

**Bus Services Licensing Authority Act
(CHAPTER 31)**

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BUS SERVICES LICENSING AUTHORITY ACT

(CHAPTER 31)

(Original Enactment: Act 5 of 1971)

REVISED EDITION 1985

(30th March 1987)

An Act relating to the licensing of bus services.

[1st March 1971]

Short Title

1. This Act may be cited as the Bus Services Licensing Authority Act.

Interpretation

2. In this Act, unless the context otherwise requires —
“affairs”, in relation to a licensee, includes —
 - (a) the promotion, formation, membership, control, trading, dealings, business and property of the licensee;
 - (b) the ownership of shares in, debentures of and interests made available by the licensee;
 - (c) the ascertainment of the persons who are or have been financially interested in the success or failure or apparent success or failure of the licensee or are or have been able to control or materially to influence the policy of the licensee; and
 - (d) the circumstances under which a person acquired or disposed of or became entitled to acquire or dispose of shares in, debentures of or interests made available by the licensee;

“Authority” means the Bus Services Licensing Authority established under section 3;

“bus” means a public service vehicle used for the conveyance of passengers on scheduled services and in which the passengers are charged separate and distinct fares;

“licensee” means a person to whom a bus service licence has been granted under this Act and includes any company which an inspector appointed under this Act thinks necessary to investigate the affairs of the company pursuant to section 11(1);

“officer or agent”, in relation to a licensee, includes —

- (a) a director, banker, solicitor or auditor of the licensee;
- (b) a person who at any time —
 - (i) has been a person referred to in paragraph (a); or
 - (ii) has been otherwise employed or appointed by the licensee;
- (c) a person who —
 - (i) has in his possession any property of the licensee;
 - (ii) is indebted to the licensee; or
 - (iii) is capable of giving information concerning the promotion, formation, trading, dealings, affairs or property of the licensee; and
- (d) where there are reasonable grounds for suspecting or believing that a person is a person referred to in paragraph (c), that person.

[27/73]

Establishment of Bus Services Licensing Authority

3.—(1) There shall be an Authority to be called the Bus Services Licensing Authority which shall consist of such persons, not exceeding 7 in number, as may be appointed by the Minister.

[21/78]

(2) Every person appointed under subsection (1) shall hold office for the period specified in his appointment.

(3) The Minister shall appoint one of the persons appointed under subsection (1) to be the chairman of the Authority.

(4) If any vacancy occurs by death, resignation or otherwise the Minister may appoint a person to fill such vacancy and any person so appointed shall hold office for so long as the person in whose place he is appointed would have held office.

(5) The Minister shall appoint a person to be the secretary of the Authority.

(6) Subject to the provisions of this Act and any regulations made thereunder, the Authority may regulate its own procedure.

(7) The Minister may at any time remove any person appointed under this section without assigning any reason therefor.

Directions by Minister

4. The Minister may from time to time give to the Authority such general directions not inconsistent with the provisions of this Act as he may think fit and the Authority shall comply with all such directions.

Bus service licences

5.—(1) Subject to the provisions of this Act, the Authority may, in its discretion, grant to any person applying therefor a licence (referred to in this Act as a bus service licence) to provide a bus service upon the route or routes therein specified, and irrespectively of whether or not any such route or any part thereof is specified in any other bus service licence.

(2) A bus service licence shall be for a period not exceeding 3 years and the fee to be paid therefor by the person to whom any such licence is granted shall be in accordance with a scale of fees to be prescribed by the Minister.

(3) All fees received by the Authority under subsection (2) shall be paid into the Consolidated Fund.

(4) From and after the grant of a bus service licence under this section no bus, other than the buses of the licensee, shall ply for hire along any route specified in the licence.

Matters to be considered by Authority

6. In exercising its discretion to grant or refuse a bus service licence in respect of any route or routes and its discretion to attach conditions to any such licence, the Authority shall generally have regard to —

- (a) the financial standing of the applicant and his ability to maintain an adequate, satisfactory and efficient service and, if the applicant is a company, the fact that its articles of association contain provisions to ensure that its board of directors shall at all times consist only of persons

- approved by the Authority;
- (b) the suitability of the route or routes on which a service is to be provided under the licence;
 - (c) the extent, if any, to which the needs of the proposed route or routes are already adequately and satisfactorily served by existing transport facilities;
 - (d) the extent to which the proposed service is necessary or desirable in the public interest; and
 - (e) the needs of the area as a whole in relation to traffic (including the provision of adequate, safe, suitable and efficient services, the elimination of unnecessary or unsatisfactory services and the provision of unremunerative services) and the co-ordination of all forms of passenger transport.

[21/78]

Notice to grant licence

7.—(1) Before granting a bus service licence under this Act, the Authority shall give notice in the *Gazette* and in not less than two newspapers, one of which shall be in the vernacular language, inviting applications to run a bus service, and may require such costs as are incidental to the licence to be paid by the licensee.

(2) Every such notice shall specify the route or routes in respect of which the licence is to be granted and shall state that the licence may be granted after the expiry of one month from the date of publication of the notice.

(3) Any representation made following upon any notice given in accordance with this section by persons who are already providing transport facilities along or near to such route or routes or any part thereof shall be taken into consideration by the Authority.

(4) Nothing in this section shall apply to renewals of licences previously granted or to the granting of a temporary bus service licence for a period not exceeding one month.

Conditions of licence

8. In granting a bus service licence, the Authority may impose such conditions as it thinks fit, and may, in particular, impose conditions relating to —

- (a) the timetable of the bus service and the number of buses to be provided;
- (b) the carrying and availability for inspection in vehicles used on the bus service of copies of the timetable and fare-table;
- (c) the taking up and setting down of passengers at specified points;