



BERMUDA

PUBLIC TRANSPORTATION ACT 1951

1951 : 86

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[preamble and words of enactment omitted]

[NB Formerly the Public Transportation Board Act 1951. Short title amended by 2006:18 s.2 effective 1 April 2007]

Interpretation

1 (1) In this Act—

“bus-stop” has the meaning assigned to it by section 6;

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“Department” means the Department of Public Transportation;

“Director” means the Director of the Department of Public Transportation;

“Government omnibus” means an omnibus operated under the authority of this Act by or on behalf of the Government of Bermuda;

“the Minister” means the Minister of Transport;

“omnibus” means an omnibus within the meaning of the Motor Car Act 1951 [*title 21 item 4*]

“the Public Transportation Board” or “the Board” means the Public Transportation Board established under this Act.

(2) Nothing in this Act shall be construed so as to derogate or abridge any provision of the Road Traffic Act 1947 [*title 21 item 3*], or of the Motor Car Act 1951.

[*Section 1 “Department” and “Director” inserted by 2006:18 s.3 effective 1 April 2007*]

Public Transportation Board established

2 (1) For the purposes of this Act there shall be established a board of persons to be called the Public Transportation Board who, subject to any general directions given by the Minister under section 4, shall have the power to discharge the duties conferred or imposed upon the Public Transportation Board by or under this or any other Act.

(2) The Board shall consist of not less than five and not more than eleven persons, each of whom shall be appointed by the Minister and shall hold office during the Minister’s pleasure.

(3) [*Repealed by 2006:18*]

(4) There shall be a Chairman and a Deputy Chairman of the Board each of whom shall be appointed by the Minister from among the members of the Board and shall hold office (as such) during the Minister’s pleasure.

(5) If at any meeting of the Board the Chairman is absent, the Deputy Chairman shall preside over that meeting, and if both the Chairman and Deputy Chairman are absent the members present shall elect one of their number to act as chairman at that meeting.

(6) A moiety or majority of the members of the Board in Bermuda at the date of any meeting shall form a quorum thereat.

(7) Every question or matter to be determined by the Board at any meeting shall be decided by a majority of the votes of the members present and voting on the question or matter:

Provided that in the event of an equal division of votes the chairman of the meeting may, if he thinks fit, give a second or casting vote.

(8) Subject to the foregoing provisions of this section, the Board shall have the power to regulate their own procedure.

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(9) Fees shall be paid to members of the Board in accordance with the provisions of the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

(10) [*repealed*]

[*Section 2 subsections (1), (2), (4), (5), (7) and (9) amended, subsections (3) and (10) repealed, by 2006:18 s.4 effective 1 April 2007*]

Appointment of officers

3 Appointment of officers of the Department of Public Transportation shall be subject to section 82 of the Constitution.

[*Section 3 substituted by 2006:18 s.5 effective 1 April 2007*]

Minister may give general directions to Board

4 (1) The Minister may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of their functions in relation to matters which appear to him to affect the public interest, and the Board shall give effect to such directions.

(2) The Board shall furnish the Minister with such returns, accounts and other information with respect to the exercise and performance by them of their functions as he may from time to time require.

(3) Without prejudice to subsection (2), the Board shall, as soon as possible after the end of each financial year of the Board, make to the Minister a report on the exercise and performance by them of their functions during the then last preceding financial year and on their policy and programme, and the Minister shall lay a copy of every such report before each House of the Legislature.

(4) The report for any year made under subsection (3) shall set out any directions given by the Minister during the year.

[*Section 4 subsection (4) substituted by 2006:18 s.6 effective 1 April 2007*]

Operation of Government bus services

5 (1) The Director of the Department of Public Transportation shall be charged with the duty of operating on the roads of Bermuda omnibuses owned by, or for the time being in the possession or under the control of, the Government and shall have the control and management of all matters connected with the operation of such omnibuses.

(2) The Director shall, after consultation with the Board, institute and maintain such omnibus services as appear to him to be desirable for providing means of public transportation within Bermuda.

(3) The Director may, after consultation with the Board, operate Government omnibuses for purposes other than the provision of public transport, and, in connection

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with the operation of Government omnibuses for any such purposes, the Board may make such charges for each passenger carried thereon, as it may consider appropriate.

[Section 5 subsection (1) amended, and subsections (2) and (3) substituted, by 2006:18 s.7 effective 1 April 2007]

5A *[Section 5A repealed by 2006:18 s.8 effective 1 April 2007]*

5B *[Section 5B repealed by 2006:18 s.8 effective 1 April 2007]*

Department to meet expenses out of revenue

5C So far as is practicable, the Director shall administer the Department of Public Transportation and the Board shall levy such rents, fees, fares and other charges for services rendered by the Department as, together with such funds as may be appropriated by the Legislature for the purposes of public transportation, will result in the revenue of the Department being sufficient, to meet the expenditure and liabilities of the Department including allocations to reserve for replacement of plant and provision for depreciation of assets.

[Section 5C substituted by 2006:18 s.9 effective 1 April 2007]

Bus-stops

6 (1) The Board may designate places on omnibus routes (which places are hereinafter in this Act referred to as “bus-stops”) as stopping places for Government omnibuses:

Provided that with respect to the location of bus-stops outside a municipal area the Board shall consult with the Minister and with respect to the location of bus-stops within a municipal area the Board shall consult with the appropriate municipal corporation.

(2) The Board may place, erect or mark, on any land at or near any bus-stop, notices for indicating the position of the bus-stop and for giving information of use or interest to persons with respect to omnibus services maintained by the Board or with respect to places in the vicinity of the bus-stop.

(3) The Board may by notification in writing require the owner or occupier of any land to cut branches of trees or cut or remove any vegetation which obscures or is likely to damage any notice placed, erected or marked by the Board under the authority of this section; and if any person fails, within the time specified in the notification, to comply with any such requirement, the Board, or any person duly authorized by them in that behalf, may carry out such cutting or removal as aforesaid.

(4) Any officer of the Department of Public Transportation, or other person duly authorized by the Board in that behalf, may enter on any land near to or adjoining a bus-stop—

- (a) for the purpose of exercising any power conferred upon the Board by the foregoing provisions of this section;

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- (b) for the purpose of replacing, repairing or maintaining any notice which has been removed, damaged or defaced, being a notice which has been placed, erected, or marked, under the authority of this section:

Provided that, when practicable, the Board shall give the owner or occupier of the land not less than three days' notice of their intention for any person to exercise the power of entry conferred upon him by this subsection.

(5) In this section "municipal corporation" means the Corporation of Hamilton or the Corporation of St. George's; and "municipal" shall be construed accordingly.

[Section 6 subsection (4) amended by 2006:18 s.10 effective 1 April 2007]

Board may advertise inside Government buses

7 Notwithstanding anything in any Act or provision of law but subject to any general or special directions given to the Board by the Minister, it shall be lawful for the Board to exhibit advertisements inside any Government omnibus.

Board to publish timetables

8 The Board shall cause to be published from time to time in the Gazette and in at least one other newspaper—

- (a) tables of the fares, dues and charges levied by the Board in respect of omnibus services maintained by the Board;
- (b) time-tables of such omnibus services;
- (c) particulars of any alterations in any such table or timetable as aforesaid;

and shall from time to time cause such tables and time-tables as aforesaid to be printed in convenient form, and shall supply printed copies of such tables and time-tables free of charge to persons applying therefor.

Minister may make regulations

9 The Minister may, after consultation with the Board, make regulations for administering the provisions of this Act and for giving effect to its purposes; and without prejudice to the generality of the power conferred upon the Minister by the foregoing provisions of this section, the Minister may make regulations—

- (a) for prescribing the conditions under which Government omnibuses may ply for hire or be made available for hire;
- (b) for prescribing the fares that may be charged for the carriage of passengers and their luggage or other articles, or animals belonging to passengers, in Government omnibuses;
- (c) with respect to the safe custody and re-delivery or disposal of any property accidentally left in Government omnibuses and for fixing the charges to be made in respect thereof;

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- (d) for regulating the conduct of persons carried as passengers in Government omnibuses;
- (e) for regulating the conduct of persons who are waiting at bus-stops to board Government omnibuses.

[Section 9 amended by 2006:18 s.11 effective 1 April 2007]

Offences under regulations

10 Regulations made under this Act may provide for the punishment of persons guilty of offences against the regulations so, however, that any such punishment shall be a fine not less than \$150 and not exceeding \$2,500.

[Section 10 amended by 2011 : 27 s. 2 effective 30 November 2011]

Parliamentary scrutiny of regulations

11 (1) The negative resolution procedure shall apply to regulations made under section 9 other than those made under section 9(b) which shall be subject to affirmative resolution procedure.

(2) Regulations made by the Minister under this Act shall not be inconsistent with any provision of this Act or of the Road Traffic Act 1947 [*title 21 item 3*], or of the Motor Car Act 1951 [*title 21 item 4*], or of any regulations made under that Act.

(3) *[omitted] [covered by Interpretation Act 1951 section 35]*

[Section 11 subsection (2) amended by 2006:18 s.12 effective 1 April 2007]

Damage to signs at bus-stops

12 Any person, other than a person authorized by the Board to do so, who wilfully removes, damages, defaces or obscures any notice placed, erected or marked under the authority of section 6, commits an offence against this Act:

Punishment on summary conviction: a fine of \$420.

Offences against regulations

13 (1) Any person who contravenes any regulation made under this Act, or any order, direction or requirement lawfully given or imposed under the authority of any such regulation, commits an offence against that regulation:

Provided that where a person engaged or employed in the administration of the provisions of any such regulation omits to perform any duty imposed on him as such by that regulation the omission shall not constitute an offence against the regulation.

(2) Offences against regulations made under this Act shall be prosecuted before a court of summary jurisdiction.

Transitional

14 *[omitted]*

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[Assent Date: 21 July 1951]

[The Act, originally of limited duration, was continued in force indefinitely by 1962:130]

[The Act was brought into operation on 28 July 1951 by notice published in Gazette No. 30 of 1951]

[Amended by:

1951 : 93
1952 : 11
1967 : 48
1968 : 222
1970 : 114
1971 : 43
1976 : 51
1977 : 35
2006 : 18
2011 : 27]