thinks fit, such employees as may be required for the proper and efficient discharge of the functions of the Grenada Transport Commission under this Act, including traffic wardens appointed under section 3B.

(4) An employee of the Grenada Transport Commission shall be under the administrative control of the Chief Executive Officer for the Grenada Transport Commission.

(5) The Public Service Commission may, subject to such conditions as it may impose, approve secondment of an officer in the public service to any office within the Grenada Transport Commission and an officer so seconded shall, in relation to pension, gratuity or other allowances, and in relation to other rights as a public officer, be treated as continued service in the public service in Grenada.

Funds of the Grenada Transport Commission

2F. (1) The funds of the Grenada Transport Commission shall consist of—

- (a) moneys appropriated for the purposes of the Grenada Transport Commission by Parliament;
- (b) grants made to the Grenada Transport Commission by any other body;
- (c) any other funds as may lawfully accrue to the Grenada Transport Commission.

(2) The Grenada Transport Commission shall keep proper books of accounts and proper records in relation thereto and such accounts, books and records shall be in the form approved by the Director of Audit.

(3) The financial year of the Grenada Transport Commission shall be the same as the financial year of the Government.

(4) The books and accounts of the Grenada Transport Commission shall each year be audited by the Director of Audit or by an auditor appointed or authorised by the Director of Audit, who shall submit a report on each audit to the Grenada Transport Commission.

Annual reports of the Grenada Transport Commission

2G. (1) The Chief Executive Officer shall, within three months after the end of each financial year, submit for the approval of the Board an annual report of the activities, operations, undertakings, property and finances of the Grenada Transport Commission for that year.

(2) Subject to subsection (1), an annual report shall include a copy of the audited accounts of the Grenada Transport Commission with the report under section 2F (4).

(3) A copy of the annual report approved by the Board shall be sent to the Minister not later than six months after the end of the year to which the report relates and the Minister shall, as soon as possible, but not later than one month of the receipt thereof, lay the report before Parliament.”.

(2) All contracts and agreements entered into by the Grenada Transport Board are assumed by the Grenada Transport Commission and may be enforced by and against the Grenada Transport Commission as if it had been made a party thereto.

(3) The real and personal property of the Grenada Transport Board is transferred and becomes the real and personal property of the Grenada Transport Commission.

(4) All obligations and liabilities of the Grenada Transport Board continue as obligations and liabilities of the Grenada Transport Commission.

(5) All legal proceedings and rights of action by or against the Grenada Transport Board shall continue in force as if made by the Grenada Transport Commission pursuant to the powers conferred by the principal Act as amended by this Act.

(6) A person in the employment of the Grenada Transport Board immediately before the commencement of this Act shall, on the coming into force of this Act be deemed to have been duly employed by the Grenada Transport Commission.

Repeal of section 3 of principal Act

4. The principal Act is amended by repealing section 3.

Amendment of section 3A of principal Act

5. Section 3A of the principal Act is amended as follows—

- (a) by deleting the words “Grenada Transport Board” wherever they appear and substituting therefor the words “Grenada Transport Commission”;
- (b) in subsection (2), by deleting the words “in the Ministry of Communications and Works” after the words “Permanent Secretary” and substitute therefor “with responsibility for Transport”.

Amendment of section 3B of principal Act

6. (1) Section 3B of the principal Act is amended by deleting the words “Grenada Transport Board” and substituting therefor the words “Grenada Transport Commission” wherever they appear.

(2) For the avoidance of doubt, upon the commencement of this Act, every traffic warden appointed under section 3B of the principal Act shall be deemed to have been appointed by the Grenada Transport Commission.

Amendment of section 4A of principal Act

7. Section 4A of the principal Act is amended by deleting the words “in the Ministry of Communications and Works” after the words “Permanent Secretary” and substitute therefor “with responsibility for Transport”.

Amendment of section 14 of principal Act

8. Section 14 of the principal Act is amended in subsection (3) by inserting the words “or an alternate designated by the Minister” after the words “in consultation with the Chief Technical Officer”.

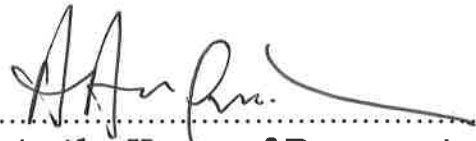
Amendment of section 77D of principal Act

9. Section 77D of the principal Act is amended in subsection (1) in paragraph (e) by inserting the words “a person qualifying” before the words “under any other condition prescribed by the Minister”.

Amendment of the Road Traffic (Bus Routes) Regulations

10. The Road Traffic (Bus Routes) Regulations, Chapter 289A is amended by deleting the word “Board” and substituting therefor the words “Grenada Transport Commission” wherever it appears.

Passed by the House of Representatives this ^{In}30 day of October, 2020.



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Clerk to the House of Representatives

Passed by the Senate this day of , 2020.

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Clerk to the Senate