

CAYMAN ISLANDS



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**THE TRAFFIC LAW
(LAW 26 OF 2011)**

**THE TRAFFIC (PUBLIC TRANSPORT APPEALS TRIBUNAL)
REGULATIONS, 2012**

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**THE TRAFFIC (PUBLIC TRANSPORT APPEALS TRIBUNAL)
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In exercise of the powers conferred by sections 52 and 142 of the Traffic Law, 2011, the Governor in Cabinet makes the following Regulations -

1. These regulations may be cited as the Traffic (Public Transport Appeals Tribunal) Regulations, 2012 and come into force immediately after the Traffic Law, 2011 comes into force. Citation and commencement
(Law 26 of 2011)

2. In these Regulations - Interpretation
“Appeals Tribunal” means the Public Transport Appeals Tribunal established under regulation 4;
“Board” means the Public Transport Board established under section 45 of the Traffic Law, 2011; (Law 26 of 2011)
“chairman” means the chairman of the Appeals Tribunal;
“deputy chairman” means the deputy chairman of the Appeals Tribunal; and
“public officer” has the meaning assigned to that expression in the Constitution.

3. These Regulations apply to any decision - Application of these Regulations
 - (a) made by the Board not more than eighteen months prior to the date of commencement of these Regulations; or
 - (b) made by the Board on or after that date.

4. (1) For the purposes of Part 4 of the Traffic Law, 2011 there is established a Public Transport Appeals Tribunal which shall consist of the following members - Establishment of Public Transport Appeals Tribunal
(Law 26 of 2011)
 - (a) a chairman;
 - (b) a deputy chairman; and
 - (c) four other members,

each of whom shall be appointed by the Governor in Cabinet for a period not exceeding two years.

(2) The Governor in Cabinet may appoint a secretary to the Appeals Tribunal who shall record and keep all minutes of the meetings, proceedings and decisions of the Appeals Tribunal.

(3) The secretary shall have no right to vote.

Remuneration of
members of Appeals
Tribunal

5. Those members of the Appeals Tribunal who are not public officers shall receive such remuneration in respect of each meeting attended, and the chairman and deputy chairman shall receive such additional remuneration, as may be determined by the Governor in Cabinet.

Meetings of Appeals
Tribunal

6. (1) The Appeals Tribunal shall meet at least once in every month and upon such other occasions as, in the opinion of the chairman, is necessary or desirable in the public interest.

(2) Any member of the Appeals Tribunal who, without obtaining the prior written permission of the chairman, is absent for more than three out of five consecutive meetings of the Appeals Tribunal shall cease to be a member of the Appeals Tribunal.

(3) The deputy chairman, in the temporary absence or inability to act of the chairman, shall act as chairman and exercise all the powers and functions of the chairman.

(4) The Appeals Tribunal shall reach its decisions by a majority of the votes of members present and voting at any meeting.

(5) The chairman or presiding member shall have no original but only a casting vote.

(6) Four members of the Appeals Tribunal, including the chairman, present at any meeting shall form a quorum.

(7) If a member of the Appeals Tribunal has any personal or pecuniary interest, direct or indirect, in any matter which is to be determined by the Appeals Tribunal, he shall, if present at the meeting of the Appeals Tribunal at which such matter is to be determined, as soon as practicable after the commencement of the meeting, disclose the fact, and shall not take part in the consideration or discussion of such matter or vote on any question with respect to that matter.

(8) Subject to paragraphs (1) to (7) and to regulation 10, the Appeals Tribunal shall have power to regulate its own procedure.

7. (1) A person aggrieved by or dissatisfied with a decision of the Board may, within -

Appeal from decision of the Board

- (a) twenty-eight days of the communication of the decision to him; or
- (b) such longer period as the chairman may, for good reason, allow,

appeal the decision by way of rehearing to the Appeals Tribunal, and matters referred to the Appeals Tribunal under this regulation may not be remitted to the Board.

(2) Where the Appeals Tribunal sends notice of its decision to the appellant by post, the notice shall be deemed to have been communicated to the appellant at the time at which it should have been received by him in the ordinary course of post.

8. (1) Appeals under regulation 7 shall be by notice in writing addressed to the secretary of the Appeals Tribunal and the notice -

Conduct of appeal

- (a) shall set forth -
 - (i) the decision against which the appeal is made;
 - (ii) the Board's reasons for its decision;
 - (iii) the grounds of the appeal; and
 - (iv) whether or not the appellant wishes to be heard personally or by a representative; and
- (b) shall be accompanied by a non-refundable processing fee of two hundred and fifty dollars.

(2) On receipt of the notice of appeal the Appeals Tribunal shall -

- (a) notify the Board of the decision against which the appeal is made and the grounds of the appeal and give the Board twenty-eight days (or such longer period as the chairman may, for good reason, allow) to provide a written defence to the appeal; and
- (b) if the appellant has applied to be heard personally or by a representative, fix a time and a date for such hearing and notify the appellant and the Board thereof.

(3) At every hearing of an appeal where the appellant or his representative is present, the appellant or his representative shall be given an opportunity to address the Appeals Tribunal, and then the Board or its representative, as the case may be, shall be heard in answer if called upon by the Appeals Tribunal in that behalf; and thereafter, the Appeals Tribunal may, in its absolute discretion, call

upon either party further to address it.

(4) Representatives appearing on behalf of either party need not be persons having qualifications in law.

(5) The decision of the Appeals Tribunal shall be notified to the appellant not more than twenty-one days after the decision has been made.

Decisions of Appeals
Tribunal

9. (1) On an appeal the Appeals Tribunal may make such order, including any order for costs, as it thinks fit.

(2) An appeal may be made to the Grand Court from a decision of the Appeals Tribunal on a point of law only.

Rules relating to appeals

10. The Chief Justice may make rules relating to the procedure and forms to be used for the notice of appeal to the Appeals Tribunal, the documents to accompany the notice of appeal, the admission of evidence in any appeal heard by the Appeals Tribunal, and the procedure and forms to be used in an appeal from a decision of the Appeals Tribunal.

Made in Cabinet the 29th day of August, 2012.

Kim Bullings

Clerk of the Cabinet.