

REPUBLIC OF VANUATU

THE JOINT TAXIS REGULATION (AMENDMENT) ACT NO. 31 OF 1985

Arrangement of Sections

1. Interpretation.
2. Amendment of the Principal Regulation.
3. Commencement.

REPUBLIC OF VANUATU

THE JOINT TAXIS REGULATION (AMENDMENT)  
ACT NO. 31 OF 1985

To amend the Joint Taxis Regulation No. 36 of 1966.

BE IT ENACTED by the President and Parliament as follows:

**INTERPRETATION**

In this Act "the Principal Regulation" means the Joint Taxis Regulation No. 36 of 1966 as amended from time to time.

**AMENDMENT OF THE PRINCIPAL REGULATION**

The Principal Regulation is amended as follows:-

(a) In section 1 -

(i) by including the following definitions:

"Board" means a Land Transport Board established under section 15C;

"business licence" means a licence issued under the Business Licence Act No. 25 of 1983;

"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 No. 5 of 1980 or a Local Government Council established in accordance with the Decentralisation Act No. 11 of 1980;

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

"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 No. 5 of 1980;

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

"Region" means a Local Government Region established in accordance with the Decentralisation Act No. 11 of 1980;

- (ii) by deleting the words "Police Officer" and the definition thereof;
- (iii) by substituting the words "Government or Council or an agent of such Government or Council" for "British, French or Condominium Governments" in subsection (2);
- (iv) by substituting the word "him" for the word "them" in subsection (3);
- (b) By substituting "licensing officer" for "District Agent" or "District Agents" or "French District Agent" or "British District Agent" wherever these expressions appear throughout the Principal Regulation;
- (c) By substituting "Republic of Vanuatu" for "New Hebrides" throughout the Principal Regulation;
- (d) By substituting "Minister" for "Resident Commissioners" throughout the Principal Regulation;
- (e) By substituting "Region or Municipality" for "District" throughout the Principal Regulation;
- (f) In the references to sums of money (whether by way of fines or otherwise) substitute the word "Vatu" or the symbol "VT" for the symbol "FNH" and delete the expression "or its equivalent in Australian dollars at the official rate of exchange";
- (g) In section 2 by deleting the word "jointly" and substituting "Commissioner of Police or an officer authorised in that behalf" for "Commandants of Police or their representatives";
- (h) In section 3 -
  - (i) by deleting the word "jointly" in the first line and substituting the words "he is" for the words "they are" in the third line thereof;
  - (ii) by substituting the words "by the Commissioner of Police or by persons authorised by him in that behalf for the purposes of satisfying himself" for the words "jointly by the British and French Commandants of the New Hebrides Constabulary, or by persons authorised by them in that behalf, for the purpose of satisfying themselves" in paragraph (a);
  - (iii) by adding the words "or Bislama" to paragraph (a)(iii);
  - (iv) by deleting the words "by Joint Decision" in the Proviso appearing after paragraph (f);
- (i) In the seventh line of section 5(5) by substituting the word "is" for the word "are";

(j) In section 6 -

(i) by deleting the word "jointly" and substituting the words "he is" for the words "they are" in the third and fourth lines of subsection (1);

(ii) by deleting paragraph (e) and substituting the following therefor -

"(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 approved by the Minister or by a person authorised in that behalf 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";

(k) By repealing section 7 and substituting the following therefor -

**CONSENT REQUIRED BEFORE TAXI-METER TO BE TRANSFERRED**

"7. (1) No person shall sell or transfer or cause or 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";

(l) In section 9 -

(i) by substituting "Director of Public Works" for "Superintendent of Public Works" in subsection (1);

(ii) by adding the following new subsection after subsection (3) -

"(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) they shall issue in respect of that taxi-meter a certificate to that effect in the prescribed form";

- (m) By repealing section 10 and substituting the following therefor -

**PUBLIC VEHICLE LICENCES FEES TO BE PAID**

"10. No issue or renewal of a public vehicle licence shall be made until the fees prescribed in the Business Licence Act No. 25 of 1983 including any amendment thereto shall have been paid to the Controller of Taxes or a person acting on his behalf";

- (n) In section 15A -

- (i) by deleting paragraph (c) and substituting the following therefor -

"(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)";

- (ii) by adding the following new paragraph immediately after paragraph (c) -

"(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";

- (o) By inserting immediately after the end of Part V and before Part VI the following new part:

**"PART V (A)**

**Special provisions for common vehicles**

**PERMIT**

15B (1) Notwithstanding anything in this Regulation or the Business Licence Act No. 25 of 1983, 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.

**LAND TRANSPORT BOARDS**

- 15C (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 Minister 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 two 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.

**POWERS AND FUNCTIONS OF THE BOARD**

- 15D (1) A Board shall have all powers necessary to perform the functions prescribed hereunder.
- (2) The functions of a Board shall be:
- (i) 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 representation from common vehicle operators or any member of the public in carrying out this function;
  - (ii) 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 subsections (2) and (3) of section 15C 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 subsection (2) or subsection (3) of section 15C to meet and to continue meeting shall be the Chairman and four other members";
- (p) By substituting the words "Commissioner of Police" for "Commandants of Police" in paragraph (e) of section 18;
- (q) In paragraph (c) of section 19 -
- (i) by inserting the figure "7" followed by a comma immediately before the figure "9";
  - (ii) by deleting the word "or" immediately before the figure "15";
  - (iii) by inserting a comma immediately after the figure "15";
  - (iv) by inserting the word and figure "or 15B" immediately after the figure "15" and before the word "hereof";
- (r) By inserting immediately at the end of section 19 and before Part VIII the following new sections -

**"CREATION OF OFFENCES UNDER BY-LAWS OR REGIONAL LAWS AND PENALTIES**

- 19A (1) Notwithstanding anything in this Regulation and the Municipalities Act No. 5 of 1980 or the Decentralisation Act No. 11 of 1980 including any amendment thereto, By-laws or Regional laws made by a Council in accordance with section 15B(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 six 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;

#### REPORT OF OFFENCES BY TOWN WARDENS

- 19B (1) Offences against By-laws or Regional laws made in accordance with section 15B(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 15B(2)";
- (s) By repealing section 20 and substituting the following therefor -

#### "TRANSITIONAL PROVISIONS

20. Notwithstanding anything contained in this Regulation, any person operating a common vehicle within a Municipality or Region on the date of the coming into force of section 15B shall not require a permit to operate such common vehicle within that Municipality or Region until the term of the next renewal of such person's current business licence";
- (t) By adding the following new section immediately after section 20 -

#### "ORDERS

- 20A (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 Regulation.

(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 to this Regulation";

(u) By repealing section 22 and substituting the following therefor -

**"APPLICATION OF THE REGULATION**

22. This Regulation 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 other Municipality or Region as the Minister may declare by Order published in the Gazette";

(v) In section 16 by substituting the words and figures "Joint Regulation No. 4 of 1962" for the words and figures "the Joint Third Party Insurance of Vehicles Regulation No. 16 of 1967".

**COMMENCEMENT**

3. This Act shall come into force on such day as the Minister shall declare by Order published in the Gazette and different dates may be so declared for bringing into operation different provisions of this Act.

REPUBLIC OF VANUATU

BILL FOR

THE JOINT TAXIS REGULATION (AMENDMENT) ACT NO. 31 OF 1985

Explanatory Note

1. The purpose of this Act is to amend Joint Regulation No. 36 of 1966 and thereby confer upon Municipal Councils and Local Government Councils some responsibility regarding the control of public transport services.
2. The Joint Taxis Regulation No. 36 of 1966 (as amended) is the main existing law relating to the control of public transport services. Despite its name this Regulation applies to taxis as well as mini-buses and large buses.
3. There is at present an apparant gap between the Municipalities Act No. 5 of 1980 and the Decentralisation Act No. 11 of 1980 on the one hand and the Business Licence Act No. 25 of 1983 on the other. The Schedules of Powers under the Municipalities and Decentralisation Acts empower a Municipal Council or Local Government Council to control, regulate and licence public transport services. On the other hand the Business Licence Act determines the issue of all business licences in Vanuatu including the licences to operate taxis and buses. The result of this apparant gap is that the Municipal Councils and the Local Government Councils do not have effective means of regulating the operations of public transport buses in their respective jurisdictions.
4. In order that these local authorities may exercise some control over public transport services within their respective jurisdictions (as required by the Municipalities Act and the Decentralisation Act) it is therefore necessary that certain amendments be made to the Joint Taxis Regulation No. 36 of 1966.
5. This amendment essentially provides that where a person intends to operate a common vehicle (mini-bus or large bus which can seat 10 or more persons) in a Local Government Council Region or a Municipality, such person must first obtain a permit from the Council of that Region or Municipality. In practice such person will now be required to obtain the following licences and permit before he may operate his common vehicle (bus) -
  - (a) Public Vehicle Licence to operate a common vehicle (bus) to be issued by the licensing officer of the relevant Region or Municipality in accordance with JR 36 of 1966 (as amended); and
  - (b) Permit to be issued by the Region or Municipality in accordance with JR 36 of 1966; and
  - (c) Business Licence to be issued by the appropriate Licensing Authority in accordance with the Business Licence Act No. 25 of 1983 (as amended).

6. This amendment also provides for the repeal of terms which are no longer appropriate. For example, references to Resident Commissioners, District Agents, Commandants of Police, etc. have been repealed.
7. This amendment provides that taxis used in Vila and Luganville shall be equipped with a taxi-meter approved by the Minister. It also provides for some control regarding the taxi-meter. The meter will be subject to an inspection every year, and it may not be transferred without the prior approval of the Licensing Officer. Such control is necessary. Firstly the public would be protected against over-charging by defective meters. Secondly people must realise that the mere possession of a taxi-meter does not automatically mean that the owner or holder thereof will be given a licence to operate a taxi. Furthermore it will prevent owners or holders of taxi-meters selling them at excessive prices.
8. It should be noted that in the case of taxis, an applicant is not required to obtain a permit from the Municipal Council or Local Government Council. A taxi is defined as a public vehicle which would normally carry less than 10 persons. However an applicant who wishes to operate a taxi must obtain the following licences before he may be permitted to drive a taxi within the relevant Municipality or Region:-
  - (a) Public Vehicle Licence (Taxi) to be issued in accordance with JR 36 of 1966; and
  - (b) Business Licence to be issued in accordance with the Business Licence Act No. 25 of 1983.
9. It should also be noted that under the law, no person may drive a public vehicle (either Taxis or Buses) unless he is in possession of a current and valid public vehicle driver's permit. Such permit shall expire on the 31st of December of each year.
10. This amendment also provides for the establishment of Land Transport Boards. It provides that a Board may be set up for each Municipality or Local Government Region. The functions of the Board relate to common vehicles only (ie. mini-buses and large buses). The main functions of the Board are as follows -
  - (a) to prescribe the system of fare levying to be used by operators of common vehicles (mini-buses and large buses);
  - (b) to prescribe the fare structure to be used;
  - (c) to receive and consider representations made by members of the public concerning the operations of common vehicles;
  - (d) to advise the Minister on public transport services matters generally.

This amendment also makes provisions for local authorities to make By-laws or Regional laws concerning the operations of mini-buses or large buses within their respective jurisdictions.

Initially the application of this law will be restricted to selected areas of Vanuatu. The Minister has power to extend the application of the law to other Regions as and when he considers it necessary.

BER, 1985

S.J. REGENVANU  
Minister of Home Affairs