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3rd Session First Parliament Trinidad and Tobago  
13 Elizabeth II

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TRINIDAD AND TOBAGO

## Act No. 11 of 1965

[L.S.]

AN ACT to provide for the establishment of a Public Transport Service to operate road and rail transport facilities with a view to promoting the development of road transport and to facilitating the phased substitution of road transport for the existing railway system.

[Assented to 6th May, 1965]

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

1. This Act may be cited as the Public Transport Service Short title Act, 1965

## PRELIMINARY

Interpretation

**2.** In this Act,

“Chairman” means a member appointed as such under section 3;

“Corporation” means the Public Transport Service Corporation established by section 3;

“Vice-Chairman” means the member appointed as such in accordance with subsection (2) of section 3;

“existing railway system” means the railway (within the meaning of section 2 of the Railways Ordinance) the property of the Crown in right of its Government of Trinidad and Tobago;

Ch. 17. No. 1

“member” means a duly appointed member of the Corporation;

“Minister” means the member of the Cabinet to whom responsibility for the subject of Public Utilities is assigned;

Ch. 16. No. 3

“public service vehicle” has the meaning assigned to it in section 2 of the Motor Vehicles and Road Traffic Ordinance;

“Secretary” means the secretary of the Corporation;

“Standing Orders” means Standing Orders made by the Corporation under subsection (8) of section 5.

## PART I

## ESTABLISHMENT OF CORPORATION

Establishment and incorporation of the Corporation

**3.** (1) A Corporation is hereby established for the purposes of this Act, and is a body corporate.

(2) The Corporation shall consist of a Chairman and

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## PART I

## ESTABLISHMENT OF CORPORATION

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**3.** (1) A Corporation is hereby established for the purposes of this Act, and is a body corporate.

(2) The Corporation shall consist of a Chairman and not more than six members one of whom shall be Vice-

(4) A member may at any time resign his office by notice in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister.

(5) The appointment of any person as a member and the termination of office of any person as such whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

4. (1) The seal of the Corporation shall be kept in the custody either of the Chairman or the Vice-Chairman or of the Secretary as the Corporation may determine and may be affixed to instruments pursuant to Standing Orders or to a resolution of the Corporation and in the presence of the Chairman or Vice-Chairman, and of one other member, and the Secretary. Custody and use of seal

(2) The seal of the Corporation shall be attested by the signature of the Chairman, or Vice-Chairman, and the Secretary.

(3) All documents, other than those required by law to be under seal made by, and all decisions of, the Corporation may be signified under the hand of the Chairman, or Vice-Chairman or the Secretary.

(4) Service upon the Corporation of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Corporation.

#### PROCEDURE

5. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Corporation determines. Procedure and meetings of the Corporation

(2) The Chairman may at any time call a special meeting of the Corporation and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three members.

(3) The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Corporation.

(4) The Chairman, or in his absence the Vice-Chairman, and two other members shall form a quorum.

(5) The Chairman shall have an original vote, and in any case in which the voting is equal, the Chairman or Vice-Chairman presiding at the meeting shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman or the Vice-Chairman, at a subsequent meeting. Certified copies of such minutes when so confirmed shall, within twenty-one days thereof, be forwarded to the Minister.

(7) The Corporation may co-opt any one or more persons to attend any particular meeting of the Corporation for the purpose of assisting or advising the Corporation, but no such co-opted person shall have any right to vote.

(8) Subject to this section, the Corporation may by Standing Orders regulate its own proceedings.

Appointment of  
committees

**6.** (1) The Corporation may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) A committee appointed by the Corporation shall consist of at least one member of the Corporation together with such other persons, whether members of the Corporation, or not, whose assistance or advice the Corporation may desire.

(3) Where persons, not being members of the Corporation, are members of a committee appointed under this section, the Corporation may, with the approval of the Minister, by resolution declare the remuneration and allowances of such person, and such sums shall properly be so payable out of the funds and resources of the Corporation

(4) The Corporation may by resolution reject the report of any such committee or adopt it either wholly or with such modification, additions or adaptations as the allowances of such person, and such sums shall properly be so payable out of the funds and resources of the Corporation

(4) The Corporation may by resolution reject the report of any such committee or adopt it either wholly or with such modification, additions or adaptations as the Corporation may think fit.

Power of  
Corporation  
to delegate

**7.** Subject to the provisions of this Act, and to the prior approval of the Minister, the Corporation may delegate to a member or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Corporation may determine,

so however that any such delegation shall be revocable at will and shall not preclude the Corporation from acting from time to time as occasion requires.

#### GENERAL POWERS AND DUTIES OF THE CORPORATION

3. (1) Subject to this Act, it shall be the duty of the Corporation to carry on the business of operating public service vehicles under this Act, so as to ensure the provision of a safe, adequate, economic and efficient public transportation system, adapted to the needs of the country; and for such purpose the Corporation shall have and exercise such functions, powers and duties as are conferred and imposed on it by this Act, and in particular, the Corporation shall have power—

Powers and  
duties of  
Corporation

- (a) to carry goods and passengers by rail and road;
- (b) to store goods;
- (c) to consign goods on behalf of other persons from any place in Trinidad and Tobago to any other place therein;
- (d) to provide such amenities and facilities for passengers and other persons making use of the services provided by it as appears to it requisite or expedient to provide.

(2) The duty imposed on the Corporation by subsection (1) includes responsibility for establishing sufficient road transport facilities as in the opinion of the Corporation are necessary or desirable for the purpose of providing transportation for school children and for persons requiring public transport for recreational purposes and for supplying such institutional needs as may be required.

(3) Subject to this Act, the powers conferred by subsection (1) are to the exclusion of any right, power or authority in any other person or authority and include persons requiring public transport for recreational purposes and for supplying such institutional needs as may be required.

(3) Subject to this Act, the powers conferred by subsection (1) are to the exclusion of any right, power or authority in any other person or authority and include power to do all things, which in the opinion of the Corporation are necessary or expedient to facilitate the proper carrying on of the business of the Corporation under the said subsection (1), and in particular—

- (a) to construct, manufacture, purchase, maintain and repair anything required for the purpose of any of the activities of the Corporation;

(b) to hold inquiries and conduct studies respecting economy and efficiency in the transport service.

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(4) Nothing in subsection (3) shall apply to the carrying of passengers by road in a hiring car (within the meaning of the Motor Vehicles and Road Traffic Ordinance) adapted to carry less than six passengers and used for plying or standing for hire in a street, or to the carriage of goods by any other person for hire or reward or otherwise, but the Corporation may, in its discretion, authorise any person to operate public service vehicles of any special class or description upon such terms and conditions, including payment of any such fee therefor as may be prescribed, in any area or district where the Corporation on economic or any other grounds does not consider it suitable or expedient to operate its own service.

(5) If any person contravenes or fails to comply with the provisions of this section or with the requirements of any terms or conditions under which he is authorised to operate public service vehicles under subsection (4), he is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months and in the case of a continuing offence to a further fine of fifty dollars or to imprisonment for three months for each day on which the offence continues after conviction therefor.

Policy  
directions

9. In the exercise of its functions, powers and duties under this Act or any other enactment, the Corporation shall act in accordance with any special or general direction given to it by the Minister.

#### VESTING OF PROPERTY IN THE CORPORATION

Assets and  
liabilities of the  
Corporation

10. (1) Upon the commencement of this Act—
- (a) all land and other property of every kind including things in action, vested immediately before the commencement of this Part in the Crown in right of its Government of Trinidad and Tobago or in the Railway Board under any enactment or by any other right or title relating to—
- (i) railways;
  - (ii) road transportation service for the carriage of passengers, including the property vested in the Government

under the Motor Omnibus Concessions (Acquisition of Undertakings) Act, 1964,

No. 32—1964

is hereby vested in the Corporation;

- (b) all the rights, privileges, and advantages, and all the liabilities and obligations relating to the matters referred to in paragraph (a) that, immediately before the commencement of this Part, the Government or the Railway Board were entitled or subject to, are hereby transferred and conferred or imposed upon the Corporation for the purposes of this Act.

(2) A reference in any deed, contract, bond or security or other document to the Government or to the Railway Board in relation to its rights, titles and obligations concerning any of the matters referred to in subsection (1), shall, upon the commencement of this Act, be construed as a reference to the Corporation.

(3) Legal proceedings pending immediately before the commencement of this Part by or against the Government or the Railway Board in relation to the matters mentioned in subsection (1), may be continued on or after that day by or against the Corporation as the party to the proceedings instead of the Government or the Railway Board, as the case may be.

(4) In this section, "Railway Board" means the statutory authority in whom the management and control of the existing railway system was vested prior to the commencement of this Act.

#### MISCELLANEOUS

11. The Corporation shall, subject to the approval of the Minister pay to each member in respect of his office such remuneration and allowances, if any, as the Corporation thinks fit, and, subject to the like approval, to the Chairman and Vice-Chairman in respect of his office, such remuneration and allowances, if any, in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member, as subject to the like approval, may be so determined. <sup>Remuneration of members</sup>

Declaration  
of interest

12. (1) A member who is in any way, whether directly or indirectly interested in a contract or proposed contract with the Corporation, shall declare the nature of his interest at the first meeting of the Corporation at which it is practicable for him to do so.

(2) A member shall not take part in any deliberation or decision of the Corporation with respect to any contract or proposed contract with the Corporation in which he is in any way interested, whether directly or indirectly.

(3) This section shall not apply to—

(a) an interest in a contract or other matter which a member may have as one of a group of persons making use of any road transport facilities provided on charter by the Corporation; or

(b) to an interest in any matter relating to the terms on which the right to participate in any service provided by the Corporation is offered to the public.

(4) For the purposes of this section, a person—

(a) who, or any nominee of whom, is a shareholder or partner in a company or other body of persons (other than a statutory authority), or

(b) who is an employee thereof,

shall be treated as having indirectly a pecuniary interest in a contract or other matter, if such company or such other body of persons is a party to the contract or proposed contract or has a pecuniary interest in such other matter under consideration.

(5) Nothing in subsection (4) shall apply to any person who, but for the provisions of the said subsection (4), would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the

(5) Nothing in subsection (4) shall apply to any person who, but for the provisions of the said subsection (4), would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the total value of his shareholding or other interest does not exceed such amount of the total nominal value of the issued share capital of the company or body as the Standing Orders of the Corporation provides.

(6) A person who fails to comply with the provisions of this section, is guilty of an offence and for every offence is liable on summary conviction to a fine of two hundred and fifty dollars, unless he proves that he did not



know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

**13.** (1) Any document requiring to be executed by the Corporation shall be deemed to be duly executed— Execution of documents

- (a) if signed by the Chairman or the Vice-Chairman and the General Manager or the Secretary; or
- (b) if signed, whether within or without Trinidad and Tobago by a person or persons authorised by resolution of the Corporation so to sign; but such an extract of the resolution certified by the Chairman or Vice-Chairman and the Secretary shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money requiring to be executed by the Corporation shall be deemed to be duly executed if signed by a person or persons authorised by this Act or by resolution of the Corporation.

**14.** The Corporation shall make an annual report of its proceedings to the Minister which shall be laid before Parliament. Annual report of Corporation

## PART II

### ADMINISTRATION

#### *Personnel*

**15.** (1) The Corporation may appoint on such terms and conditions as it thinks fit, a General Manager and such other officers and staff for the purpose of managing its rail and road transportation services respectively, and such other officers and employees as may be necessary and proper for the due and efficient administration, Appointment of officers and other employees

**15.** (1) The Corporation may appoint on such terms and conditions as it thinks fit, a General Manager and such other officers and staff for the purpose of managing its rail and road transportation services respectively, and such other officers and employees as may be necessary and proper for the due and efficient administration, management and performance by the Corporation of its duties under this Act. Appointment of officers and other employees

(2) An annual salary in a sum that is equivalent to or exceeds the annual salary of nine thousand six hundred dollars or such greater amount as the Minister may prescribe shall not be assigned to any post under this section without the prior approval of the Minister.

(3) The General Manager is responsible for the carrying out of the decisions of the Corporation; and in the performance of his duties is subject to the control of the Corporation.

Transfer of  
public officers  
to Corporation

**16.** (1) An officer in the public service may, with the approval of the Minister, be transferred to the service of the Corporation, and upon such transfer shall become a member of the Pension Scheme referred to in section 18, and, if such officer's transfer becomes effective before the establishment of that Scheme, he shall become a member within one year of its establishment.

(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the Governor-General, the Corporation and the officer concerned and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved.

Transfer on  
secondment

**17.** (1) Subject to subsection (2), any officer in the public service may, with the approval of the Minister, be transferred on secondment to the service of the Corporation or from the service of the Corporation to the public service.

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the Governor-General or the Corporation, as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of the Corporation, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed three years.

other allowance for which he would have been eligible had he remained in the service of the Government or of the Corporation, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed three years.

Pension Scheme

**18.** The Corporation shall within a period of three years of its establishment, by rules confirmed by the Minister, provide for the establishment and maintenance of a Pension Scheme or Provident Fund for the benefit of the officers and employees of the Corporation.

**19.** Without prejudice to the generality of section 18, the Pension Scheme may enable the Corporation to— Content of  
Pension Scheme

- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, its employees;
- (b) establish contributory and superannuation schemes, and establish and contribute to superannuation funds for the benefit of its employees;
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependent such gratuities, pensions or allowances as are by this section authorised to be granted;
- (d) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit its employees.

**20.** Prescribed public officers and other employees of the Government in connection with the existing railway or with the road transportation service referred to in section 10 shall, where such public officers or employees are not eligible for an increase of pension under regulation 11 of the Pensions Regulations, 1938, be paid by the Government such compensation for loss of office or employment as may be prescribed, if

- (a) such employees are not employed by the Corporation or with such other persons or authority prescribed by the Governor-General within three months of the commencement of employment as may be prescribed, or
- (a) such employees are not employed by the Corporation or with such other persons or authority prescribed by the Governor-General within three months of the commencement of this section; or
- (b) in the case of public officers, do not continue to be public officers.

**21.** (1) All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Responsibility  
of officers

Corporation shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

(2) The Corporation may require any officer or servant in its service to give security to its satisfaction for the due execution of his duties.

#### FINANCIAL PROVISIONS

Financial

**22.** (1) The Corporation shall so exercise and perform its functions as to ensure that its revenues are sufficient to—

- (a) cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;
- (b) meet periodic repayment on long term indebtedness to the extent that any such repayment exceeds the provisions for depreciation;
- (c) create reserves for the purpose of future development;

and the sums required for any of the purposes of the Corporation shall be met out of the funds and resources of the Corporation.

(2) Subject to subsection (1), the Corporation may in such manner as is considered appropriate, but subject to the approval of the Minister of Finance borrow sums required by it for meeting any of its obligations and discharging any of its functions.

Funds and  
resources of  
Corporation

**23.** The funds and resources of the Corporation shall consist of—

(a) such amounts as may be appropriated therefor required by it for meeting any of its obligations and discharging any of its functions.

Funds and  
resources of  
Corporation

**23.** The funds and resources of the Corporation shall consist of—

- (a) such amounts as may be appropriated therefor by Parliament;
- (b) all sums from time to time received by or falling due to the Corporation in respect of its operations;
- (c) sums borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions; and

development,

and the sums required for any of the purposes of the

- (d) all other sums or property that may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its powers and duties.

**24.** (1) The Treasury may guarantee in such manner and on such conditions as it thinks fit the payment of the principal and interest in respect of any borrowing of the Corporation under subsection (2) of section 22. Guarantee of borrowing of Corporation

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under the provisions of this section, he shall direct the repayment out of the general assets and revenue of Trinidad and Tobago of the amount in respect of which there has been such default.

(3) The Corporation shall make to the Treasury, at such time and in such manner as the Minister of Finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rates as the Minister of Finance may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

**25.** (1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges— Application of revenue

- (a) the remuneration, fees and allowances of the members or of any committee of the Corporation;
- (b) the salaries, fees, remuneration and gratuities, (including payments for the maintenance of the Pension Fund authorised by this Act) of the officers, agents and servants, and technical and other advisers, of the Corporation;
- (c) working operations and establishment expenses and expenditure on, or provision for, the maintenance of the property of the Corporation, and the insurance of the same and the discharge of the functions of the Corporation properly chargeable to revenue account:

- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by the Corporation;
- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the payment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Corporation having regard to the amount set aside out of the revenue under paragraph (e);
- (g) any other expenditure authorised by the Corporation and properly chargeable to revenue account.

(2) The balance of the revenue of the Corporation shall be applied to the creation of reserve funds to finance future development.

Authorised  
investments

**26.** Funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation may be invested from time to time in securities approved by the Minister of Finance for investment by the Corporation.

Fares and other  
charges made by  
Corporation

**27.** (1) The fares and other charges to be charged by the Corporation for the carriage of passengers and goods and other services shall be in accordance with such fares and charges as may, from time to time, be fixed by or under this Act or any other enactment.

(2) Subsection (1) does not prevent the Corporation from charging other fares and charges by special agreement under the provisions of this Act.

Accounting of  
Corporation

**28.** (1) All decisions, orders, rules and regulations relating to the financial operations of the Corporation and authorised by this Act shall be made by resolution of the Corporation at a meeting thereof and shall be recorded in the minutes of the Corporation.

(2) The accounts of the Corporation shall be audited by the Auditor General.

(3) After the end of each financial year of the Corporation, the Corporation shall, as soon as the accounts of the Corporation have been audited, cause a copy of the statement of account to be transmitted to the Minister of Finance, together with a copy of any report made by the Auditor General on that statement or on the accounts of the Corporation.

(4) The Minister of Finance shall cause a copy of every such statement and report to be laid before Parliament.

**29.** (1) All moneys of the Corporation accruing from its operations under this Act shall be paid into the prescribed bank, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sums as the accounts officer of the Corporation may be authorised by rules of the Corporation to retain in his hands to meet petty disbursements for immediate payments. Cash deposits and payments

(2) All payments out of the funds of the Corporation except petty disbursements not exceeding such sums to be fixed by the rules, shall be made by the accounts officer, or on his behalf by any other officer appointed by the Corporation, in accordance with the rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account and bills of exchange or orders for payment of money shall be signed by the accounts officer or on his behalf by an officer appointed by the Corporation and countersigned by the Chairman of the Corporation or any member of the Corporation or any officer of the Corporation appointed by resolution of the Corporation for the purpose; and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

**30.** For the purpose of regulating and controlling its financial operations, the Corporation may with the approval of the Minister of Finance make rules in respect of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned. Rules made by the Corporation

**30.** For the purpose of regulating and controlling its financial operations, the Corporation may with the approval of the Minister of Finance make rules in respect of the following matters— Rules made by the Corporation

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which moneys of the Corporation are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;

- (c) the appointment of a member of the Corporation or an officer of the Corporation to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the accounts officer to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Corporation; and
- (f) generally as to all matters necessary for the proper keeping and control of the finances of the Corporation.

### PART III

#### RAILWAYS

Phased disposal  
of Corporation's  
railway

**31.** (1) Subject to the provisions of this Act it shall be the duty of the Corporation to dispose, within such time as is reasonably practicable, of all such property held by it for the purpose of so much of its undertaking relating to the carriage of goods and passengers by rail, as the Minister may direct.

(2) In the performance of its duties under subsection (1), the Corporation shall have due regard to the needs of any industry or community with regard to railway transport; and pending the disposal of the property mentioned in subsection (1), it shall be the duty of the Corporation to carry on the existing railway service in such manner as appears to it to be expedient for the purposes of enabling the said property to be disposed of without delay and on the best terms available and without avoidable disturbance of the transport system of the country.

Sales of rolling

**32.** (1) For the purpose of disposing of the property purposes of enabling the said property to be disposed of without delay and on the best terms available and without avoidable disturbance of the transport system of the country.

Sales of rolling  
stock and other  
property

**32.** (1) For the purpose of disposing of the property referred to in subsection (1) of section 31, the Corporation shall from time to time by public notice, invite tenders for the purchase, on specified conditions, of—

- (a) one or more specified railway engine and other rolling stock; and
  - (b) such other property, as may be specified,
- and the specified conditions may include conditions



whereby the purchaser takes over such rights and obligations of the Corporation, whether under contract or otherwise as may be specified, being rights and obligations connected with the subject matter of the purchase.

(2) In the case of each such invitation, the property which is to be the subject of the purchase, and the conditions of the purchase, shall be such as, in the opinion of the Corporation is calculated to result in the minimum inconvenience to members of the public making use of the services provided by the Corporation.

(3) The property for which persons are invited to tender shall be determined with a view to securing that the property held by the Corporation for the purpose of the existing railway system fetches in the aggregate the best possible price.

33. (1) Where the Corporation disposes of any railway engines or rolling stock under this Part and thereby reduces or discontinues its passenger traffic on some particular part of its railway system, the Corporation shall, whenever it is necessary to meet the demand for passenger transport on such part of the railway system, introduce the requisite road transport vehicles to meet such demand.

Duty of Corporation to provide alternative transport

(2) Nothing in subsection (1) shall be construed as requiring the Corporation to introduce any road transport vehicles to meet such demand if there is at any time after such reduction or discontinuance of its said passenger traffic a sufficient passenger transportation service, provided by way of public service vehicles to meet such demand.

34. (1) The Corporation shall, within thirty days of the disposal of any property of which the Corporation is authorised to dispose by subsection (1) of section 31, as well as upon receipt of the purchase price or any instalment thereof, submit to the Minister of Finance particulars of

Disposal of proceeds of sale of property

34. (1) The Corporation shall, within thirty days of the disposal of any property of which the Corporation is authorised to dispose by subsection (1) of section 31, as well as upon receipt of the purchase price or any instalment thereof, submit to the Minister of Finance particulars of the conditions on which the property was disposed of, as well as a statement of account respecting the payment therefor, respectively.

Disposal of proceeds of sale of property

(2) The proceeds of the sale or disposal (including every instalment in respect of the property) less any expenses properly incurred and disbursed shall be paid, upon submitting the statements of accounts required by subsection (1), into the Consolidated Fund.

Power of Corporation to agree to construct highways on its property

35. (1) Subject to this section the Corporation and a highway authority may agree that any part of the existing railway system being land the property of the Corporation may, upon such terms as may be agreed, be used for the purpose of the construction of a public highway.

(2) Where it is proposed that the highway with respect to the construction of which the Corporation and a highway authority propose to make an agreement under this section is to continue into the district of another highway authority, the agreement shall not be made without the consent of that other highway authority who may give their consent upon such terms as they think fit, save that such a highway authority shall not unreasonably refuse to enter into an agreement for the purposes of this section or insist unreasonably upon terms unacceptable to the other parties, and any question arising under this section as to whether or not such a highway authority is acting unreasonably shall be referred to the Minister to whom responsibility for the subject of Roads is assigned, and the Minister may himself refer the matter to the Governor-General whose decision shall be final.

(3) In this section "highway authority" means, in the case of a highway or part thereof that will become maintainable at public expense, the Chief Technical Officer (Works), and in any other case, the authority or person in whom the highway will become vested or who will become responsible for the maintenance thereof, or if no authority or person will become responsible therefor, the owners of the soil of the highway, and "land" includes any interest or part thereof in land and any easement or right in, to or over, land.

(4) For the purposes of subsection (3), the expression "highway or part thereof that will become maintainable at public expense" means that the highway will become so maintainable at the expense of the public generally and not at the expense of a particular portion of the public, whether the expense will be met wholly or partly out of public funds or otherwise; and a highway or part thereof in any other case shall be held to continue so to be, notwithstanding that the expense of the maintenance thereof will be met wholly or partly out of public funds or otherwise.

## PART IV

## GENERAL AND MISCELLANEOUS

**36.** (1) Subject to subsection (2), and to the provisions of section 37, the Corporation may, on the sale of a ticket or the making of any contract, restrict or otherwise limit its liability for negligence or any other wrongful act or omission or its liability for breach of contract in any way whatsoever arising.

Presumption  
as to power to  
make, certain  
conditions

(2) Notwithstanding any rule of law to the contrary, but subject to section 37, in any proceedings upon the sale of a ticket or the making of a contract with the Corporation for the carriage of passengers or goods or of both such passengers and goods, or for the storage or consignment of goods, it shall be held to be sufficient notice of the terms and conditions thereof, if it is proved that the Corporation, before the sale of the ticket or the making of the contract—

- (a) published, in at least one newspaper circulating in Trinidad and Tobago, notice of the terms and conditions on which the sale of tickets or other contracts with it, may be made; and
- (b) affixed a copy of such notice to a conspicuous place at its head office or on any vehicle or place where the ticket was sold or the contract was made.

**37.** A contract for the conveyance of passengers in any public service vehicle shall, so far as it purports to negative or restrict the liability of a person in respect of a claim which may be made against him in respect of the death or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

Avoidance of  
certain contracts

**38.** (1) Subject to the provisions of sections 39 to 41, it shall not be lawful for the Corporation or any other person to use or, cause or permit any other person to use, a motor vehicle, the property of the Corporation, on a road unless there is in force in relation to the user of the vehicle by the Corporation or that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of sections 39 to 41.

Corporation to  
be insured or  
secured against  
third-party  
risks

(2) If a person acts in contravention of this section, he is liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months, or to both such fine and such imprisonment.

(3) A person charged with using a motor vehicle in contravention of this section shall not be convicted if he proves that he was using the vehicle in the course of his employment and that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as is mentioned in subsection (1) of this section.

(4) Where the Corporation is convicted of an offence against this section, every person who at the time of commission of the offence was a member or General Manager or Secretary of the Corporation shall be deemed to be guilty of that offence unless he proves that he exercised all due diligence to prevent the commission of the offence.

Requirements in  
respect of policies  
of insurance

**39.** (1) In order to comply with the requirements of this section and section 40, a policy of insurance must satisfy the following conditions.

(2) The policy must be issued by an authorised insurer, that is to say, a person or body of persons carrying on motor vehicle insurance business in Trinidad and Tobago.

(3) The policy—

(a) must insure the Corporation in respect of any liability which may be incurred by it in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vehicle on a road;

(b) must also insure it in respect of any liability which may be incurred by it under the provisions of section 41 relating to payment for ~~navany which may be incurred by it in respect~~ of the death of or bodily injury to any person caused by, or arising out of, the use of the vehicle on a road;

(b) must also insure it in respect of any liability which may be incurred by it under the provisions of section 41 relating to payment for emergency treatment;

(c) must cover liability in respect of the death of, or bodily injury to, persons being carried in or upon, or entering or getting on to or alighting from, the vehicle at the time of the occurrence of the event out of which the claims arise; and

- (d) must cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of the Corporation or of bodily injury sustained by such a person arising out of and in the course of his employment.

**40.** (1) In order to comply with the requirements of this section and section 39, a security must satisfy the following conditions. Requirements in respect of securities

(2) The security must be given either by an authorised insurer or by some body of persons which carries on in Trinidad and Tobago the business of giving securities of a like kind and has deposited and keeps deposited with the Treasury the sum of forty-eight thousand dollars in respect of that business.

(3) The security must consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount of not less than one hundred thousand dollars, any failure by the Corporation duly to discharge any liability which may be incurred by it, being a liability required under the last foregoing section to be covered by a policy of assurance.

**41.** (1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle, the property of the Corporation, on a road, and the treatment or examination so required (in this section and section 39 referred to as "emergency treatment") is effected by a legally qualified medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with regulations made by the Minister, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected— Payment for emergency treatment or traffic casualties

- (a) the prescribed fee in respect of each person in whose case the emergency treatment is effected by him; and
- (b) such sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned

to the place where the emergency treatment is carried out by him and to return to the first-mentioned place, as is prescribed.

(2) Where emergency treatment is first effected in a hospital, the provisions of the foregoing subsection with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of any regulations made by the Minister, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.

(3) Liability incurred under this section by the Corporation shall, where the event out of which it arose, was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damages by reason of that wrongful act as damage sustained by the Corporation.

Recovery of fares, charges and impositions, &c.

42. Any sum that the Corporation is entitled to recover for fares, charges or impositions may be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

Regulations

43. (1) The Minister may make regulations for the purpose of carrying this Act into effect, including prescribing anything required by this Act to be prescribed, as well as, subject to any other enactment, prescribing the scale of fares and charges exigible by the Corporation in respect of its services.

(2) Such regulations may contain provisions for imposing on any person contravening the regulations, a fine, recoverable on summary conviction of two hundred and fifty dollars in respect of each offence and, in the case of a continuing offence, a further fine of twenty-five dollars for each day during which the offence continues after conviction therefor.

Legal proceedings

44. Legal proceedings may, in any court of summary jurisdiction be conducted on behalf of the Corporation—

(a) by the Secretary or the General Manager;

(b) by any other officer of the Corporation authorised so to do by resolution of the Corporation, a

copy of which purporting to be certified under the hand of the Secretary shall be sufficient evidence of the contents thereof.

45. (1) Notwithstanding any rule of law to the contrary, the Governor-General may by Order exempt the Corporation in whole or in part from the payment of any tax imposed by or under any enactment. Exemption  
from taxes

(2) In this section "tax" includes assessments, fees, charges, imposition and such other levies as form part or are intended to form part of the general revenue.

46. The Governor-General may by Order, subject to negative resolution of Parliament, make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving effect— Transitional

(a) to the transfer by section 10 of any property, rights and liabilities, including the subrogation of the Corporation to any such rights of the Government and the transfer to the Corporation of any such liabilities of the Government in connection with the property acquired by the Government under the Motor Omnibus Concessions (Acquisition of Undertakings) Act, No. 32—1964 1964; and

(b) to the transfer by section 10 of any rights, privileges and advantages and any liabilities and obligations on the Corporation for the purposes of this Act.

47. The enactments specified in the first column of the Schedule shall have effect subject to the amendments respectively specified in relation thereto in the second column of the Schedule. Ordinances  
amended  
  
Schedule

48. This Act shall come into operation on a date to be fixed by proclamation of the Governor-General published in the *Gazette*. Commencement

## SCHEDULE

(Section 47)

## AMENDMENTS TO ENACTMENTS

<i>First Column</i>	<i>Second Column</i>
1. The Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3.	<p>A. In subsection (2) of section 3 thereof:—</p> <p>(i) by substituting for the words “on all matters appertaining to road and railway transport and traffic” occurring in the second and third lines thereof, the words “on all matters appertaining to road traffic”; and</p> <p>(ii) by repealing paragraph (a), and renumbering paragraphs (b) to (g) thereof as paragraphs (a) to (f) respectively.</p> <p>B. By adding at the end of paragraph (a) of subsection (2) of section 9 thereof the words “or the Corporation established under the Public Transport Service Act, 1965.”</p> <p>C. By repealing section 44D thereof.</p> <p>D. By deleting paragraph (r) of subsection (1) of section 77 thereof.</p> <p>E. By inserting the following sections immediately after section 77 thereof:</p> <p style="margin-left: 2em;"><small>Regulation of conduct of drivers and conductors.</small> “77A. (1) Regulations may make provision as to the conduct of persons licensed to act as drivers or conductors of public service vehicles when acting as such.</p> <p style="margin-left: 4em;">(2) If a person to whom regulations having effect by virtue of this section apply, contravenes or fails to comply with, any of the provisions of the regulations, he is liable to a fine of fifty dollars and the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under section 58.</p> <p style="margin-left: 4em;">(3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, is liable to a fine of two hundred and fifty dollars, or in the case of a second or subsequent conviction to a fine of five hundred dollars or to imprisonment for three months.</p>



## SCHEDULE—Continued

## AMENDMENTS TO ENACTMENTS—Continued

## First Column

Regulation of  
conduct of  
passengers.

## Second Column

77B. (1) Regulations may make provision generally as to the conduct of passengers in public service vehicles and in particular for:—

- (a) authorising the removal from a public service vehicle of a person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by a police constable;
- (b) requiring a passenger in a public service vehicle who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a police constable or to the driver or conductor on demand;
- (c) requiring a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of that journey and to accept any ticket provided therefor;
- (d) requiring on demand being made for the purpose by the driver or conductor or other person authorised by the Corporation established under the Public Transport Service Act, 1965 production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;
- (e) requiring a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;
- (e) requiring a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;
- (f) requiring the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of

## SCHEDULE—Continued

## AMENDMENTS TO ENACTMENTS—Continued

*First Column**Second Column*Control of  
number of  
passengers.

this section, he is liable to a fine of twenty-five dollars.

77c. (1) Regulations may make provision with respect to public service vehicles providing for :—

- (a) the determination by or under the regulations of the number of the seated passengers and standing passengers respectively whom a vehicle is constructed or adapted and fit to carry;
- (b) the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;
- (c) the marks to be carried on a vehicle showing the number aforesaid and the manner in which those marks are to be carried.

(2) If a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he is liable to a fine of two hundred and fifty dollars.

Control of  
bus Termi-  
nals and  
Coach  
Stations

77d. (1) Regulations may make provision generally as to the conduct of persons using a station and in particular :—

- (a) for appointing any place, being the property of the Corporation or being part of a road, a station for public service vehicles;
- (b) in the case of a road, for authorising the Corporation to do all things as are necessary to adapt the station for use as such, and the property of the Corporation or being part of a road, a station for public service vehicles;
- (b) in the case of a road, for authorising the Corporation to do all things as are necessary to adapt the station for use as such, and in particular to provide and maintain waiting rooms, ticket offices, refreshment places and lavatories and other similar accommodation in connection therewith;
- (c) for authorising the Corporation to make reasonable charges for

regulations having effect by virtue of this section, he is liable to a fine of two

SCHEDULE—Continued

AMENDMENTS TO ENACTMENTS—Continued

First Column

Second Column

the use of, let on hire to any person, any accommodation so provided; and

(d) for the use of any such accommodation.

(2) In this section "Corporation" means the Corporation established under the Public Transport Service Act, 1965, and "station" includes bus stops and coach stations and terminals that may be used by public service vehicles the property of the Corporation as parking places.

"Offences in connection with regulations

77E. Regulations may contain provisions for imposing on any person contravening the regulations, a fine recoverable on summary conviction of two hundred and fifty dollars or imprisonment for three months for each offence;

77F. In sections 77A to 77E "regulations" means regulations made by the Minister to whom responsibility for the subject of Passenger Transport is assigned."

F. By repealing section 79 thereof.

2. The Motor Vehicles Insurance (Third Party Risks) Ordinance, Ch. 16. No. 4.

A. By substituting for the words "but does not include tram cars" occurring at the end of the definition of "motor omnibus" in section 2 thereof, the words "but does not include any motor vehicle, the property of the Corporation established under the Public Transport Service Act, 1965".

B. By repealing and replacing subsection (5) of section 3 as follows:

Ordinance, Ch. 16. No. 4.

thereof, the words "but does not include any motor vehicle, the property of the Corporation established under the Public Transport Service Act, 1965".

B. By repealing and replacing subsection (5) of section 3 as follows:

"(5) Nothing in this Ordinance shall apply to any public service vehicle the property of the Corporation established under the Public Transport Service Act, 1965."

3. The Railway Ordinance, Ch. 17. No. 1.

A. In section 2 thereof—

(i) by inserting in alphabetical order the following definition:

## SCHEDULE—Continued

## AMENDMENTS TO ENACTMENTS—Continued

*First Column**Second Column*

“Corporation” means the Public Transport Service established under the Public Transport Service Act, 1965”;

- (ii) by deleting the definition of “officer” occurring therein;
- (iii) by renumbering the section as section 2 (1) and by adding thereto the following subsection:

“(2) In this Ordinance, a reference to the Railway Department or to the Railway Board or to the Board shall be read as a reference to the Corporation.”

- B. By repealing sections 3 to 25, sections 32 to 34 and section 55 thereof.
- C. In section 35 thereof by substituting for the words “by an action at law in the name of the General Manager” occurring at the end thereof, the words “by action”.
- D. In section 56 thereof by substituting for the words “No such action as in the last preceding section mentioned” the words “No action for any loss, damage or injury by reason of any illegal, negligent, unauthorised or improper act, omission, neglect or default of any person employed by the Corporation or by reason of any breach of contract by any such person or by the Government in respect of the railway.”

Passed in the House of Representatives this 22nd day of April, 1965.

J. E. CARTER

*Acting Clerk of the House of Representatives*

Passed in the House of Representatives this 22nd day of April, 1965.

J. E. CARTER

*Acting Clerk of the House of Representatives*

Passed in the Senate this 4th day of May, 1965.

A. B. MATABAR

*Acting Clerk of the Senate*