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

This Bill contains 9 clauses.

Clause 1 provides for the short title.

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

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

Clause 4 seeks to amend section 3A to replace reference to the Grenada Transport Board with reference to the Grenada Transport Authority and to specify that the appropriate Permanent Secretary is the Permanent Secretary with responsibility for Transport.

Clause 5 seeks to amend section 3B to replace reference to the Grenada Transport Board with reference to the Grenada Transport Authority.

Clause 6 seeks to amend section 4B to specify that the appropriate Permanent Secretary is the Permanent Secretary with responsibility for Transport.

Clause 7 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 8 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 9 seeks to amend Road Traffic (Bus Routes) Regulations, Chapter 289A to replace reference to the Grenada Transport Board with reference to the Grenada Transport Authority.

Darshan Ramdhani
ATTORNEY-GENERAL
ROAD TRAFFIC (AMENDMENT) BILL, 2020

ARRANGEMENT OF CLAUSES

1. Short title

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

3. Repeal of section 3 of principal Act

4. Amendment of section 3A of principal Act

5. Amendment of section 3B

6. Amendment of section 4A of principal Act

7. Amendment of section 14 of principal Act

8. Amendment of section 77D of principal Act

9. Amendment of the Road Traffic (Bus Routes) Regulations
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”.

Insertion of new sections 2A to 2G to principal Act
2. (1) The principal Act is amended by repealing section 3 and substituting therefor the following new sections—

“Establishment and functions of the Grenada Transport Authority
2A. (1) There is hereby established the Grenada Transport Authority 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 Authority 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 traffic (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) any other matter affecting traffic or transport that the Minister may refer to the Grenada Transport Authority;

(g) regulating road transport;

(h) standards to be prescribed for vehicles to be used in public, commercial and private transportation;

(i) regulation of public transport infrastructure, including car park facilities, terminal facilities, bus-stops and round about facilities;

(j) measures for controlling public, private and commercial transportation and establishing conditions under which they may operate.

(3) The Grenada Transport Authority shall hear and determine any appeal submitted by any aggrieved person against any order or decision of the Licensing Authority, or of a Licensing Officer, and the Grenada Transport Authority’s decision shall be final and conclusive.

(4) With the exception of a decision made for the purposes of subsection (3), where a person is aggrieved against any order or decision of the Grenada Transport Authority, the aggrieved person may submit an appeal to the Minister for consideration by an appeals tribunal.

(5) Where the Minister received an appeal under subsection (4), 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.

**Grenada Transport Board**

2B. (1) The affairs of the Grenada Transport Authority shall be managed by a Board consisting of seven members appointed by the Minister from among persons with knowledge and experience in management of transport and traffic including—

(a) engineering;

(b) transport policy and management; and

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

**Tenure of members of the Grenada Transport 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, in the case of the Chairperson without leave granted by the Minister and in the case of a member without leave granted by the Chairperson, from three consecutive meetings of the Board; 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 (4), 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 Grenada Transport 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 Director 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.

Director and Staff of the Grenada Transport Authority

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

(2) The Director shall be responsible for the management of the affairs of the Grenada Transport Authority 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 Authority under this Act, including traffic wardens appointed under section 3B.

(4) An employee of the Grenada Transport Authority shall be under the administrative control of the Director for the Grenada Transport Authority.

(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 Authority 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 Authority**

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

(a) moneys appropriated for the purposes of the Grenada Transport Authority by Parliament;

(b) grants made to the Grenada Transport Authority by any other body;

(c) any other funds as may lawfully accrue to the Grenada Transport Authority.

(2) The Grenada Transport Authority 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 Authority shall be the same as the financial year of the Government.

(4) The books and accounts of the Grenada Transport Authority 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 Authority.

**Annual reports of the Grenada Transport Authority**

2G. (1) The Director 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 Authority for that year.

(2) Subject to subsection (1), an annual report shall include a copy of the audited accounts of the Grenada Transport Authority 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 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 Authority and may be enforced by and against the Grenada Transport Authority 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 Authority.

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

(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 Authority 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 Authority.

**Repeal of section 3 of principal Act**

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

**Amendment of section 3A of principal Act**

4. 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 Authority”;

   (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”.

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Amendment of section 3B
5. Section 3B of the principal Act is amended by deleting the words “Grenada Transport Board” and substituting therefor the words “Grenada Transport Authority” wherever they appear.

Amendment of section 4A of principal Act
6. 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
7. Section 14 of the principal Act is amended in subsection (3) by inserting the words “or his or her nominee” after the words “in consultation with the Chief Technical Officer”.

Amendment of section 77D of principal Act
8. 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
9. The Road Traffic (Bus Routes) Regulations, Chapter 289A is amended by deleting the word “Board” and substituting therefor the words “Grenada Transport Authority” wherever it appears.

Passed by the House of Representatives this day of , 2020.

Passed by the Senate this day of , 2020.