



ST. CHRISTOPHER AND NEVIS

CHAPTER 6.15 (N)

NEVIS TAXI AND TOUR BUS OPERATORS ORDINANCE

Revised Edition

showing the law as at 31 December 2020

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

NEVIS TAXI AND TOUR BUS OPERATORS ORDINANCE

Ordinance 1 of 2012 ... in force 19th February 2019 (S.R.O. 1/2019)

Amended by: Ordinance 3 of 2019

Page

3

This booklet is published in
2020
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,
on behalf of the Government of Saint Christopher and Nevis

By
The Regional Law Revision Centre Inc.
P.O. Box 1626, 5 Mar Building,
The Valley, AI-2640, Anguilla

Available for purchase from—

Attorney General's Chambers
Government Headquarters, P.O.Box 164,
Church Street, Basseterre, St.Kitts, West Indies

Tel: (869) 465-2521
Ext. 1013
Tel: (869) 465-2127
Fax: (869) 465-5040
Email: attorneygeneral@gov.kn

Printed on the authority and on behalf of the Government of Saint Christopher and Nevis

CHAPTER 6.15 (N)

NEVIS TAXI AND TOUR BUS OPERATORS ORDINANCE

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Application of this Ordinance

PART II

REGULATION OF TAXI AND TOUR BUS SERVICES

4. Prescribed areas
5. Application for permit
6. Qualification for a permit
7. Issue of permit
8. Obligations of the operator
9. Permit
10. Permit not transferable
11. Renewal of permit
12. Refusal to grant permit
13. Suspension of permit
14. Revocation of permit
15. Permitted taxi and tour bus
16. Taxi and tour bus fares
17. The Association
18. Code of conduct
19. Taxi operations
20. Passenger seating
21. Vehicle standards
22. Nevis Taxi Regulatory Committee

PART III

MISCELLANEOUS

23. Powers of the Minister
24. Register
25. Concessions and Incentives
26. Training and certification
27. Dispatchers
28. Inspectors
29. Regulations

- 30. Offences
 - SCHEDULE: Prescribed Taxi Areas

ISLAND OF NEVIS

CHAPTER 6.15 (N)

NEVIS TAXI AND TOUR BUS OPERATORS ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF TAXI AND TOUR BUS SERVICES IN NEVIS AND FOR THE DESIGNATION OF PRESCRIBED AREAS FOR TAXIS AND TOUR BUSES; AND FOR RELATED MATTERS.

PART I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Nevis Taxi and Tour Bus Operators Ordinance, and shall come into force on a date to be appointed by the Minister by Order published in the *Gazette*.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

“Appeals Committee” means the Committee established under section 22 of this Ordinance;

“Association” means any body authorised by the Ministry of Tourism and established under section 17 of the Ordinance to act as a taxi association;
(Substituted by Ordinance 3 of 2019)

“Business licence” means a business licence issued pursuant to the Licences on Businesses and Occupations Act, No. 6 of 1972;

“Concessions” means any concessions granted by the Minister to operators under this Ordinance;

“Dispatcher” means a person employed or authorised by the Ministry pursuant to section 27 of this Ordinance;

“Inspector” means an inspector appointed under section 28 of this Ordinance;

“Minister” means the Minister responsible for tourism in the Nevis Island Administration;

“Ministry” means the Ministry of Tourism in the Nevis Island Administration;

“Operator” means a person operating a taxi or a tour bus who has been granted a permit by the Minister under section 7 of this Ordinance;

“Permit” means a permit to operate a taxi and tour bus service issued by the Minister under section 7 of this Ordinance;

“Permitted taxi or tour bus” means a taxi or a tour bus which meets the requirements of section 15 of this Ordinance;

“Permitted taxi and tour bus service” means the business of operating a taxi or tour bus in any of the prescribed taxi areas;

“Prescribed Taxi Area” means an area prescribed for taxis and tour buses under the Schedule of this Ordinance;

“Register” means the register to be kept by the Ministry under section 24 of this Ordinance;

“Standard conditions” means the standard conditions which may be prescribed by the Minister;

“Taxi” means a taxi as defined in the Vehicles and Road Traffic Act, Cap. 15.06 of the laws of the Federation of Saint Christopher and Nevis;

“Tour Bus” means a tour bus as defined in the Vehicles and Road Traffic Act, Cap. 15.06 of the laws of the Federation of Saint Christopher and Nevis.

Application of this Ordinance.

3. (1) This Ordinance applies to all taxis and tour buses on the island of Nevis.
- (2) The provisions of this Ordinance and any regulations made under it shall be in addition to and not in derogation from or in substitution of—
 - (a) The Vehicle and Road Traffic Act, Cap. 15.06; and
 - (b) The Public Service Drivers (Special Provisions) Act, Cap. 15.04.

PART II

REGULATION OF TAXI AND TOUR BUS SERVICES

Prescribed areas.

4. (1) The areas prescribed for the operation of taxis and tour buses are set out in the Schedule of this Ordinance.
- (2) Any operator operating in the prescribed areas as set out in the Schedule must hold a valid ID and taxi permit issued by the Ministry of Tourism.
- (3) Operators licensed and or trained by the Ministry of Tourism in the Federal Government or the St Kitts Tourism Authority that seek to operate in the prescribed areas must produce a valid taxi permit ID and shall be granted a temporary pass from the Ministry of Tourism in Nevis.

(Substituted by Ordinance 3 of 2019)

Application for permit.

5. (1) A person who intends to operate a taxi or tour bus within a prescribed area shall apply to the Ministry for a permit for that purpose.
- (2) An application for a permit under subsection (1) shall be made by the applicant in a form prescribed by the Minister and shall be accompanied by the following—
 - (a) the relevant application fee as prescribed by the Minister;
 - (b) a medical certificate from a registered medical practitioner registered in the Federation of Saint Christopher and Nevis which shall include the results of eye and ear examinations;

- (c) a police certificate;
- (d) a character reference letter from a senior civil servant, Minister of religion, registered business person or the applicant's employer; and
- (e) a road traffic record/history.

Qualification for a permit.

6. (1) A person may qualify for a permit if he proves to the satisfaction of the Minister that he is—

- (a) a resident of Saint Christopher and Nevis;
- (b) the holder of at least a Class "A" driver's licence issued under the Vehicles and Road Traffic Act, Cap. 15.06 which was issued at least three years prior to the making of the application for a permit;
- (c) a person who has successfully completed the appropriate training and certification programme for taxi and tour bus operators conducted by the Ministry as provided for in section 26 of this Ordinance.

(2) In addition to the requirements set out in subsection (1), an applicant for a permit who intends to operate his own taxi or tour bus shall attach to his application—

- (a) a business licence issued by the Ministry of Finance in Nevis; and
- (b) a copy of the registration documents and current insurance policy of the taxi or tour bus he intends to operate.

(3) Any body corporate wishing to operate a Taxi and Tour Bus business must seek written approval from the Ministry of Tourism. The applicant or manager of the company must—

- (a) be a certified taxi operator with a minimum of 5 years of experience; and
- (b) be a member of a taxi association established under this Ordinance.
(Inserted by Ordinance 3 of 2019)

Issue of permit.

7. (1) The Minister shall, if satisfied that the applicant complies with the conditions outlined under section 6 of this Ordinance, issue a permit to the applicant.

(2) A permit issued by the Minister under subsection (1) shall—

- (a) bear the name of the permit holder;
- (b) bear a picture of the permit holder;
- (c) bear the name of the issuing Ministry;
- (d) bear the date of issue and expiration; and
- (e) be endorsed with the words "Certified Taxi and Tour Bus Operator".

(3) The Minister shall issue the permit to the operator subject to the terms and conditions as prescribed by the Regulations.

(Amended by Ordinance 3 of 2019)

Obligations of the operator.

8. (1) The operator shall—
- (a) take all necessary steps to protect the permit from loss or damage; and
 - (b) as soon as reasonably practicable make a report to the Ministry in the event that the permit is lost or damaged.
- (2) Where the operator loses his permit or the permit is otherwise damaged, the operator shall apply to the Minister for a replacement permit and shall pay the cost of that replacement.

Permit.

9. (1) A permit issued by the Minister under Section 7 shall authorise the operator to operate a taxi or tour bus in the prescribed areas.
- (2) A permit shall be valid for a period of three years unless earlier suspended or revoked by the Minister and shall state the date of issue and expiration.
- (3) Where an operator does not commence operations within a period of three months from the date on which the permit was issued, the Minister may revoke the permit.
- (4) An operator may request in writing that the permit not be revoked by the Minister under subsection (3) if he requires more time before he commences operation.
- (5) The Minister may extend the time for a further period of not more than three months where he receives a written request from the operator under subsection (4).
- (6) A permit issued by the Minister shall at all times remain the property of the Ministry.

Permit not transferable.

10. An operator who has been granted a permit by the Minister under this Ordinance shall not transfer, assign, exchange, lease or sell that permit to any other person.

Renewal of permit.

11. (1) The Minister may, upon application and payment of the prescribed fee by the operator, renew that operator's permit.
- (2) An application for renewal of a permit shall be made in the prescribed form at least three months prior to the expiration of the current permit.
- (3) Where an application for renewal is being considered by the Minister, the operator may continue to operate under his existing unexpired permit until the application for renewal of his permit is either approved or refused.
- (4) Where the Minister refuses to renew a permit, he shall—
- (a) give written notice to the operator of the refusal;
 - (b) state the reasons for the refusal; and
 - (c) inform the operator of the right to appeal the decision under section 22 of this Ordinance.

Refusal to grant permit.

12. (1) The Minister may refuse to grant a permit to an applicant on the basis of one or more of the following grounds—

- (a) where fraud or deceit has been perpetrated by the applicant in the application; or
 - (b) where the applicant has a prior conviction for an offence involving illegal substances or drugs, firearms, violence, fraud or dishonesty or for such traffic violations as committed under the Vehicles and Road Traffic Act, Cap. 15.06.
- (2) Where the Minister refuses to grant a permit, he shall—
- (a) give written notice to the operator of the refusal;
 - (b) state the reasons for the refusal; and
 - (c) inform the operator of the right to appeal the decision under section 22 of this Ordinance.

Suspension of permit.

13. (1) Where it appears to the Minister that an operator has—

- (a) contravened any provision of this Ordinance;
- (b) breached any of the conditions of his permit;
- (c) been convicted of any offence involving fraud or dishonesty; or
- (d) been found to have been dishonest in relation to information provided in his application for or renewal of a permit,

the Minister may, by notice in writing, inform that operator of the nature of the complaint made against him and state that his permit is liable to be suspended.

(2) The Minister shall require the operator, within such time as may be specified in the notice, to present the Minister with written reasons why his permit should not be suspended.

(3) Where the operator fails to comply with the request of the Minister under subsection (2), the Minister may suspend the permit of the operator for such period as he deems fit. (*Amended by Ordinance 3 of 2019*)

(4) The Minister may only suspend the permit of the operator under subsection (3)—

- (a) after an inquiry into the allegations made against the operator;
- (b) after giving the operator an opportunity to make representations; and
- (c) if he is satisfied that the nature of the facts established is seriously detrimental to the tourism industry.

(5) The Minister shall inform the operator in writing of—

- (a) the reasons for the decision to suspend the permit;
- (b) the duration of the suspension;
- (c) the right to appeal the decision to the Appeals Committee; and
- (d) the need to return the permit to the Minister during the period of suspension.

Revocation of permit.

14. (1) The Minister may revoke an operator's permit if the operator—
- (a) has been convicted of any offence involving illegal substances, drugs, firearms or violence;
 - (b) repeats an offence for which he has already had his permit suspended;
 - (c) continues to operate during a specified period of suspension;
 - (d) fails to operate within three months of the issue of his permit and fails to apply for an extension;
 - (e) has committed any other action deemed to be particularly detrimental to the tourism industry;
 - (f) fails to return a taxi permit to the Ministry within three days of the permit having being suspended.

(Inserted by Ordinance 3 of 2019)

(2) The Minister shall, in all cases where a permit is revoked, inform the operator in writing of—

- (a) the reason(s) for revocation;
- (b) the date from which the revocation is effective; and
- (c) the right to appeal to the Appeal Committee.

(3) All rights and privileges enjoyed under a permit that is revoked shall cease to have effect upon such revocation.

(4) The revocation of a permit under this section shall not, in any way, affect the liability of any person in respect of any contravention of this Ordinance or of the permit that was revoked.

Permitted taxi and tour bus.

15. An operator shall, for the purpose of providing permitted taxi and tour bus services, use only a permitted taxi or tour bus which complies with the provisions of—

- (a) this Ordinance;
- (b) the Motor Vehicle and Road Traffic Act, Cap. 15.06; and
- (c) the Public Service Drivers (Special Provision) Act, Cap. 15.04.

Taxi and tour bus fares.

16. (1) An operator shall charge fares at the rate prescribed under the Vehicles and Road Traffic Act, Cap. 15.06 and at any rate prescribed by Regulations made under this Ordinance.

(2) An operator who charges a fare that is higher than the prescribed rate is liable to have his permit revoked or suspended by the Minister under this Ordinance.

(3) An operator shall display the prescribed fares in a visible location in his taxi or tour bus.

The Association.

17. (1) Any association comprising of not less than fifteen operators may be authorised by the Ministry of Tourism to function as a recognized association under this Ordinance.

(Substituted by Ordinance 3 of 2019)

(2) The Association shall be a registered association and have by-laws to govern its affairs.

(3) The members of the Association shall obtain and maintain business licences for the operation of their business.

(4) The Association shall submit annually a list of its members along with their names and addresses to the Ministry.

(5) The Association may provide recommendations and other information to the Minister from time to time in order to ensure the growth and development of the taxi and tour bus sector.

(6) The Association shall ensure that its members—

(a) provide quality taxi and tour bus services at all times;

(b) are informed and considerate of the different needs of their varying passengers; and

(c) are able to promote the tourism destination of Nevis.

Code of Conduct.

18. A registered taxi operator shall be governed by the Code of Conduct set out in regulations made under this Ordinance.

Taxi operations.

19. (1) Taxi operators shall operate, as far as possible, on a rotation basis within the prescribed areas.

(2) The Minister may, as deemed necessary, develop a temporary list of persons who may be contacted to act as taxi operators in situations where the demand for taxis and tour buses far exceeds the number of registered taxi operators.

(Amended by Ordinance 3 of 2019)

(3) A person who is contacted by the Minister to act as a temporary operator under subsection (2) shall be granted a temporary permit for a specified time by the Minister.

(4) In the event that property accidentally left in a vehicle by a passenger is returned by an operator, both passenger and operator shall be required to complete and sign the prescribed 'Lost Property Return Form' at the Ministry.

(5) An operator shall not be allowed to use a vehicle which has an "R" or "P" plate. An "H" plate shall only be allowed where the operator is in possession of a valid temporary taxi permit.

(Inserted by Ordinance 3 of 2019)

Passenger seating.

20. (1) The number of passengers allowed per taxi or tour bus shall be as prescribed by the Vehicle Licensing Authority of the Traffic Department of the Charlestown Police Station.

(2) An operator shall ensure that provision is made in his taxi or tour bus for the safe and comfortable storage of passenger luggage.

(3) An operator shall ensure that clear and easy entrance and exit is maintained at all times while the vehicle is in operation.

Vehicle standards.

21. (1) An operator shall ensure that his taxi or tour bus complies with all the requisite standards outlined in regulations made under this Ordinance.

(2) An operator shall display his permit in a prominent location within his taxi or tour bus at all times while the operator is on duty and the permit must be available for inspection upon request by any uniform police officer or Inspector.

(3) A "T" plate assigned to a vehicle shall not be transferable to another vehicle without the written permission of the Ministry of Tourism.

(Inserted by Ordinance 3 of 2019)

Nevis Taxi Regulatory Committee.

22. (1) There is hereby established a committee to be known as the Nevis Taxi Regulatory Committee which shall comprise five members appointed by the Minister as prescribed by the Regulations, of whom one shall be appointed as Chairman.

(2) Any three members of the Committee including the Chairman appointed under subsection (1) shall constitute a quorum for meetings of the Committee.

(3) The Committee shall hear and determine disputes between an operator and the Ministry.

(4) An operator who is aggrieved by a decision of the Ministry has a right to appeal to the Committee in writing within 15 days of the date of service of the notice of the decision on him.

(5) A person who is dissatisfied with the ruling of the Committee under this section may appeal to a Judge of the High Court and the Judge may make such order as he thinks fit.

(Substituted by Ordinance 3 of 2019)

PART III

MISCELLANEOUS

Powers of the Minister.

23. The Minister shall have the power to—
- (a) appoint and dismiss members of the Appeals Committee;
 - (b) grant concessions and incentives to operators and the Association;
 - (c) make amendments to this Ordinance and to the Regulations.
- (Inserted by Ordinance 3 of 2019)*

Register.

24. (1) The Ministry shall keep a register of all the names of persons to whom have been issued permits under this Ordinance.
- (2) The register shall contain the name, address and full particulars of each operator.
- (3) The register may contain all other records and information the Ministry may determine.

Concessions and Incentives.

25. (1) Operators that are in operation for a minimum of three years shall be eligible for concessions and incentives granted by the Minister and subject to such terms and conditions as the Minister may impose.
- (Amended by Ordinance 3 of 2019)*

(2) Operators shall apply to the Minister in the prescribed form for concessions and incentives on vehicles imported for the purpose of taxi and tour bus operations.

Training and certification.

26. (1) The Ministry or any person, group or institution designated by the Ministry shall—
- (a) conduct a certification programme for prospective operators; and
 - (b) provide training and refresher programmes for certified operators.
- (2) Training and certification programmes shall be conducted by the Ministry whenever the need arises but in any event not less than twice per year.
- (3) An applicant for a training and certification programme must meet the requirements for the issuance of a permit under this Ordinance.

Dispatchers.

27. (1) The Ministry may employ or designate such number of dispatchers as may be necessary for the purpose of regulating taxi and tour bus service in prescribed areas.

(2) A dispatcher shall be responsible for directing, controlling and managing the loading and unloading and departure of taxis and tour buses in an efficient, equitable, safe, comfortable and orderly manner.

(3) A dispatcher shall use a triplicate form for the recording of information regarding the taxis and tour buses that are dispatched.

(4) A dispatcher shall retain one copy of the triplicate form under subsection (3) and provide one copy to the passenger and the other to the operator.

Inspectors.

28. (1) The Ministry may designate suitable qualified persons to act as inspectors in relation to the regulation of taxi and tour bus services.

(2) An inspector designated under subsection (1) shall be provided with an appropriate certification and photo identification.

(3) An inspector may—

- (a) inspect a taxi or tour bus at any reasonable time and upon notification to the operator;
- (b) make such other enquiry and examination as he considers necessary in relation to a taxi or tour bus to ensure that the operator is complying with the provisions of this Ordinance and regulations made under it.

(4) An inspector shall keep a record of his inspections and complete the prescribed inspection form during each inspection.

Regulations.

29. (1) The Minister may make regulations for carrying into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) prescribing the standard conditions for—
 - (i) the conduct and appearance of operators;
 - (ii) taxi vehicles and tour buses;
 - (iii) the conduct and appearance of a dispatcher;
 - (iv) the process of dispatching taxis and tour buses;
- (b) prescribing such forms as are necessary to be prescribed; and
- (c) prescribing and from time to time increasing and decreasing such fees as are necessary to be prescribed.

Offences.

***30.** (1) A person shall not operate a taxi or tour bus in a prescribed area without a permit issued by the Minister under this Ordinance.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of \$5,000 or to a term of imprisonment not exceeding 3 months or to both fine and imprisonment.

* Section 31 renumbered as section 30 as a result of the repeal of section 30 by Ordinance 3 of 2019

(3) A person who commits a second or subsequent offence under this section is liable to a fine of \$10,000 or to imprisonment or summary conviction for a term not exceeding 6 months or to both fine and imprisonment.

(4) A person who forges a permit issued under this Ordinance and uses the forged permit to act as an operator commits an offence and is liable to a fine or summary conviction of \$10,000 or to imprisonment for a term of 6 months or to both a fine and imprisonment.

(5) A person who—

- (a) obstructs;
- (b) hinders;
- (c) harasses; or
- (d) uses insulting or abusive language to

a police officer, dispatcher, inspector or a Ministry of Tourism official acting in the course of his duty commits an offence and is liable to a fine of \$5,000 or to imprisonment for a term not exceeding 3 months or to both fine and imprisonment.

(Amended by Ordinance 3 of 2019)

(6) A person who—

- (a) obstructs;
- (b) hinders;
- (c) harasses, or
- (d) uses insulting or abusive language to

a Ministry of Tourism official and Nevis Tourism Authority official, a Nevis Air and Sea Port Authority official, a passenger, ground handler, hotel representative, cruise ship representative or fellow operator in any designated area commits an offence and is liable to a fine of \$5,000 or to imprisonment for a term not exceeding 3 months or to both fine and imprisonment.

(Amended by Ordinance 3 of 2019)

SCHEDULE

(Section 4)

PRESCRIBED TAXI AREAS

The following areas are hereby designated as prescribed taxi areas—

1. The Vance W. Amory International Airport
2. The Long Point Deep Water Port
3. Charlestown Seaport
4. All areas of downtown Charlestown outside of the regular omnibus routes
5. All tourist attractions in Nevis
6. All beach areas in Nevis
7. Any pick-up and drop-off point located at any restaurant or any tourist accommodation, that is, any apartment, hotel, guest house or any other premises where accommodation for tourists is offered for reward
8. Any other area which the Minister may, by Order, designate.

EXCLUSIVE TAXI PARKING AREAS

In addition to the above prescribed areas the following shall be designated areas for the exclusive parking and operation of taxi vehicles and tour buses—

1. The entire Charlestown Bay Road extending from the southern end of Market Street, continuing into West Market Street, from the hour of 6:00 a. m. to 7:00 p.m. ONLY on days when a cruise ship docks in the Charlestown Harbour.
 2. The taxi stand across from First Caribbean Bank on Prince Charles Street.
 3. The entire southern side of Prince Charles Street.
 4. The taxi parking lot and taxi dispatch area at the Vance W. Amory International Airport.
 5. Any other area which the Minister may, by Order, designate.
-

