Commencement: 4 November 1966

CHAPTER 49

TAXIS

JR 36 of 1966
JR 43 of 1966
JR 17 of 1967
JR 23 of 1967
JR 13 of 1968
JR 12 of 1971
JR 3 of 1972
JR 35 of 1973
JR 29 of 1974
JR 49 of 1975
JR 5 of 1976
JR 10 of 1976
Act 6 of 1980
Act 31 of 1985
Act 10 of 1992
Order 48 of 2003

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TAXIS

To control the operation of taxis.

PART 1 – GENERAL

1. Interpretation

(1) In this Act unless the context otherwise requires –

"Board" means a Land Transport Board established under section 18;

"business licence" means a licence issued under the Business Licence Act [Cap. 249];

"common vehicle" means a public vehicle whose seating capacity normally exceeds ten persons excluding the driver;

"Controller of Taxes" means the Accountant General or a person acting in such capacity;

"council" means a municipal council established in accordance with the Municipalities Act [Cap. 126] or a local government council established in accordance with the Decentralisation Act [Cap. 230];

"hire or reward" means any payment in whatever form and includes presents and exchanges of services;

"licensing officer" means a person appointed as such by the Minister for the purposes of this Act;

"Minister" means the Minister responsible for home affairs;

"municipality" means the area of jurisdiction of a municipal council established in accordance with the Municipalities Act [Cap. 126];

"permit" means a permit issued by a council authorizing a person to operate a common vehicle within a municipality or region;

"public vehicle" means a vehicle being used for the purposes of carrying passengers for hire or reward; and shall include a vehicle driven by the hirer;

"region" means a local government region established in accordance with the Decentralisation Act [Cap. 230];

"taxi" means a public vehicle which on being hired and during the period of hire is at the disposal of the hirer as to its destination and not being driven by him and whose seating capacity is normally limited to ten persons excluding the driver.

(2) The expression "public buildings" shall include buildings owned or occupied by the Government or a council or an agent of the Government or a council, licensed premises as defined in section 1 of the Liquor Licensing Act [Cap. 52], and places of entertainment.

(3) References in sections 2(1), 3, 5(3), 6(1) and 8(1) to licensing officer shall be construed as including references to representatives of the licensing officer appointed by him for the purpose.

PART 2 – DRIVER'S PERMIT

2. Public vehicle driver's permit

(1) No person shall drive a public vehicle unless he is in possession of a valid public vehicle driver's permit issued by the licensing officer for the region or municipality in which the said vehicle is to be driven after obtaining the advice of the Commissioner of Police or an officer authorised in that behalf.

(2) The said permit shall be in the form prescribed in Schedule 1.

(3) Every such permit shall be carried by the person driving a public vehicle and shall be produced on the demand of a police officer.

(4) Every public vehicle driver's permit shall expire on 31 December of each year.

(5) Every application for the renewal of a public vehicle driver's permit shall be made before the expiry of the said permit.

(6) The provisions of subsections (1), (2), (3), (4) and (5) shall not apply to a person hiring a public vehicle to drive himself:

Provided that such person shall produce to the owner of such public vehicle a driving licence valid in the country of origin, if a visitor, or valid in Vanuatu, if a resident. A person hiring a public vehicle shall not carry any passengers for hire or reward.

3. Issue and renewal of a public vehicle driver's permit

A licensing officer may issue or renew a public vehicle driver's permit on application being made in the form prescribed in Schedule 2 if he is satisfied that the applicant for the said permit –

(a) has passed a test conducted by the Commissioner of Police, or by persons authorised by him in that behalf, for the purpose of satisfying himself as to the applicant's

(i) ability to drive a public vehicle;

(ii) knowledge of the topography of the area in which he intends to drive the said public vehicle; and

(iii) knowledge of simple English, French or Bislama;

(b) is in possession of a medical certificate to the effect that he is medically fit to drive a public vehicle dated not more than 6 months before the date of the said application;

(c) has been in possession of a valid current driving licence for a period of not less than 1 year;

(d) has not been convicted of any offence under the provisions of sections 12, 13, 14 and 16 of the Road Traffic (Control) Act [Cap. 29] within the previous 2 years;

(e) has not been convicted of any offences involving drunkenness on his part within the previous 2 years;

(f) is over the age of 21 years.

4. Fees

No issue or renewal of a public vehicle driver's licence shall be made until the fees prescribed in Schedule 3 shall have been paid to the Controller of Taxes or a person acting on his behalf.

PART 3 – VEHICLE LICENCES

5. Public vehicle licences

(1) No person may drive or cause or allow any taxi to be driven unless he is the owner thereof and holds a valid public vehicle licence in respect of such vehicle and otherwise than in accordance with the conditions attached to such licence.

(2) Every such licence shall be kept within the public vehicle to which it relates and shall be produced on demand of a police officer.

(3) Where a public vehicle in respect of which a public vehicle licence has been issued has not been used as a public vehicle for a period of 3 months, the said licence shall be deemed to have expired and shall be surrendered by the owner of the said vehicle to the licensing officer who issued the said licence.

(4) Every public vehicle licence shall expire on 31 December of each year.

(5) Where the public vehicle in respect of which a public vehicle licence has been issued is a taxi, the licence shall require the owner of the vehicle to place such vehicle at the disposal of the public for at least 8 hours per day on at least 5 days in each week and if the licensing officer is satisfied that the owner of the vehicle has wilfully failed to observe this requirement he may withdraw the licence.

6. Issue of public vehicle licences

(1) The licensing officer for the region or municipality in which a public vehicle is to be driven may issue or renew a public vehicle licence if he is satisfied –

(a) that there is in respect of the said vehicle a certificate of roadworthiness issued under the provisions of section 9;

(b) that the said vehicle is properly equipped for the carriage in comfort and cleanliness of the number of persons it is licensed to carry;

(c) that the said vehicle is provided with a fire extinguisher in working order kept within the driver's reach;

(d) that in the case of a common vehicle the said common vehicle has a metal roof; and

(e) that where the said vehicle is a taxi, and such taxi is intended to be used within the municipality of Port Vila or the municipality of Luganville it is equipped with a taxi meter of a type as may be prescribed by the Minister under this Act which is visible from outside the vehicle and which indicates at all times the amount due to be paid in respect of the journey then being undertaken.

(2) The said licence shall be in the form prescribed in Schedule 4 and shall specify the maximum number of persons that may be carried in the said vehicle.

7. Consent required before taxi meter to be transferred

(1) No person shall sell or transfer or cause to permit to be transferred to another person a taxi meter of a vehicle to which the provisions of section 6(1)(e) apply without the prior approval of the licensing officer.

(2) The application for approval under this section shall be made in the prescribed form.

8. Application for and renewal of public vehicle licences

(1) Every application for a public vehicle licence or the renewal thereof shall be made to the licensing officer for the region or municipality in which the said vehicle is to be driven on the form prescribed in Schedule 5.

(2) Every application for the renewal of a public vehicle licence shall be made before the expiry of the licence.

9. Inspection of public vehicles

(1) Every vehicle in respect of which an application for a public vehicle licence or the renewal thereof is made shall be submitted by its owner for inspection by a person or persons authorised by the Director of Public Works.

(2) If the said person or persons so authorised are satisfied that the said vehicle is in a fit mechanical condition for the carriage of persons for hire or reward they shall issue in respect of that vehicle a certificate to that effect in the form prescribed in Schedule 6.

(3) No vehicle required to be inspected under the provisions of this Act shall be required to be inspected under the provisions of section 32 of the Road Traffic (Control) Act [Cap. 29].

(4) Where the vehicle submitted for inspection under this section is also a vehicle to which the provisions of section 6(1)(e) apply, such inspection shall also include an inspection of the taxi meter, and if the said person or persons so authorised are satisfied that the taxi meter is in a fit mechanical or electronic condition for the purposes of section 6(1)(e) and it complies with the technical requirements as may be prescribed by the Minister under this Act they shall issue in respect of that taxi meter a certificate to that effect in the prescribed form.

10. Public vehicle licence fees to be paid

No issue or renewal of a public vehicle licence shall be made until the fees prescribed in the Business Licence Act [Cap. 249] shall have been paid to the Controller of Taxes or a person acting on his behalf.

PART 4 – VEHICLE SIGNS

11. Display of "Taxi" sign

(1) No person shall drive or cause or permit to be driven any public vehicle unless there is displayed on the said vehicle a notice in letters at least 5 cm (2 inches) in height visible from the front and rear by day and night in the case of –

(a) any taxi the word "Taxi";

(b) any common vehicle the letters "C.V." or "T.C.".

(2) No person shall drive or cause or permit to be driven any vehicle other than a public vehicle displaying any of the said signs.

PART 5 – OBLIGATIONS OF OWNERS, DRIVERS AND PASSENGERS

12. Daily record to be kept

(1) Every owner of a public vehicle shall keep a daily record in the form prescribed in Schedule 7.

(2) Every such record shall be kept on the premises of the said owner and shall be produced on the demand of a police officer.

13. Taxi fares

(1) No person shall demand or cause or permit to be demanded any taxi fare in excess of those prescribed by the Minister under this Act.

(2) (*Repealed*)

(3) No passenger shall refuse to pay in respect of any journey any taxi fare not being in excess of those prescribed by the Minister under this Act.

14. Driver's obligations

(1) No person shall refuse or cause or permit to be refused the carriage of any passenger in a public vehicle unless –

(a) the passenger has insufficient funds to pay the fare;

(b) in the case of a taxi it is already engaged by a passenger;

(c) the passenger's clothing or conduct is offensive; or

(d) the carriage of such a passenger would result in the carriage of passengers in excess of the number the said vehicle is licensed to carry.

(2) No public vehicle shall be left parked by its driver other than in a place reserved for the parking of public vehicles:

Provided that a public vehicle may be parked outside any premises of which the owner or driver is the owner or occupier.

(3) No public vehicle shall be kept waiting by its driver outside any public building for longer than is necessary for the loading or unloading of its passengers or their baggage.

(4) No driver of a public vehicle shall wait for his passengers in a public building.

15. Consumption of liquor

No driver of or passenger being carried in a public vehicle shall consume alcoholic liquor within the said vehicle.

16. Certificate of roadworthiness

No person shall drive or cause or permit to be driven any public vehicle unless –

(a) there is in full force and effect at that time a valid certificate of roadworthiness obtained in accordance with the provisions of section 9 with respect to the said vehicle;

(b) there is kept on the said vehicle at that time a fire extinguisher in good working order and within immediate reach of the driver;

(c) where such a vehicle is a taxi and such taxi is being used within the municipality of Port Vila or the municipality of Luganville, it is equipped with a taxi meter in working order as required by the provisions of section 6(1)(e) and in compliance with the technical requirements prescribed by the Minister under this Act;

(d) there is in full force and effect at that time a valid public vehicle licence obtained in accordance with section 6 with respect to the said vehicle.

PART 6 – SPECIAL PROVISIONS FOR COMMON VEHICLES

17. Permit

(1) Notwithstanding anything in this Act or the Business Licence Act [Cap. 249], or any other law for the time being in force, no person shall be issued with a business licence to operate a common vehicle within a municipality or region or shall have such a licence renewed unless there is first issued to such person by the relevant council a permit to operate a common vehicle within that municipality or region.

(2) The issue and renewal of a permit issued under this section shall be made in accordance with and subject to such conditions as shall be specified by the council in by-laws or regional laws made by the council.

(3) The council may charge a fee not exceeding VT 10,000 for a permit.

18. Land Transport Boards

(1) Subject to subsections (2) and (3) there shall be in respect of each region a Land Transport Board which shall be composed as follows –

(a) the secretary of the council of the region, chairman;

(b) one representative of the common vehicle operators appointed by the Minister from among persons nominated by representative bodies of such operators;

(c) two persons appointed by the Minister to represent the interests of common vehicle users;

(d) one councillor of the council of the region appointed by the Minister from among councillors nominated by the council of the region.

(2) Notwithstanding subsection (1), there shall be one Land Transport Board for the Municipality of Port Vila and the Efate Local Government Region which shall be composed as follows –

(a) the Director of the Department of Local Government, chairman;

(b) the Town Clerk of the Municipality of Port Vila;

(c) the Secretary of the Efate Local Government Council;

(d) one representative of common vehicle operators appointed by the Minister from among persons nominated by representative bodies of such operators;

(e) two persons appointed by the Minister to represent the interests of common vehicle users;

(f) a councillor of the Efate Local Government Council appointed by the Minister from among councillors nominated by that council.

(3) Notwithstanding subsection (1) there shall be one Land Transport Board for the Municipality of Luganville and the Santo-Malo Local Government Region which shall be composed as follows –

(a) the Director of the Department of Local Government, chairman;

(b) the Town Clerk of the Municipality of Luganville;

(c) the Secretary of the Santo-Malo Local Government Council;

(d) one representative of common vehicle operators appointed by the Minister from among persons nominated by representative bodies of such operators;

(e) two persons appointed by the Minister to represent the interests of common vehicle users;

(f) one Councillor of the Santo-Malo Local Government Council appointed by the Minster from among councillors nominated by that council.

(4) Any councillor of a council who becomes a member of a Board in accordance with this section shall cease to be a member if he ceases to be a councillor of that council.

(5) The members appointed by the Minister shall hold office for 2 years and shall be eligible for reappointment to further terms.

(6) The appointed members may resign from the Board by giving written notice to the Minister and such resignation shall become effective on the date the notice is received by the Minister.

(7) The Minister shall appoint a secretary for each Board.

(8) Every member of a Board including the secretary who is not a public servant or an employee of a council shall be paid such subsistence allowance as the Minister shall prescribe by Order published in the Gazette.

19. Powers and functions of the board

(1) A Land Transport Board shall have all powers necessary to perform the functions prescribed hereunder.

(2) The functions of a Board shall be –

(a) to prescribe the system of fare levying to be used and the fare structure to be charged by common vehicle operators in municipalities or regions, and a Board may receive written representations from common vehicle operators or any member of the public in carrying out this function;

(b) to advise the Minister on public transport services matters generally.

(3) There shall be a right of appeal to the Minister, whose decision shall be final, in relation to any decision of a Board made in the exercise of its functions.

(4) The Minister shall prescribe the rules of procedure for a Board.

(5) Except for those Boards established in accordance with sections 18(2) and 18(3) the quorum for a Board to meet and to continue meeting shall be the chairman and two other members.

(6) The quorum for the Board established in accordance with section 18(2) or 18(3) to meet and to continue meeting shall be the chairman and four other members.

PART 7 – INSURANCE

20. Compulsory insurance

No person shall use or cause or permit any other person to use a public vehicle unless there is in force relative to the user of the vehicle by that person or that other person as the case may be, a policy of third party insurance in accordance with the provisions of section 41 of the Road Traffic (Control) Act [Cap. 29].

PART 8 – PENALTIES

21. Detention of vehicles

(1) If any person –

(a) drives or causes or permits to be driven any vehicle as a public vehicle in respect of which there is no public vehicle licence; or

(b) drives a public vehicle in contravention of the provisions of section 16 of the Road Traffic (Control) Act [Cap. 29];

the said vehicle may be detained by a police officer and may be impounded for a period not exceeding 10 days.

(2) Where a vehicle has been detained and impounded under the provisions of paragraph (a) of subsection (1), no application for a public vehicle licence shall be made in respect of the said vehicle for a period of 6 months.

(3) Where a vehicle has been detained and impounded under the provisions of paragraph (b) of subsection (1), a police officer may seize the driver's public vehicle driver's permit and the said permit shall be deemed to be invalid from the moment of seizure and –

(a) for such period as the Minister in exercise of his powers under section 22 may decide, or

(b) until such time as it is decided that no criminal proceedings shall be instituted.

22. Suspension of licences and permits

Where any driver of a public vehicle is convicted by a competent court of –

(a) any offence under this Act;

(b) any offence contrary to section 16 of the Road Traffic (Control) Act [Cap. 29];

(c) any offence involving the use of abusive or insulting words or behaviour;

(d) any offences involving assault; or

(e) any offence involving dishonesty or indecency which has been punished by a sentence of not less than 3 months' imprisonment,

the court which convicted the driver may –

(i) in the case of any conviction, suspend either temporarily or permanently, that person's public vehicle driver's permit; and

(ii) in the case of a conviction for offences under the provisions of paragraph (a), suspend, either temporarily or permanently, the public vehicle licence of the vehicle concerned.

23. Offences

If any person –

(a) contravenes the provisions of sections 2 or 20 he shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding VT 50,000 or to a term of imprisonment not exceeding 1 year or to both such fine and imprisonment;

(b) contravenes the provisions of section 5 he shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding VT 20,000;

(c) contravenes the provisions of sections 7, 9, 11, 12, 13, 14, 15 or 17 he shall be guilty of an offence and on conviction therefor shall be liable to a fine not exceeding VT 10,000.

24. Creation of offences under by-laws or regional laws and penalties

(1) Notwithstanding anything in this Act and the Municipalities Act [Cap. 126] or the Decentralisation Act [Cap. 230], by-laws or regional laws made by a council in accordance with section 17(2) may provide that any contravention thereof or failure to comply therewith shall be an offence.

(2) Every such by-law or regional law may provide that in respect of any contravention of or failure to comply with any of the provisions thereof the person convicted of such contravention or failure shall be liable to a fine not exceeding VT 10,000 or to a period of imprisonment not exceeding 6 months.

(3) In addition to the penalties for which provision is made in accordance with this section, a by-law or regional law may provide for the suspension or cancellation of a permit of any person who has been convicted of an offence created in accordance with this section.

25. Report of offences by town wardens

(1) Offences against by-laws or regional laws made in accordance with section 17(2) shall be reported by town wardens, council officers or members of the police force to the Public Prosecutor or an officer authorised in that behalf.

(2) The council may confer upon town wardens or council officers such other duties and functions as shall be necessary for the proper implementation of by-laws or regional laws made in accordance with section 17(2).

26. Orders

(1) The Minister may by Order prescribe anything which is necessary or convenient to be prescribed for the better carrying out or giving effect to the provisions of this Act.

(2) Without derogating from the generality of subsection (1) the Minister may by Order from time to time add to or vary any of the Schedules.

PART 9 – APPLICATION

27. Application

This Act shall apply to the Municipality of Port Vila, the Municipality of Luganville, the Santo-Malo Local Government Region, the Efate Local Government Region and may be applied in whole or in part to any other municipality or region as the Minister may declare by Order published in the Gazette.

SCHEDULE 1

(section 2(2))

(FIRST SIDE)

The ..... District No. .....

Permit to Drive Public Vehicle
(Taxis Act, Cap. 49)

M .....

Date of birth ..... Place of birth ….....

Address .....

Holder of driving licence no. .....

Issued by .....

Date of issue of driving licence .....

is authorised to drive vehicles in the category .....
provided that the general provisions of the Taxis Act, Cap. 49 are complied with.

This permit is valid until 31 December of the year in which it is issued and may be renewed. It must be kept in the vehicle and must be shown on demand.

On ..... at .....

.....
Licensing Officer

(SECOND SIDE)

RENEWALS

1. This permit to drive public vehicles expires on 31 December .....…

…….
Licensing Officer

2. This permit to drive …

SCHEDULE 2

(section 3)

The ..... District No. .....

Application for Permit to Drive Public Vehicle
(Taxis Act, Cap. 49)

I, ... residing at .....……. born on ..... at ..... being the holder of driving licence no ..... issued by .....……. hereby apply for a Permit to Drive Public Vehicles in the category .....

Date .....

I hereby certify that to the best of my belief the applicant is medically fit to drive a public vehicle.

Date ....
Medical Officer

I hereby certify that the applicant has passed a test in accordance with section 3(a) of the Taxis Act, Cap. 49, and has not been convicted of any offence involving drunkenness on his part within the previous 2 years.

Date ....……..
Commissioner of Police

SCHEDULE 3

(section 4)

Fees

On issue of a public vehicle driver's permit	-	VT 2,000
On renewal of a public vehicle driver's permit	-	VT 2,000

SCHEDULE 4

(section 6(2))

(FIRST SIDE)

The ..... District No. .....……

Public Vehicle Licence
(Taxis Act, Cap. 49)

M .....……..

Date of birth ..... Place of birth .....

Address .....…….

is authorised to use the motor vehicle whose registration number is .....

as a public vehicle in the category .....….

Details of the vehicle:

Registration no. .....……

Make .....…….. Type .....

Chassis no. ..... Horsepower .....…

Authorised number of persons to be carried .....
(including the driver)

Total authorized weight including driver and passengers .....
Provided that the provisions of the Taxis Act, Cap. 49 are complied with and provided that the vehicle has been deemed to comply with the Act after the periodical technical inspection as shown on the reverse side of this permit.

This licence must be kept in the vehicle and is to be produced on demand.

On ..... At .....…….

.....
Licensing Officer

(SECOND SIDE)

RENEWALS

Year 20 ……	Date of Inspection	Stamp and Signature

This licence to operate public vehicles expires on 31 December 20 .....…..

.....……..
Date Licensing Officer

Year 20 …….	Date of Inspection Inspector's Report	Stamp and Signature

This licence to operate public vehicles expires on 31 December 20 .....…..

.....
Date Licensing Officer

Date Licensing Officer

Year 20 …….	Date of Inspection Inspector's Report	Stamp and Signature

This licence to operate public vehicles expires on 31 December 20 .....…….

.....
Date Licensing Officer

SCHEDULE 5

(section 8(1))

The ..... District No. .....……...

Application for the Issue or Renewal of a Public Vehicle Licence
(Taxis Act, Cap. 49)

I, ... residing at .....……

born on ..... at .....……..

being the owner of the motor vehicle whose particulars are appended below do hereby apply for a licence to operate it as a public vehicle in the category .....

Registration no. .....……..

Make .....…… Type .....

Chassis no. .....…… Horsepower .....

Authorised number of persons to be carried .....
(including the driver)

I attach hereto a Certificate of Mechanical Fitness in respect of this vehicle.

Date .....…… .....……

SCHEDULE 6

(section 9(2))

The _____ District No. _____

Certificate of Mechanical Fitness
(Taxis Act, Cap. 49)

I hereby certify that upon inspection by me, motor vehicle registered number ……
was found to be in a fit and mechanical condition for use as a public vehicle.

……..
Director of Public Works

SCHEDULE 7

(section 12(1))

DAILY RECORD

VEHICLE		DRIVER			PUBLIC VEHICLE DRIVER'S PERMIT	
Regd. No.	Public Vehicle Licence No.	Full Name	Date of Birth	Address	Date	Number

……
Signature of Owner

Date:…….

SCHEDULE 8

(Repealed)

Table of Amendments (since the Revised Edition 1988)

6(1)(e)	*Amended by Act 10 of 1992*	*13(3)*	*Amended by Act 10 of 1992*
9(4)	*Amended by Act 10 of 1992*	*16(c)*	*Amended by Act 10 of 1992*
13(1)	*Amended by Act 10 of 1992*	*Schedule 3*	*Substituted by Order 48 of 2003*
13(2)	*Repealed by Act 10 of 1992*	*Schedule 8*	*Repealed by Act 10 of 1992*