

CAYMAN ISLANDS



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THE TRAFFIC LAW, 2011

(LAW 26 OF 2011)

THE TRAFFIC LAW, 2011

ARRANGEMENT OF SECTIONS

PART 1-Introductory

1. Short title and commencement
2. Interpretation

PART 2-Registration and Licensing of Vehicles

3. Licensing authority
4. Functions of the Director
5. The register
6. Registration of vehicles, and third party risks
7. Certain new vehicles exempt from registration
8. Registration plates
9. Alteration of particulars to be recorded in the register and certificate of registration
10. Termination of vehicle registration
11. Importation and use of certain vehicles restricted
12. Licensing of vehicles
13. Exemptions from fees: motor trade
14. Commencement and duration of licences: rate of fees
15. Continuous liability for suspension of vehicle licence
16. Issue of licences
17. Duplicate licences
18. Special permit
19. Exhibition registration plates
20. Personalised plates
21. Trade plates
22. Regulations under this Part

PART 3-Licensing of Drivers of Vehicles

23. Unqualified persons not to drive
24. Persons not to drive vehicle unless licensed or authorized
25. Qualification to drive
26. Persons who are not licensed or authorized to drive
27. Persons who may be licensed
28. New residents and certain visitors may be authorized to drive: international driver's licence
29. Driving tests for new residents

30. Saving of licences and tests under the repealed Law
31. Requirements as to physical fitness of drivers
32. Revocation of licence because of disability
33. Provision of information, etc., relating to disabilities
34. Driving with uncorrected defective eyesight
35. Learners' licences
36. Conditions under which learners may drive and penalty for offences
37. Applying for a driver's licence for the first time
38. Grant of licences
39. Form of licences
40. Verification of entries in the register
41. Duration of driver's licence
42. Duplicate driver's licence
43. Powers of arrest
44. Regulations under this Part

PART 4-Public Passenger Vehicles

45. Establishment of Public Transport Board
46. Governor in Cabinet may give directions
47. Permits for omnibus and taxi drivers
48. Revocation and suspension of permits
49. Matters to be taken into account by Board
50. Permit not a driver's licence
51. Conditions for driving passengers for hire or reward and penalty for contravention
52. Regulations under this Part

PART 5-Electric Vehicles

53. Restriction on use of special electric vehicles
54. Special permit for use special electric vehicles
55. Requirements for registration of special electric vehicles
56. Regulations under this Part

PART 6-Construction and Use of Vehicles and Equipment

57. Regulation of construction, weight, equipment and use of vehicles
58. Offence where regulations are contravened
59. Authorisation of use on roads of vehicles not complying with regulations under section 57
60. Appointment of vehicle inspectors
61. Imported vehicles to be inspected before use on the road
62. Issue of certificate of roadworthiness
63. Annual inspection of vehicles

64. Powers of vehicle inspectors and constables
65. Using uninspected vehicle
66. Regulations as to inspection and testing

PART 7-Control of Road Users

67. General duty of road users
68. Duties of drivers
69. Duty to give name and address, and penalty for contravention
70. Seat belts
71. Seatbelts for children under fourteen years of age
72. Wearing of protective headgear and penalty for contravention
73. Duty to stop and furnish particulars in case of accident
74. Police evidence in case of accident
75. Causing death by dangerous or reckless driving
76. Dangerous or reckless driving
77. Careless or inconsiderate driving
78. Ban on use of mobile telephones
79. Causing death by careless driving or inconsiderate driving
80. Causing death by driving: unlicensed, disqualified or uninsured drivers
81. Person charged with certain offences may be convicted of a lesser offence
82. Driving or supervising under the influence of alcohol or drugs
83. Driving or being in charge of a vehicle while under the influence of alcohol or drugs and causing death
84. Breath tests
85. Provision of specimens for analysis
86. Protection for hospital patients
87. Retention of vehicles
88. Interpretation of sections 82 to 87
89. Obtaining licence, or driving while disqualified
90. Unlawful use of vehicles
91. Motor racing on roads
92. Speed limit offences
93. Ticket offences
94. Ticket procedure
95. Service of notice if fine is not paid
96. Enforcement of proceedings against owner
97. Rental vehicles
98. Miscellaneous offences
99. Trial of offences
100. Driving record
101. Effect of order of disqualification
102. Obligatory disqualification
103. Discretionary disqualification

- 104. Power to suspend order
- 105. Endorsement of driving record and effect
- 106. Regulations under this Part

PART 8-Control of Traffic

- 107. Traffic Management Panel
- 108. Parking at yellow lines
- 109. Taxi ranks
- 110. Pedestrian crossings
- 111. Regulations under this Part
- 112. School crossing wardens
- 113. Removal of vehicles to pound, etc.
- 114. Traffic signs
- 115. Ban on clamping of vehicles
- 116. Erection of road blocks or barriers
- 117. Road works
- 118. Obstructions on road, pavement, etc.
- 119. Disabled person's badge
- 120. School zones

PART 9-Driving Instructors

- 121. Driving instruction for payment to be given only by registered driving instructors
- 122. The Driving Instructors' Register
- 123. Registration of driving instructors
- 124. Duration of registration
- 125. Extension of duration of registration
- 126. Removal of names from Driving Instructors' Register
- 127. Appeals
- 128. Examination and tests of ability to give driving instruction
- 129. Power to prescribe form of certificate of registration, etc.
- 130. Surrender of certificates
- 131. Production of certificates and licences to constables and authorised persons
- 132. Service of notices

PART 10-Miscellaneous and General

- 133. Offences and penalties relating to documents
- 134. Powers of constables and Director
- 135. Obstruction of police
- 136. Offences by corporations
- 137. Power to require vehicle to be weighed
- 138. General penalty

- 139. General power of arrest
- 140. Application to the Crown
- 141. Fees to be paid into general revenues
- 142. Regulations-general power

PART 11-Repeal

- 143. Repeal

CAYMAN ISLANDS

Law 26 of 2011.

I Assent

Governor.

Date:

A LAW TO REPEAL AND SUBSTITUTE THE TRAFFIC LAW (2003 REVISION); AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS

Enacted by the Legislature of the Cayman Islands.

PART 1-Introductory

1. (1) This Law may be cited as the Traffic Law, 2011.

Short title and commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Governor in Cabinet and different dates may be appointed for different provisions of this Law and in relation to different matters.

2. In this Law -

Interpretation

“alcohol-in-breath measuring device” means a device approved in writing by the Commissioner for measuring the amount of alcohol in a person’s breath or blood;

“animal” means horse, cattle, ass, mule, sheep, pig, goat or dog;

“Board” means the Public Transport Board established by section 45;

“careless driving” includes -

- (a) overtaking on the inside;
- (b) driving inappropriately close to another vehicle;
- (c) driving through a red light;

- (d) emerging from a side road into the path of another vehicle without appropriate regard to matters such as distance and lawful speed of that vehicle;
- (e) tuning a car radio;
- (f) using a mobile telephone in a manner that is contrary to section 78; and
- (g) selecting or lighting a cigarette;

“carriageway” means the part of a road which is designed for the passage of vehicles;

“certificate of registration” means a certificate issued by the Director under section 6;

“certificate of roadworthiness” means a certificate issued under section 62;

“church vehicle” means a vehicle used for the carriage of more than nine persons, excluding the driver, while it is actually being used for or in connection with usual activities of a church;

“Clerk of the Court” has the meaning assigned in section 2 of the Grand Court Law (2008 Revision);

(2008 Revision)

“Commissioner” means the Commissioner of Police;

“cycle lane” means a part of a road designed and set aside for the exclusive use or passage of pedal cycles;

“designated place” means a place designated under section 60(2) for the purpose of vehicle inspection;

“Director” means the Director of Licensing appointed under section 3;

“disability” includes disease;

“disabled person” means a person who has a relevant disability;

“document” includes a certificate, licence, plate, tag or other document or thing prescribed for the purpose of this Law or regulations;

“driver” includes a person driving a vehicle or riding an animal;

“driving examiner” means a person appointed as such under section 3;

“Driving Instructors’ Register” means the register of driving instructors established pursuant to section 122;

“driving record” means the record referred to in section 100(1);

“driver’s licence” means a licence to drive a vehicle, but not a learner’s licence;

“driving test” means a test conducted under section 37;

“drug” means a drug, whether illegal or not, that impairs the ability to drive or operate a vehicle;

“electrically powered vehicle” means a four-wheeled self-propelled vehicle and such other vehicle as is manufactured or designed to -

- (a) be powered by an electric motor that draws power from rechargeable storage batteries, fuel cells or other sources of portable electrical power;
- (b) be capable of carrying one or more persons; or
- (c) be capable, in the opinion of the Director, of travelling safely under its own power,

and includes low-speed vehicles and neighbourhood electric vehicles, but does not include four-wheeled terrain vehicles or golf carts;

“emergency vehicle” means a fire engine, ambulance or police vehicle actually engaged upon its duties as such;

“exhibition vehicle” means -

- (a) a classic, vintage, antique, replica or kit car; or
- (b) any other vehicle,

which is at least thirty years old and used for exhibitions, club activities, parades and other functions of public interest but not for general transportation;

“footpath” has the meaning assigned to that expression by section 2 of the Roads Law (2005 Revision);

(2005 Revision)

“golf cart” means a vehicle designed for operation on a golf course for sporting or recreational purposes;

“goods”, in relation to a truck, includes other vehicles, whether or not operational, but does not include -

- (a) a minivan of up to four thousand pounds maximum gross weight or a minivan that carries up to nine passengers, where such minivan is not used for commercial purposes; and
- (b) an omnibus approved by the Board for use as public transport;

“goods vehicle” means -

- (a) a vehicle; or
- (b) a trailer,

designed or adapted for use for the carriage of goods;

“inconsiderate driving” includes -

- (a) flashing of lights to pressure other drivers in front to give way;

- (b) misusing of a lane to avoid queuing or to gain some other advantage over other drivers;
- (c) unnecessarily remaining in an overtaking lane;
- (d) driving slowly or braking, without good cause;
- (e) driving with un-dipped lights, dazzling oncoming drivers;
- (f) driving through a puddle causing pedestrians to be splashed; and
- (g) driving a bus in such a way as to alarm passengers.

“invalid carriage” means a mechanically or electrically propelled vehicle designed exclusively for personal use on a road by a person under physical disability;

“learner driver” means a person to whom a learner’s licence is issued under section 35;

“learner’s licence” means a licence issued under section 35;

“licence” means a driver’s licence or a learner’s licence;

“licensed” means licensed under this Law;

“maximum gross weight” means the weight of a vehicle laden with the heaviest load which it is constructed or adapted to carry;

“mobile telephone” includes a portable electronic device that also functions as a mobile telephone, but does not include -

- (a) a two-way radio; or
- (b) a separate earpiece or a separate mouthpiece, that is temporarily attached to the mobile telephone for the purpose of allowing the mobile telephone to be used without being hand-held or manipulated;

“moped” means a vehicle having two road wheels and equipped with a power unit of a cylinder capacity of fifty cubic centimetres or less and capable of being propelled by the power unit or by human energy, or a combination of both;

“motor car” means a vehicle propelled mechanically, electrically or a combination of the two, but not a motor cycle, which is constructed solely for the carriage of passengers and their effects, and is adapted to carry not more than nine passengers exclusive of the driver;

“motor vehicle” means a mechanically propelled vehicle manufactured, intended or adapted for use on roads and includes an electrically powered vehicle;

“motorcycle” means a vehicle, but not an invalid carriage, with three wheels or less, which is used for the transportation of people, and includes a motor scooter and moped, but does not include an all-terrain cycle;

“night” means the period from thirty minutes after sunset until thirty minutes before sunrise on the following day;

“notice to owner” means a notice referred to in section 95(3);

“omnibus” means a vehicle constructed or capable of being used for the carriage of more than nine persons, excluding the driver, which is licensed to carry passengers on a fare-paying basis or by private arrangement on a designated route approved by the Public Transport Board;

“overall travelling height” means not less than, and not more than, one inch more than -

- (a) for a vehicle which is not drawing a trailer, the distance between the ground and the point on the vehicle, or a load which is being carried by or equipment which is fitted to the said vehicle, which is farthest from the ground; and
- (b) for a vehicle which is drawing a trailer, the distance between the ground and the point on the vehicle or a trailer which it is drawing, or the load which is being carried on or equipment which is fitted to a part of that combination of vehicles, which is farthest from the ground,

and for the purpose of determining the overall travelling height -

- (i) the condition of the tyres of the vehicle and of a trailer which it is drawing shall be such as to comply with the requirements specified in regulations made under Part 6;
- (ii) the surface under the vehicle and a trailer which it is drawing and the load which is being carried on and equipment which is fitted to any part of the combination of vehicles and which projects beyond a part of the combination of vehicles shall be reasonably flat; and
- (iii) equipment which is fitted to the vehicle or a trailer which it is drawing shall be stowed in the position in which it is to proceed on the road;

“overall width” means the width of a vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points of the vehicle exclusive of -

- (a) a driving mirror;
- (b) a direction indicator; and
- (c) the distortion of a tyre caused by the weight of the vehicle;

“oversize vehicle” means a vehicle in any of the following categories -

- (a) having an overall width in excess of eight feet and six inches;
- (b) having an overall travelling height in excess of fourteen feet;
- (c) having a maximum gross weight in excess of sixty-six thousand pounds; and
- (d) towing a trailer the length of which exceeds forty-five feet;

“owner”, in relation to a vehicle, means the person -

- (a) by whom the vehicle is kept; or
- (b) having the right of immediate disposition of the vehicle whether or not that right is to be exercised subject to -
 - (i) a lien over the vehicle;
 - (ii) a balance of payment on the vehicle; or
 - (iii) the right of a mortgagee or holder of a bill of sale;

“Panel” means the Traffic Management Panel established by section 107;

“park”, with respect to a vehicle, means to voluntarily bring the vehicle to rest or, while in control of it, permitting it to remain at rest for a purpose other than -

- (a) conforming with the flow of traffic;
- (b) obedience to a traffic sign;
- (c) compliance with a police signal;
- (d) compliance with this Law; or
- (e) avoiding an accident;

“pavement” means a part of a road designed and set aside for the exclusive passage of pedestrians;

“pedal cycle” means -

- (a) a vehicle constructed of any number of wheels which is propelled by human power by means of pedals, including pedals that are electrically assisted, the electric motor being incapable of solely propelling the cycle; and
- (b) includes a bicycle.

“police instructor” means a person who is -

- (a) a member of the Royal Cayman Islands Police Service and whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of vehicles to persons being members of the Police Force; or
- (b) a civilian from time to time employed in the Police Force for the purpose of giving such instruction to such persons;

“prescribed” means prescribed by this Law or a regulation made under this Law;

“prescribed limit” means -

- (a) one tenth of one per cent weight/volume blood/alcohol concentration on a reading of an alcohol-in-breath measuring device;
- (b) one hundred milligrams of alcohol in one hundred millilitres of blood; or
- (c) one hundred and thirty-four milligrams of alcohol in one hundred millilitres of urine,

or such other proportion as may be prescribed by regulations;

“public passenger-vehicle” means a passenger vehicle that is operated for hire or reward;

“public place” means a place to which the public has access -

- (a) as of right, without payment;
- (b) upon payment; or
- (c) upon invitation, express or implied,

and includes commercial property to which persons attending for commercial purposes are allowed access by the owner of those premises, upon payment of a fee or not;

“Public Transport Board” means the Board established by section 45;

“register” means the Register of Vehicles and Drivers established by section 5;

“registered” means registered under this Law;

“registered driving instructor” means an instructor referred to in section 121;

“registered owner” means a person registered under this Law as the owner of a registered vehicle;

“registration” means registration under Part 2;

“registration plates” means plates issued under section 6;

“regulation” means a regulation made under this Law;

“relevant disability” means -

- (a) a disability that renders a person unable to drive a vehicle safely;
or
- (b) a disability for the time being listed in the Guide to the Current Medical Standards of Fitness to Drive issued by the Department of Driver and Vehicle Licensing Agency of the United Kingdom;

“repealed Law” means the Traffic Law (2003 Revision) repealed by section 143; (2003 Revision)

“resident” means a person who has lived in the Islands for six months or more;

“road” means a public place where a vehicle may be driven or parked and such areas adjacent to that place as may be prescribed;

“road code” means the road code prescribed under this Law;

“road user” means a person using a road;

“school-crossing warden” means a warden referred to in section 112;

“school vehicle” means a vehicle used for the conveyance of school children for hire or reward;

“school zone” mean a place designated as such under section 120;

“special electric vehicle” means an electrically powered vehicle which, in the opinion of the Director, is capable of travelling under its own power at a maximum speed of thirty miles per hour or less;

“special permit ” means a permit granted in respect of an oversize vehicle or a special vehicle under section 18;

“special vehicle” means a vehicle not constructed or adapted for use on roads, having motive power, and designed to be used, with or without accessories, for construction, road maintenance, engineering or agricultural work, and includes -

- (a) a forklift;
- (b) a front-loader; or
- (c) a track-laying or wheeled vehicle;

“suspended period of enforcement” means the period referred to in section 95(2);

“taxi” means a vehicle or horse-drawn vehicle constructed and used for the carriage of not more than fifteen persons, excluding the driver, which is permitted to stand or ply for casual hire for the conveyance of passengers and their luggage;

“taxi rank” means a place designated a such under section 109;

“trade plates” means plates issued by the Director under section 21;

“traffic sign” means -

- (a) an object or device, whether fixed, portable or temporary, for conveying to traffic and other road users, warnings, information, requirements, restrictions or prohibitions; and
- (b) road markings,

but does not include a traffic signal;

“traffic signal” means a device, whether fixed or portable, permanent or temporary, by which illuminated signals in red, green or amber, or combinations of any two such colours, are intermittently displayed (above a road or at the

centre or side of a road at an intersection, junction or other place where the Commissioner desires to control traffic) in conjunction with a metallic or white line drawn at right angles to the centreline of the road in the path of vehicles approaching that device;

“trailer” means a vehicle, other than a caravan designed or adapted for human habitation, having no motive power, which is designed to be drawn by a vehicle;

“truck” means a vehicle constructed or adapted for the carriage or haulage of goods, with or without passengers, and includes a van, pick-up and tanker;

“unlawful”, in relation to parking, includes -

- (a) parking on private property to which the public does not have access; and
- (b) parking on business premises where parking space is reserved for staff and members of the public who are visiting the premises for genuine purposes associated with that business, whether or not actual business is transacted;

“vehicle” means a wheeled or tracked vehicle capable of being driven or towed on a road, and includes an electrically powered vehicle, agricultural and earthmoving vehicle, motor cycle, scooter and wheeled trailer, but does not include a hand cart, barrow or baby carriage;

“vehicle dealer” means a business licensed under the Trade and Business Licensing Law (2007 Revision) for purposes referred to in section 21(1);

“vehicle inspector” means a person appointed as such under section 60; (2007 Revision)

“vehicle licence” means a licence issued under section 16;

“visitor” means a person who has been granted permission to stay in the Islands for a period not exceeding six months; and

“written test” means the prescribed written test referred to in section 25(a) to (v).

PART 2-Registration and Licensing of Vehicles

3. (1) The Chief Officer responsible for the Department of Vehicle and Drivers’ Licensing shall, in exercise of his functions under the Public Service Management Law (2007 Revision), appoint - Licensing Authority.
(2007 Revision)

- (a) the Director of Licensing, who shall be the licensing authority for the Islands; and
- (b) such other officers as the Chief Officer considers necessary for the purpose of assisting the Director carry out his functions under this Law.

(2) The Director may delegate to any other person the exercise of any power conferred on or the performance of any duty imposed on him by this Law.

(3) After this Law comes into force, the Director and other employees appointed under the Public Service Management Law (2007 Revision) shall continue in office on the same terms and conditions.

Functions of the
Director

4. The Director shall -

- (a) inspect and test vehicles;
- (b) register vehicles and maintain the register;
- (c) issue licences in respect of vehicles and drivers;
- (d) conduct driving tests; and
- (e) perform other prescribed functions.

The register

5. (1) The Director shall establish and maintain the Register of Motor Vehicles and Drivers.

(2) The register maintained at the commencement of this Law shall be taken to have been established under subsection (1) and be continued under this Law.

(3) Vehicles required to be registered under this Law shall be registered by serial, alphabetical or alpha numeric numbers under prescribed registration categories.

(4) The Director shall -

- (a) provide the Commissioner with the names of registered owners of vehicles and the registration numbers of the vehicles they own;
- (b) provide the Commissioner with such information from the register with respect to owners and vehicles as the Commissioner may require; and
- (c) keep the Commissioner informed of new registrations and changes of ownership.

(5) The Director shall, on payment of the prescribed fee, supply (to any person who applies for a copy of the entries on the register relating to any specified vehicle or driver) a copy of those entries.

(6) In court proceedings -

- (a) the contents of the register; and

- (b) extracts from the register purporting to be certified as such by the Director,

shall be proof of the contents of the register unless the contrary is proved.

6. (1) A person who uses or keeps or, being the owner, permits any other person to use or keep an unregistered vehicle which is not exempted from registration under this Law commits an offence. Registration of vehicles, and third party risks

(2) It is a defence to a charge under subsection (1) that -

- (a) a person took reasonable steps to register the vehicle; and
- (b) the vehicle was on its way to being registered.

(3) An application for the registration of a vehicle shall be made to the Director in the prescribed form and be accompanied by the prescribed registration fee.

(4) The Director, on being satisfied that this Law and the Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision) and regulations have been complied with, shall - (2007 Revision)

- (a) register the vehicle by assigning it a serial, alphabetic or alpha numeric registration number;
- (b) record in the register other prescribed particulars; and
- (c) issue to the owner registration plates and a certificate of registration.

(5) If a vehicle does not have affixed to it registration plates as provided by section 8, this fact shall be regarded as evidence that the vehicle has not been registered, unless the contrary is proved, and a constable may detain that vehicle until enquiries have been made.

(6) The onus of proving that a vehicle has been registered rests upon the owner of the vehicle.

(7) A person who is less than seventeen years of age shall not be registered as the owner of a vehicle.

7. Vehicles in the possession of persons licensed under the Trade and Business Licensing Law (2007 Revision) as vehicle dealers, agents, repairers or traders are exempt from the need for registration, but are subject to such provisions as to trade plates as may be prescribed. Certain new vehicles exempt from registration
2007 Revision

8. (1) The owner of a registered vehicle shall exhibit registration plates displayed in the prescribed manner. Registration plates

(2) Where a registration plate is lost, destroyed or rendered illegible, the owner of the vehicle shall obtain a new set of registration plates by making an application to the Director in the prescribed form and paying the prescribed fee.

(3) The Governor in Cabinet may, by regulations, provide for the display on a trailer of the registration plate of the vehicle to which that trailer is attached.

(4) Where the Director is unable to issue permanent licence plates, he may issue temporary licence plates of such design and dimensions as he may determine but such plates shall be issued for a period not exceeding six months.

Alteration of particulars to be recorded in the register and certificate of registration

9. (1) Where there is a change of ownership or alteration in the particulars of a registered vehicle, the owner shall, within fourteen days of the change or alteration -

- (a) inform the Director, on the prescribed form, of the change or alteration;
- (b) pay the prescribed fee; and
- (c) submit to the Director the certificate of registration,

and the Director shall record in the register the change or alteration and issue a new certificate of registration to the new owner of the vehicle.

(2) A registered owner of a vehicle referred to subsection (1) who fails to inform the Director of a change of ownership or alteration in the prescribed particulars of a registered vehicle commits an offence and is liable on summary conviction to a fine of four hundred dollars or to imprisonment for a term of three months, or to both.

(3) The Director may call upon an owner of a vehicle to furnish information for the verification of the entries in the register relating to that vehicle.

(4) A registered owner of a vehicle who fails to furnish information requested under subsection (3) commits an offence.

Termination of vehicle registration

10. (1) When a registered vehicle has been -

- (a) exported from the Islands; or
- (b) disposed of in the Islands to the satisfaction of the department responsible for environmental health,

the owner shall -

- (i) surrender to the Director the certificate of registration, vehicle licence and registration plates;

- (ii) inform the Director, on the prescribed form, of the export or disposal of the vehicle; and
- (iii) pay the prescribed fee.

(2) Where the Director is satisfied that a vehicle referred to in subsection (1) has been exported or disposed of, he shall terminate the registration of the vehicle and refund to the registered owner any vehicle licence fee prepaid in respect of the period from the date of the export or disposal until the expiry date of the vehicle licence on a pro rata basis in respect of each clear quarter comprised in such period, but in the case of a vehicle licence taken out for six months, no refund of the surcharge payable under section 14(4)(b) shall be made.

(3) The owner of a registered vehicle who fails to inform the Director of the disposal or export of a vehicle specified in subsection (1) commits an offence.

(4) Subject to subsection (5), the Director may terminate the registration of a vehicle for which a vehicle licence has not been taken out for a continuous period of three years and the fees shall cease to accrue as at the date of termination.

(5) The Director may restore to the register a vehicle whose registration has been terminated and in any such case all arrears of fees that the vehicle would have been liable to had its registration not been terminated shall be paid.

11. (1) A person who, without the written permission of the Director, imports or uses -

Importation and use of
certain vehicles
restricted

- (a) a moke or mini moke;
- (b) a beach buggy or dune buggy;
- (c) a double decker omnibus;
- (d) the parts of a vehicle referred to in paragraphs (a) to (c); or
- (e) a vehicle which is constructed, or capable of being used, for the carriage of more than fifteen persons excluding the driver,

commits an offence.

(2) The Director shall not register a vehicle imported into the Islands contrary to subsection (1).

(3) Except as permitted by section 18, a person who uses on a road a vehicle which is not constructed or adapted for use on a road or which does not comply with the requirements of regulations made under section 57 commits an offence.

- Licensing of vehicles
12. (1) No person may use or keep, or cause to be used or kept, a vehicle, other than a vehicle exempted under this Law, with respect to which there is no licence issued by the Director.
- (2) A person who contravenes subsection (1) commits an offence and is liable, in addition to any other punishment imposed on him under this Law, to a penalty equal to three times the amount of the licence fee chargeable in respect of the vehicle since the date of expiry of the last vehicle licence.
- (3) A sum payable pursuant to an order under subsection (2) shall, for the purpose of an enactment relating to the recovery or application of sums ordered to be paid by a court, be treated as a fine, and the order as a conviction.
- (4) The owner of a vehicle shall apply to the Director for a licence and the Director may, upon payment of the prescribed fee, issue a licence.
- (5) The fee referred to in subsection (4) shall be charged by reference to the renewal rate prescribed for vehicles of that description.
- Exemptions from fees: motor trade
(2007 Revision)
13. No vehicle licence fee may be charged for -
- (a) vehicles in the possession of persons licensed under the Trade and Business Licensing Law (2007 Revision) as motor vehicle dealers, agents, repairers or traders solely for the purpose of sale, repair or testing in the course of that business; and
 - (b) oversized vehicles, subject to provisions relating to special permits.
- Commencement and duration of licences: rate of fees
14. (1) Except as provided in subsection (2), a vehicle licence may be taken out for three months, six months, twelve months, twenty-four months or thirty-six months and shall come into effect -
- (a) on the first application, on the day of issue; or
 - (b) on a subsequent application, on the day following the day of expiry of the last licence issued, irrespective of the date of that application.
- (2) Where -
- (a) the vehicle is new and being registered for the first time in the Islands, not having been registered elsewhere before, a licence may, upon initial registration, be issued for three years and after the expiry of the initial period, a licence may be issued for a period not exceeding two years;

- (b) less than three years have passed since the date of manufacture of the vehicle (whether or not the vehicle was registered in the Islands or elsewhere before, or registered in the Islands and elsewhere before), a licence may be issued for a period not exceeding two years.

(3) A vehicle licence issued under subsection (1) or (2) comes into effect on the day following the last day of the period in question.

(4) Except as provided in subsection (5), the fee payable on a vehicle licence shall -

- (a) if the vehicle licence is taken out for a period of twelve months, twenty- four months or thirty-six months, be paid at the annual rate of duty applying to vehicles of that description and prescribed by regulations made under section 22; and
- (b) if the vehicle licence is taken out for three months or six months, be paid at a rate of twenty-five per cent and fifty per cent respectively of the prescribed annual rate, plus such surcharge as may be prescribed.

(5) A disabled person is entitled to register one vehicle free of fee and no fee shall be payable in respect of a vehicle registered in the name of an institution one of whose principal aims is to render assistance to disabled persons.

15. (1) A registered owner who for any period uses or keeps, or causes to be used or kept, a vehicle in respect of which a fee under this Law has at any time become chargeable is liable to pay a fee in respect of that vehicle for that period.

Continuous liability for suspension of vehicle licence

(2) No person is liable under subsection (1) to pay a fee for a vehicle -

- (a) in respect of a period for which he has, under subsection (3), applied to the Director for the suspension of a vehicle licence and the application is granted; or
- (b) for a period when the vehicle is exempt from fees under section 13.

(3) Where the registered owner does not intend to use or keep that vehicle on a road for a period of more than three months, he may lodge the vehicle licence and certificate of registration with the Director and make an application to the Director in prescribed form accompanied by the prescribed fee for suspension of the vehicle licence and refund of the vehicle licence fee prepaid in respect of the period of suspension.

(4) If the Director is satisfied that the registered owner has made proper provision for the custody or storage of a vehicle referred to in subsection (1) and

registration plates during the period of suspension, he shall refund to the registered owner pro rata on a quarterly basis any licence fee prepaid in respect of each clear quarter of the period of suspension.

(5) For a vehicle licence taken out for three months or six months, no refund of the surcharge payable under section 14(4)(b) may be made to the registered owner.

(6) If the registered owner wishes to extend the period of suspension beyond the date of expiry of the current vehicle licence, he shall, during the week before that date, make a further application to the Director.

(7) A person who has been granted a suspension under this section does not escape liability to pay a fee if, at any time during that period, he uses or keeps, or causes to be used or kept, the vehicle on a road and no vehicle licence is in force for the vehicle at that time.

(8) Where the person using or keeping the vehicle is not the registered owner, the consent of the owner shall be presumed unless the contrary is shown.

Issue of licences

16. (1) A person applying for a vehicle licence shall make such declaration and furnish such particulars with respect to the vehicle for which the vehicle licence is to be taken out or otherwise as may be prescribed.

(2) A vehicle licence shall be issued and apply only to the vehicle specified in the application for the vehicle licence.

(3) The Director shall not issue a vehicle licence unless he is satisfied that -

- (a) the vehicle licence applied for is appropriate for the vehicle specified in the application;
- (b) the vehicle has been registered and does not differ in any respect from the particulars entered in the register in respect of that vehicle;
- (c) a certificate of roadworthiness has been issued and is in force in respect of the vehicle;
- (d) the requirements of the Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision) have been complied with in respect of that vehicle; and
- (e) in the case of an application that purports to be the first, a vehicle licence has not previously been issued for that vehicle.

(2007 Revision)

(4) The decision of the Director as to the registration category to which a vehicle conforms and as to the vehicle licence that may be issued in respect of that vehicle is conclusive.

17. (1) Where a vehicle licence or certificate of registration is lost, destroyed or rendered illegible, the owner of the vehicle may obtain a duplicate vehicle licence or certificate of registration from the Director by paying the prescribed fee. Duplicate licences

(2) If a vehicle licence or certificate of registration referred to in subsection (1) is subsequently found, the holder of the duplicate licence or duplicate certificate of registration shall forthwith surrender to the Director the duplicate vehicle licence or duplicate certificate of registration.

(3) A person who knowingly retains or has in his possession -

- (a) both an original and duplicate vehicle licence; or
- (b) both an original and duplicate certificate of registration,

commits an offence and is liable on summary conviction to a fine of three hundred dollars or to imprisonment for three months, or to both.

18. (1) Except as provided in this section no - Special permit

- (a) oversize vehicle; and
- (b) special vehicle,

may be used on a road, and no vehicle licence may be issued in that respect.

(2) The Commissioner may grant a special permit to the owner of an oversize vehicle to enable that vehicle to be driven on a road from one place to another, subject to -

- (a) any regulations made under section 112;
- (b) the person driving the vehicle and the vehicle complying with the Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision); and (2007 Revision)
- (c) such conditions as the Commissioner may specify in that special permit,

if the Commissioner is satisfied that the oversize vehicle can be so driven without material damage to the road.

(3) The Commissioner may grant a special permit to the owner of a special vehicle to enable that vehicle to be driven on a road from one place to another, subject to -

- (a) any regulations made under section 111; and
- (b) such conditions as the Commissioner may specify in that special permit,

if the Commissioner is satisfied that the special vehicle can be so driven without material damage to the road.

(4) An application for a special permit under this section shall be made on the prescribed form and accompanied by the prescribed fee, but -

- (a) the Commissioner may, in his discretion, allow applications not made in the prescribed form, including applications by -
 - (i) telephone; and
 - (ii) electronic mail, text message or other electronic means, if he is satisfied that the case is one of genuine emergency; and
- (b) notwithstanding the issue of a permit under subsections (2) or (3), no fee is payable in respect of a road maintenance vehicle in the ownership of the Government, nor in a case in which the distance travelled along a road does not exceed half a mile.

(5) A person who uses an oversize vehicle or special vehicle on a road without having first obtained a special permit to do so commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of twelve months, or to both.

(6) A person to whom a special permit has been granted who fails to observe the conditions specified in that licence commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of twelve months, or to both.

Exhibition registration plates

19. (1) The Director may, upon application in the prescribed form by the owner of an exhibition vehicle and payment of the prescribed fee, issue to the owner exhibition registration plates.

(2) Exhibition registration plates are valid, without renewal of registration, for the life of the vehicle in the Islands.

Personalised plates

20. The Director may, upon application and payment of the prescribed fee, issue personalised registration plates to the owner of a vehicle.

Trade plates
(2007 Revision)

21. (1) The Director may, on the application of a person who is licensed under the Trade and Business Licensing Law (2007 Revision) to carry on business as a motor vehicle dealer, agent, repairer or trader and payment of the prescribed fee, issue, on such conditions as he may determine, trade plates of the prescribed number and design.

(2) The trade plates issued under subsection (1) allow the business concerned to take or cause to be taken on the road for the purposes of the business an unregistered or unlicensed vehicle where -

- (a) the vehicle is held by the business for the purposes stated in subsection (1);
- (b) the person driving the vehicle and the vehicle comply with the Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision); and
- (c) the vehicle otherwise complies with this Law and the regulations.

(2007 Revision)

(3) Trade plates shall be issued for one year at a time at the prescribed fee.

(4) The Director shall ensure that at any one time a business does not hold more than three pairs of trade plates.

(5) A person who unlawfully uses trade plates on a vehicle or breaches any terms and conditions imposed under subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months, or to both.

22. The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Part, or are necessary or convenient to be prescribed for giving effect to the purposes of this Part and, in particular, may make regulations to provide for -

Regulations under this Part

- (a) categories of vehicles for the purpose of section 5(1);
- (b) the form of the register and the particulars to be recorded in it;
- (c) the manner and form in which applications may be made for copies of entries in the register and the fees to be paid for applications;
- (d) the manner and form in which applications may be made for the registration of vehicles, the fees to be paid and the form of certificate of registration;
- (e) the vehicles or categories of vehicles which may be registered and the conditions subject to which vehicles or categories of vehicles may be registered;
- (f) the form of registration plates and mode of display;
- (g) the issue of duplicates of certificates of registration or the replacement of registration plates lost, destroyed or rendered illegible, and the fees to be paid for the issue of duplicates or replacements;
- (h) the form of applications to be made under section 9 for alteration of particulars in the register and termination of vehicle registration under section 10;

- (i) the division of vehicles in a registration category into sub-categories for the purpose of licensing, and the annual rates of vehicle licence fee to be paid under section 12 in respect of vehicles in a sub-category;
- (j) the form of and particulars to be included in an application under section 15(3) for suspension of a vehicle licence;
- (k) the form of vehicle licences and trade plates and the mode of display;
- (l) the manner and form in which applications may be made for vehicle licences and trade plates;
- (m) fees payable for trade plates and registration plates; and
- (n) the replacement of vehicle licences, registration plates and trade plates which are lost, destroyed or rendered illegible and as to the fees payable in connection with their replacement.

PART 3-Licensing of Drivers of Vehicles

Unqualified persons not to drive

23. (1) A person who drives a vehicle on a road while not being qualified to drive that vehicle commits an offence and is liable on summary conviction to a fine of four thousand dollars or imprisonment for a term of twelve months, or to both.

(2) Where a person is charged with -

- (a) a contravention of subsection (1), the burden of proving that he was licensed lies on him; and
- (b) being an accessory to a contravention of subsection (1), the burden of proving that the person who was driving was licensed lies on the alleged accessory.

Persons not to drive vehicle unless licensed or authorized

24. (1) A person who drives a vehicle on a road while not being licensed or authorized under this Law to drive that vehicle commits an offence and is liable on summary conviction to a fine of four thousand dollars or to imprisonment for twelve months, or to both.

(2) Where a person is charged -

- (a) with a contravention of subsection (1), the burden of proving that he was licensed or authorized lies on him; and
- (b) with being an accessory to a contravention of subsection (1), the burden of proving that the person who was driving was licensed or authorized lies on the alleged accessory.

Qualification to drive

25. No person is qualified to drive a vehicle -

- (a) unless he -

- (i) is of the prescribed age to drive the group of vehicle driven;
 - (ii) satisfies such conditions relating to his previous driving experience as may be prescribed in respect of the group of vehicle driven;
 - (iii) is not disqualified from driving by reason of suffering from a relevant disability;
 - (iv) is not disqualified from driving, temporarily or otherwise, by the order of a court or the operation of any Law; and
 - (v) has passed the prescribed written test and road test in respect of the group of vehicle driven; or
- (b) unless he -
- (i) is a new resident or visitor to whom section 29 applies or is a person to whom the exemption under section 30 applies; or
 - (ii) is the holder of a learner's licence to drive such vehicle under the conditions under which it is being driven.

26. No person is licensed or authorized to drive a vehicle unless -

Persons who are not licensed or authorized to drive

- (a) he holds a current driver's licence authorising him to drive;
- (b) he holds a current learner's licence to drive such a vehicle under the conditions under which he is driving; or
- (c) is exempted under section 37(6) from holding a driver's licence.

27. (1) No person may be issued with a driver's licence for any group of vehicle unless he is qualified under section 25(a) to drive the relevant group of vehicle.

Persons who may be licensed

(2) No person may be issued with a learner's licence for any group of vehicle unless he satisfies the conditions specified in section 25(a)(i) to (v).

28. (1) A person who is resident in the Islands shall, during the period of three months after he becomes resident, be treated for the purposes of section 26 as the holder of a current driver's licence authorising him to drive a vehicle, if -

New residents and certain visitors may be authorized to drive: international driver's licence

- (a) he satisfies the conditions specified in section 25(a)(i) to (v); and
- (b) he is the holder of a valid driver's licence authorising him to drive such a vehicle in another country.

(2) A person lawfully visiting the Islands who -

- (a) is qualified to drive a group of vehicles for the purposes of section 25(a)(i) to (v); and
- (b) is the holder of a current driver's licence issued in his country of residence in respect of that group of vehicles,

may be issued with a permit in the prescribed form to drive a motor cycle under 125cc in the Islands -

- (i) on production of his driver's licence; and
- (ii) on payment of the prescribed fee.

(3) A permit issued under subsection (2) is valid -

- (a) while the visitor is on the Islands; or
- (b) for a period of six months from the date of issue,

whichever period is shorter.

(4) If requested to do so by a constable, the holder of a permit issued under subsection (2) shall produce to the constable -

- (a) the permit;
- (b) his current driver's licence; and
- (c) proof of payment of the prescribed fee for the permit.

(2007 Revision)

(5) A vehicle-hire entity licensed as such under the Trade and Business Licensing Law (2007 Revision) may purchase in bulk from the Director blank forms of the permits referred to in subsection (2) for issue, in accordance with that subsection, to visitors hiring vehicles from that entity.

(6) A vehicle-hire firm that issues a permit under subsection (5) shall -

- (a) ensure that the form of permit is completed in duplicate and signed by the visitor; and
- (b) give the original of the permit to the visitor and retain the duplicate for production to the Director if so required.

(7) A vehicle hire firm may return unused blank forms of the permits to the Director who shall refund the amount paid for them.

(8) The holder of an international driver's permit issued outside the Islands and in accordance with an International Convention with respect to the international circulation of vehicles to which the Islands have adhered shall, whilst the international driver's permit remains valid, be exempted from a requirement to hold a driver's licence under this Law to drive in the Islands a vehicle of the group for which he holds an authorization to drive in the country in which his international driver's permit was issued.

(9) Where a person who is at least twenty years old wishes to drive a vehicle in any other country which has adhered to an International Convention described in subsection (8), he may apply to the Director in the prescribed manner for an international driver's permit.

(10) The applicant referred to in subsection (9) shall comply with the requirements of the Convention referred to in that subsection and shall, in addition to any other particulars as may be required by the Director, satisfy the Director that he holds a valid driver's licence issued in the Islands and that he is ordinarily resident in the Islands.

(11) Where the Director satisfies himself as to the requirements of subsection (10) he shall, upon payment of the prescribed fee, issue an international driver's permit in accordance with the International Convention concerned.

(12) An international driver's permit shall, unless suspended by a court, remain in effect for twelve months from the date of issue.

(13) The Director shall keep a register of -

- (a) holders of valid international driver's permits issued outside the Islands; and
- (b) holders of international driver's permit issued by him.

(14) Except as otherwise specifically stated or contradicted in this Law, this Law does not derogate from any privilege or obligation accorded to any person by virtue of the Convention on Road Traffic concluded in Geneva in 1949.

29. (1) In this section, "Convention country" means a country which is a party to -

Driving tests for new residents

- (a) the Convention on Road Traffic concluded in Paris in 1926;
- (b) the Convention on Road Traffic concluded in Geneva in 1949; or
- (c) the Convention on Road Traffic concluded at Vienna in 1968.

(2) A visitor who holds a domestic licence from a Convention country or holds an international driver's permit from such a country may, on the basis of that permit, drive in the Islands for a period not exceeding six months.

(3) After the period of six months referred to in subsection (2), the visitor may drive only after passing a prescribed written test, upon which he shall, without the need for a road test, be issued with a Caymanian driver's licence.

(4) A person who does not hold a domestic licence from a Convention country or an international driver's permit from such a country shall not enjoy the concession granted under subsection (2) and shall be required to pass both a written and road test before he can drive at all in the Islands, but need not hold a learner's licence in order to sit a written test.

Saving of licences and tests under the repealed Law

30. (1) A person who holds a driver's licence -
- (a) that is about to expire; or
 - (b) that has expired but who has within the preceding five years held a licence,

does not need to take the tests referred to in section 37 but may apply for a renewal.

(2) An application for renewal shall be made to the Director in the prescribed form and paying the prescribed fee.

(3) For purposes of renewal, a licence issued under the repealed Law is as good as a licence issued under this Law.

(4) A person who at the coming into force of this Law has taken the written test may proceed to do the road test.

Requirements as to physical fitness of drivers

31. (1) An application for the grant of a licence shall include a declaration by the applicant in the prescribed form stating whether he is suffering or has at any time suffered from a relevant disability.

(2) The Director may require a person applying for a licence to provide a medical certificate in the prescribed form showing that he is not suffering from a relevant disability.

(3) If it appears from the applicant's declaration or medical certificate, or if, on inquiry, the Director is satisfied from other information that the applicant is suffering from a relevant disability, the Director shall, subject to subsection (4), refuse to grant the licence.

(4) The Director shall not, under subsection (3), refuse to grant a licence on account of a relevant disability if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled.

(5) Where the Director, under subsection (3) refuses to grant a licence, the applicant may, within thirty days of notification of the decision, appeal in writing to the Chief Officer responsible for the Department of Vehicle and Drivers' Licensing, who may conduct such investigation, seek such opinions and do such other things as he considers necessary or expedient to assist him in arriving at a decision.

Revocation of licence because of disability

32. (1) If the Director is, at any time, satisfied on inquiry that -

- (a) the holder of a licence is suffering from a relevant disability; and
- (b) the Director would be required under section 31(3) to refuse an application for the licence made by him,

the Director may serve notice in writing on that licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) A person whose licence is revoked under subsection (1) shall deliver the licence to the Director within seven days after the revocation date.

(3) A person who fails without reasonable excuse to deliver a licence to the Director under subsection (2) commits an offence.

(4) Where the Director, under subsection (1), revokes a licence, the person concerned may, within thirty days of notification of the decision, appeal in writing to the Chief Officer responsible for the Department of Vehicle and Drivers' Licensing, who may conduct such investigation, seek such opinions and do such other things as he considers necessary or expedient to assist him in arriving at a decision.

33. (1) If, at any time during the validity period of the licence, the holder of a licence becomes aware that -

Provision of information, etc., relating to disabilities

- (a) he is suffering from a relevant disability which he has not previously disclosed to the Director; or
- (b) a relevant disability from which he has at any time suffered, and which has been previously disclosed, has become more acute since the licence was granted,

that licence holder shall forthwith notify the Director in writing of the nature and extent of his disability.

(2) A person who fails without reasonable excuse to notify the Director under subsection (1) commits an offence and is liable on summary conviction to a fine of two hundred dollars.

(3) If the Director has reasonable grounds for believing that an applicant for, or holder of, a licence may be suffering from a relevant disability, subsection (4) applies for the purpose of enabling the Director to satisfy himself whether or not that is the case.

(4) The Director may, by notice in writing served on the applicant or holder -

- (a) require him, as soon as practicable, to arrange to submit himself for examination by such medical practitioner or practitioners as may be nominated by the Director for the purpose of determining whether or not he suffers or has at any time suffered from a relevant disability; or
- (b) require him to submit himself for a driving test, being a test authorising the grant of a licence in respect of vehicles-
 - (i) of all or any of the groups to which the application relates; or
 - (ii) which he is authorized to drive by the licence which he holds.

(5) If the Director considers it appropriate to do so in the case of any applicant for, or holder of, a licence, the Director may -

- (a) include in a single notice under subsection (4) requirements under more than one paragraph of that subsection; and
 - (b) at any time after the service of a notice under that subsection, serve a further notice or notices under that subsection.
- (6) If a person on whom a notice is served under subsection (4) fails -
- (a) without reasonable excuse to comply with a requirement contained in the notice; or
 - (b) a driving test which he is required to take under paragraph (b) of that subsection,

the Director may exercise his powers under sections 31 and 32 as if he were satisfied that the applicant or licence holder concerned is suffering from a relevant disability.

(7) Where the Director exercises the powers referred to in subsection (6), the applicant or licence holder may, within thirty days of notification of the decision, appeal in writing to the Chief Officer responsible for the Department of Vehicle and Drivers' Licensing, who may conduct such investigation, seek such opinions and do such other things as he considers necessary or expedient to assist him in arriving at a decision.

Driving with
uncorrected defective
eyesight

34. (1) Subject to subsection (2), a person who drives a vehicle on a road while his eyesight is such that he cannot comply with a requirement as to eyesight prescribed under this Part for the purpose of tests of competence to drive commits an offence.

(2) Subsection (1) applies whether or not the defect is one which cannot be, or which is not for the time being, sufficiently corrected.

(3) The Director or a constable having reason to suspect that a person driving a vehicle may have committed an offence under this section may require him to submit to a test for the purpose of ascertaining whether, using no other means of correction than he used at the time of driving, he can comply with the requirement concerned, and if that person refuses to submit to the test he commits an offence.

(4) A person who is convicted of an offence under subsection (1) is liable on summary conviction to a fine of six hundred dollars or to imprisonment for a term of six months, or to both, and, in addition, the particulars of the conviction shall be endorsed on his driving record.

35. (1) A person who is qualified under section 25(a)(i) to (iv) to drive a group of vehicles may, subject to subsection (3) and any regulations made under section 44, on making an application in the prescribed form and paying to the Director the prescribed fee, be granted a learner's licence in the prescribed form to drive that group of vehicles. Learners' licences

(2) A learner's licence is valid for six months and may, on payment of the prescribed fee, be renewed for a further period of six months and, after that, no renewals will be permitted unless the applicant has taken at least one driving test under section 37 since the last renewal.

(3) No person may be granted a learner's licence for any group of vehicles unless he has first passed the prescribed written examination for that group.

36. (1) A learner driver in respect of any group of vehicles may drive any vehicle of that group on any road where vehicles may lawfully be driven, subject to such conditions as may be prescribed in regulations, and if - Conditions under which learners may drive and penalty for offences

- (a) there are displayed in the prescribed manner on the vehicle being driven plates of the prescribed design bearing the letter "L";
- (b) the learner driver of a vehicle other than an invalid carriage or motorcycle is, at all times when driving, accompanied and supervised by a person who has been fully licensed and qualified to drive vehicles of the group being driven for a period of at least two years, and who is seated next to the learner driver,

and the holder of a learner's licence in respect of a motorcycle or moped shall not carry a passenger unless that passenger holds a driver's licence in respect of vehicles of that group.

(2) A person who -

- (a) breaches a condition of his learner's licence; or

- (b) supervises or attempts to supervise a learner driver when that person is not qualified to do so,

commits an offence.

(3) A person who is convicted of an offence under subsections (2) is liable on summary conviction to a fine of one thousand dollars or to imprisonment for twelve months, or to both, and the particulars of the conviction shall be endorsed on his driving record.

Applying for a driver's licence for the first time

37. (1) No person may be granted a driver's licence unless he has first passed the prescribed written test and prescribed road test, in that order, for vehicles of that group.

(2) The content of driving tests and the requirements for passing them shall be prescribed in regulations.

(3) Driving tests shall be carried out by a driving examiner appointed under section 3.

(4) A person who wishes to obtain a driver's licence may apply in the prescribed form to the Director to undergo a written test and road test, but no person shall take the road test without first holding a learner's licence.

(5) A learner driver who has been declared by a driving examiner to have passed the written test and road test shall surrender to the Director his learner's licence and receive in exchange a certificate of competence, in the prescribed form, pending issue of the driver's licence.

(6) The certificate of competence, for the day when it is issued and three days following its issue, exempts the person to whom it is issued from holding a driver's licence for the purpose of section 26(c).

Grant of licences

38. (1) Upon -

- (a) proof of exemption under section 30 from the need to take any test; or
- (b) production of a certificate of competence issued under section 37 following the passing of relevant tests,

and applying in the prescribed form and paying the prescribed fee, an applicant for a driver's licence shall be issued with a licence.

(2) A driver's licence issued under subsection (1) is not valid unless it is signed by the applicant prior to issue.

39. A driver's licence shall be in the form prescribed in regulations and shall specify the group or groups of vehicles which the holder is authorized to drive. Form of licences
40. (1) The Director may at any time require the holder of a driver's licence to furnish information for the verification of the entries in the register relating to that driver's licence. Verification of entries in the register
- (2) A holder of a driver's licence who fails or neglects to furnish information required by the Director under subsection (1) commits an offence.
41. (1) A driver's licence shall, unless previously revoked or surrendered, remain in force for three years or five years after the issue of the driver's licence and may be renewed for consecutive periods of three years or five years at a time without the applicant for the renewal being required to pass a further test. Duration of driver's licence
- (2) Where an applicant is suffering from a relevant disability but the disability is appropriately controlled, the Director may, subject to section 31, issue a driver's licence to that person to be valid for a stated period of not more than one year.
42. (1) Where a driver's licence is lost, destroyed, stolen or rendered illegible, the holder of the driver's licence may apply and obtain from the Director a duplicate driver's licence by paying the prescribed fee. Duplicate driver's licence
- (2) If a driver's licence which has been replaced under subsection (1) is subsequently found, the holder of the duplicate driver's licence shall surrender to the Director the duplicate driver's licence.
- (3) A person who knowingly retains or has in his possession both an original and a duplicate driver's licence commits an offence and is liable on summary conviction to a fine of three hundred dollars or to imprisonment for three months, or to both.
43. A constable may, without warrant, arrest - Powers of arrest
- (a) a person who, in the opinion of that constable, is driving or attempting to drive a vehicle when not qualified to do so;
 - (b) a learner driver who, in the opinion of that constable, is driving or attempting to drive in contravention of the conditions imposed on his learner's licence; and
 - (c) a person who, in the opinion of that constable, is supervising or attempting to supervise a learner driver when not licensed or qualified to do so.

Regulations under this Part

44. The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Part, or are necessary or convenient to be prescribed for giving effect to the purposes of this Part and, in particular, may make regulations to provide for -

- (a) age qualifications for the purpose of section 25(a)(i), and different ages may be prescribed for different groups of vehicles;
- (b) requirements as to the previous driving experience of applicants for licences in respect of any group of vehicles;
- (c) disabilities for the purpose of section 25(a)(iii);
- (d) conditions on which licences may be granted to persons suffering from certain relevant disabilities which are appropriately controlled;
- (e) requirements as to eyesight for the purpose of driving tests;
- (f) the form of declaration as to physical fitness and form of medical certificate for the purpose of section 31;
- (g) the driving of vehicles under international driving permits;
- (h) the form of driver's licences and learner's licences;
- (i) the conditions subject to which learner drivers may drive;
- (j) the manner and form in which applications may be made for a learner's licence under section 35, the fees to be paid on such applications, and the content of the written examination for any group of vehicles under section 35;
- (k) the content of driving tests for the purposes of section 37(1), the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of any appointment, evidence of the results of such tests, and generally with respect to such tests, and different regulations may be made in respect of driving tests for different groups of vehicles;
- (l) the manner and form in which applications may be made for driving tests and the fee to be paid on an application;
- (m) the manner and form in which applications may be made for the grant and renewal of driver's licences and the fee to be paid upon an application; and
- (n) the manner and form in which applications may be made for an international driver's permit and the fee to be paid upon an application.

PART 4-Public Passenger Vehicles

Establishment of Public Transport Board

45. (1) There is by this provision established, for the purpose of issuing permits for the operation of public passenger vehicles, the Public Transport Board, which shall have the powers and discharge the duties conferred or imposed on it by or under this or any other Law.

- (2) The Board shall consist of -
- (a) the Director of Tourism as Chairman;
 - (b) the Commissioner;
 - (c) the Director of the Port Authority;
 - (d) the Director of the Civil Aviation Authority;
 - (e) the Chief Officer of the Ministry responsible for public transport;
and
 - (f) four other members appointed by the Governor in Cabinet who shall hold office on such terms and conditions as the Governor in Cabinet may determine.

(3) Where a member referred to in subsection (2)(a) to (e) is unable to attend a meeting, he may nominate a person from his institution to attend and that person shall, under the specific or general direction of the substantive member, be a member for the purpose of that meeting.

(4) The Board established by subsection (1) is a continuation of, and is the same as, the Board established under the repealed Law.

(5) A question or matter to be determined by the Board shall be decided by the majority vote of all the members.

(6) The Governor in Cabinet may make regulations governing the procedure of the Board.

(7) Where a procedural matter is not regulated by this section or regulations made under subsection (6), the Board shall regulate its own procedure.

46. (1) The Governor in Cabinet 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 its functions under this Law and any other enactment in relation to matters which appear to him to affect the public interest, and the Board shall give effect to any such directions.

Governor in Cabinet
may give directions

(2) The Governor in Cabinet may, after consultation with the Board and the Director, give directions as to the total number of omnibuses and taxis which may be registered by the Director under Part 2 at any time, and the Director shall supply the Board with all such information from the register as the Board may require for the purpose of enabling the Board to limit or suspend applications for permits under this Part.

Permits for omnibus and
taxi drivers

47. (1) No person may drive a public passenger-vehicle without a valid permit issued by the Board.

(2) An application for the grant of a permit shall be made to the Board in the prescribed manner and contain the prescribed particulars.

(3) Subject to section 46(2) and subsection (4) of this section, the Board shall consider every application and may, in its discretion, either grant a permit, subject to such conditions, if any, as it thinks fit, or refuse to grant a permit.

(4) Before issuing permits, the Board shall take into consideration the total number of omnibuses and taxis that are, at the time of the application, already authorized to be used by holders of permits, and in that regard shall take into account matters such as -

- (a) the reasonable needs of the public for transport facilities;
- (b) the character and condition of the roads;
- (c) the amenities of the Islands;
- (d) the safety, comfort and convenience of the community; and
- (e) any other matters it considers relevant.

(5) Notwithstanding subsections (3) and (4) -

- (a) the Board shall refuse to consider an application for a permit by a person who does not fulfil the prescribed conditions as to age, driving experience or local knowledge; and
- (b) the Board may, in its discretion, refuse to consider an application for a permit by a person who, during the last three years, has been convicted in any court for -
 - (i) an offence connected with illegal drugs;
 - (ii) an offence involving dishonesty;
 - (iii) an offence against the person;
 - (iv) an offence relating to dangerous or reckless driving, whether or not causing death; or
 - (v) an offence under section 79, 80, 82 or 83.

(6) A permit authorising a person to operate omnibus or taxi services shall, unless previously revoked or suspended, remain in force for one year after the date of issue.

(7) Where, not later than three months following the date of expiry of the permit, a permit holder applies to the Board in the prescribed form for renewal, that permit may be renewed for one year at a time without the holder being required to pass a further test of knowledge under this Part.

48. (1) The Board may revoke a permit issued under section 47 if it is satisfied that a person to whom the permit was issued -
- Revocation and suspension of permits
- (a) has been convicted of an offence referred to in section 47(5)(b); or
 - (b) is, as a result of new information that the Board was not aware of at the time of issue of the permit, found not to be a suitable person to hold a permit.
- (2) The Board may suspend a permit issued under section 47 for up to six months on being satisfied that a person to whom such a permit has been issued has conducted himself in such a way as to cause annoyance or nuisance to any member of the public, or generally to bring himself, the Islands or the operation of tourism in the Islands into disrepute.
49. In determining whether a person is a suitable person to be granted a permit under section 47, or whether to revoke or suspend a permit under section 48, the Board shall have regard to -
- Matters to be taken into account by Board
- (a) the conditions prescribed in regulations for the holding of a permit; or
 - (b) a breach of any regulations controlling the operation of omnibuses and taxis made under section 52(1)(a).
50. The holding of a permit issued under section 47 for the operation of an omnibus service or taxi service does not authorize the holder to drive a vehicle outside the group covered by his driver's licence.
- Permit not a driver's licence
51. (1) No vehicle, other than a public passenger vehicle when driven by a person holding a valid permit issued under section 47, may be used or offered for the carriage of passengers for hire or reward.
- Conditions for driving passengers for hire or reward and penalty for contravention
- (2) A person who contravenes subsection (1) commits an offence.
- (3) Public passenger-vehicles shall operate under such conditions as may be prescribed, and notwithstanding the issuance of a permit under section 47, a person who uses or offers a vehicle for the carriage of passengers for hire or reward in contravention of any of the prescribed conditions commits an offence.
- (4) A public passenger vehicle that is not a taxi shall not stand or ply for casual hire, and a person who uses or offers a public passenger vehicle, not being a taxi, for casual hire commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months, or to both.

Regulations under this Part

52. (1) The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Part, or are necessary or convenient to be prescribed for giving effect to the purposes of this Part and, in particular, may make regulations to provide for -

- (a) the conditions under which public passenger vehicles may operate, ply for hire or be made available for hire;
- (b) the fares that may be charged for the carriage of passengers and their luggage on public passenger vehicles;
- (c) the charges that may be made for the hire of public passenger vehicles;
- (d) the location and marking of bus stops, and the conditions under which they shall be used;
- (e) the safe custody and re-delivery or disposal of property accidentally left in a public passenger vehicle, and the charges to be made in that respect;
- (f) the equipment of public passenger vehicles and the manner in which such equipment is to be used;
- (g) distinctive or other marks, signs or lettering to be displayed on public passenger vehicles;
- (h) conditions, including conditions as to the age and driving experience of applicants, and tests of knowledge in connection with the issue of permits under this Part;
- (i) badges and uniforms to be worn by drivers and other persons having charge of public passenger vehicles, their conduct and their obligations as carriers;
- (j) the number of hours for which a person may lawfully drive a public passenger vehicle in each period of twenty-four hours;
- (k) the conduct of persons carried as passengers on public passenger vehicles; and
- (l) the manner and form in which applications may be made for the grant and renewal of permits issued under this Part and the fees to be paid on an application.

(2) Regulations made under subsection (1) may make different provisions in relation to different categories of public passenger vehicles.

Part 5- Special Electric Vehicles

Restrictions on use of special electric vehicles

53. (1) Special electric vehicles may only be used on a road or public place where, in exercise of the power contained in section 120(1), there is a school zone and the designated speed is thirty miles per hour or less.

(2) A person who -

- (a) contravenes subsection (1); or
- (b) being authorised by operation of section 120(1) operates a special electric vehicle in contravention of this Law or a condition attached to his authorisation,

commits an offence and is liable to a fine of five hundred dollars or imprisonment for six month, or to both.

(3) Section 94 applies to an offence under this Part.

54. (1) Before using a special electric vehicle on a road or in a public place, the owner shall apply to the Director for a permit by submitting an application in the prescribed form and paying the prescribed fee.

Special permit for use of
special electric vehicles

(2) Where the Director is satisfied that a special electric vehicle is equipped as required by section 55, he may, subject to such terms and conditions as he thinks fit, issue a permit for the operation of that vehicle.

(3) Where a permit is lost, destroyed or rendered illegible, the owner of the special electric vehicle shall, upon payment of the prescribed fee, apply for a duplicate permit.

(4) Where, upon application, the Director is satisfied that a permit is lost, destroyed or rendered illegible, he may, upon the applicant paying the prescribed fee, issue a duplicate permit marked in accordance with the reason for its replacement.

(5) A special electric vehicle permit -

- (a) shall be carried in the vehicle when the vehicle is operating;
- (b) shall, unless previously revoked or suspended, remain in force for one year from the date of issue; and
- (c) shall, upon a subsequent application for renewal of the permit, be renewed by the Director if he is satisfied that it meets the requirements under section 55, for consecutive periods of one month, three months, six months or one year at a time.

(6) The Director may revoke or suspend a permit issued under this section if he is satisfied that a special electric vehicle to which the permit relates -

- (a) is no longer equipped as required by or under section 55; or
- (b) is otherwise being used contrary to the conditions under which the permit was issued.

- Requirements for registration of special electric vehicles
55. (1) A special electric vehicle shall be equipped with the following original manufactured items -
- (a) head lights;
 - (b) rear lights, reflectors, traffic indicators and stop lights;
 - (c) an interior rear view mirror;
 - (d) brakes;
 - (e) horn;
 - (f) at least one driving mirror;
 - (g) speedometer;
 - (h) seat belts complying with regulations made under this Law;
 - (i) windscreen;
 - (j) wipers;
 - (k) tyres; and
 - (l) such other items as the Director may determine by notification in the Gazette.
- 2007 Revision
- (2) The provisions of the Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision) relating to minimum insurance coverage apply to a special electric vehicle in the same way they apply to a “vehicle” as defined in section 2 of that Law.
- Regulations under this Part
56. The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Part, or are necessary or convenient to be prescribed for giving effect to the purposes of this Part and, in particular, may make regulations to provide for fees and forms.

PART 6-Construction and Use of Vehicles and Equipment

- Regulation of construction, weight, equipment and use of vehicles
57. (1) The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed, or are necessary or convenient to be prescribed, as to the use of vehicles, trailers and pedal cycles on roads, their construction and equipment, and the conditions under which they may be used and, in particular, regulations may provide for -
- (a) the width, height and length of vehicles and trailers, the condition and diameter of wheels, and the width, nature and condition of tyres of vehicles and trailers;
 - (b) the emission or consumption of smoke, fumes or vapour;
 - (c) noise;
 - (d) the maximum laden weight of vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a vehicle or trailer, or by any part of such a

- vehicle or trailer in contact with the road, and the conditions under which the weight may be required to be tested;
 - (e) the loading of vehicles and trailers, and the securing of loads carried by them;
 - (f) the particulars to be marked on vehicles and trailers;
 - (g) the towing or drawing of vehicles by vehicles;
 - (h) the number and nature of brakes, and for securing that brakes, silencers, and steering and transmission systems, are efficient and kept in proper working order;
 - (i) body work and bumpers;
 - (j) windows, window glass and windscreen wipers;
 - (k) lighting equipment and reflectors;
 - (l) the power unit and how to ensure that it is in good repair, properly enclosed and properly secured;
 - (m) the appliances to be fitted for -
 - (i) signalling the approach of a vehicle;
 - (ii) enabling the driver of a vehicle to become aware of the approach of another vehicle from the rear; or
 - (iii) intimating any intended change of speed or direction of a vehicle,and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order;
 - (n) the prohibiting of the use of any appliances fitted to vehicles, at any times, or on or in any roads or localities, specified in the regulations; and
 - (o) safety standards.
- (2) Regulations with respect to lighting equipment and reflectors may -
- (a) require that lamps be kept lit at such times and in such circumstances as may be specified in the regulations; and
 - (b) extend to vehicles of any description used on roads, whether or not they are motor vehicles.
- (3) Different regulations may be made -
- (a) for different categories of vehicles;
 - (b) for the same category of vehicles in different circumstances;
 - (c) for different times for day or night, or different times for different times of day or night; or
 - (d) for roads in different localities.
58. Subject to section 59, a person who -
- (a) contravenes or fails to comply with any regulations made under section 57; or

Offence where regulations are contravened

- (b) uses on a road a vehicle, trailer or pedal cycle which does not comply with any such regulations or causes or permits a vehicle to be so used,

commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of twelve months, or to both, and the particulars of the conviction shall be endorsed on his driving record.

Authorisation of use on roads of vehicles not complying with regulations under section 57

59. The Governor in Cabinet may make regulations prescribing special conditions for the use on the road of emergency vehicles, special vehicles, oversized vehicles and invalid carriages.

Appointment of vehicle inspectors

60. (1) The Chief Officer in the Ministry responsible for the Department of Vehicle and Drivers' Licensing shall, in exercise of his powers under the Public Service Management Law (2007 Revision) appoint suitable persons to be vehicle inspectors who shall carry out their duties under the Director's supervision.

2007 Revision

(2) The Director shall in writing designate a place at which vehicle inspections shall take place for the purpose of this Law.

(3) Neither the government nor any inspector appointed under subsection (1) shall be liable in damages for anything done or omitted in the discharge of the functions under this Law unless it is shown that the act or omission was in bad faith, but the government shall not be liable for anything done in bad faith by an inspector who is not a civil servant.

Imported vehicles to be inspected before use on the road

61. A vehicle or trailer imported into the Islands shall, before being used on a road, be taken from the point of import direct to -

- (a) a vehicle inspector;
- (b) a public garage;
- (c) a licensed vehicle dealer; or
- (d) the residence of the owner and then direct to a vehicle inspector,

for examination, and no such vehicle shall be used further on the road, except by a vehicle inspector for testing purposes, until a vehicle inspector has certified the vehicle to be fit for use on the road.

Issue of certificate of roadworthiness

62. (1) If a vehicle inspector is satisfied that a vehicle that he has examined under section 61 is roadworthy and complies with requirements of this Law and regulations, he shall issue a signed certificate of roadworthiness in the prescribed form.

(2) A vehicle found by a vehicle inspector not to be roadworthy or that does not comply with this Law or regulations may not be used on a road except

for the purpose of being removed to a convenient place off the road at the direction of a vehicle inspector given in the prescribed form.

63. (1) An owner of a vehicle or trailer shall, before the due date of renewal of the licence, submit the vehicle to a vehicle inspector at a place and within the times prescribed, for inspection for roadworthiness and general compliance with this Law and regulations.

Annual inspection of vehicles

(2) A vehicle shall not be used on the road after inspection until the vehicle inspector has issued a certificate of roadworthiness in respect of that vehicle.

(3) A vehicle in respect of which the certificate of roadworthiness has expired shall not be used on a road except for the purpose of being driven to a pre-arranged appointment or a designated place for an inspection.

64. (1) If a vehicle inspector has reason to believe that a vehicle being driven or being present on a road is not in roadworthy condition or fails to comply with this Law and regulations he -

Powers of vehicle inspectors and constables

- (a) may, at a reasonable time, enter a public place where that vehicle is to be found and there inspect it; or
- (b) may stop that vehicle on the road and carry out such inspection or tests as appear to him to be desirable.

(2) In the absence of a vehicle inspector, a constable who has reason to believe that a vehicle being driven or being present on a road is not in roadworthy condition or fails to comply with this Law or regulations shall order that vehicle to be taken off the road and may exercise the powers conferred on a vehicle inspector under section 62(2).

65. A person who uses a vehicle, or being the owner of a vehicle permits the vehicle to be used on a road contrary to section 61, 62 or 63 commits an offence and is liable on summary conviction to a fine of six hundred dollars or to imprisonment for a term of six months, or to both, and the particulars of the offence shall be endorsed on his driving record.

Using uninspected vehicle

66. The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Part, or are necessary or convenient to be prescribed for giving effect to the purposes of this Part and, in particular, may make regulations to provide for -

Regulations as to inspection and testing

- (a) the qualifications and training of vehicle inspectors;
- (b) the manner in which applications may be made for the inspection of vehicles under sections 61 and 63, the fees to be paid on such

applications, and the places and times at which inspections shall be carried out;

- (c) the form of, and particulars to be contained in, certificates of roadworthiness, notifications of the refusal of such certificates, and terms ordering the removal of vehicles from the road under section 62(2); and
- (d) the issue of duplicates of certificates of roadworthiness lost, destroyed or rendered illegible, and the fee to be paid for the issue of such duplicates.

PART 7-Control of Road Users

General duty of road users

67. A road user shall exercise care and attention when using the road and have due regard to -

- (a) the safety and comfort of other road users; and
- (b) the preservation and protection of public and private property.

Duties of drivers

68. A driver shall -

- (a) drive in such a manner as to have full control of the vehicle at all times;
- (b) keep to the left half of the road except when travelling in a one-way street or overtaking, or when otherwise directed by a traffic sign or signal, a police signal or signal by other authorized person;
- (c) before making a right hand turn, give the right of way to all approaching vehicles;
- (d) except where driving an emergency vehicle, comply with all traffic signs and signals;
- (e) comply with all signals and other lawful directions given by constables or wardens;
- (f) drive at a speed and in a manner and at a distance from other vehicles as to be able to stop in an emergency without being involved in a collision;
- (g) keep a watch on the road behind and in front of the vehicle being driven;
- (h) give prior warning of any intended manoeuvre by means of the prescribed hand or traffic indicator signals;
- (i) avoid obstructing other vehicles whether the vehicle under control is moving or stationary;
- (j) manage the vehicle so as to be able to stop within the limit of vision available at any given time;
- (k) where an intersection or road junction is without a traffic sign or signal giving priority to a road, drive in a way so as to avoid the

possibility of collision with any other road user, irrespective of the relative size or condition of the intersection or adjoining roads;

- (l) not park a vehicle in a place or in a way that obscures -
 - (i) the view of the road;
 - (ii) a road sign; or
 - (iii) a road intersection or junction,from any other road user or to deny to any other road user free passage along any road;
- (m) give right of way to emergency vehicles and other vehicles used by officials prescribed in regulations made under this Law;
- (n) keep illuminated at night -
 - (i) the rear light or lights;
 - (ii) the front head light or lights; and
 - (iii) the registration plate light,as prescribed for the class of vehicle driven; and
- (o) comply with the road code.

69. (1) A constable may require a person whom he has seen committing an offence under this Law or regulations, or whom he suspects of committing or having committed an offence, to give his name, address and date of birth, and any such person who refuses to give his name, address and date of birth or gives a false name, address or date of birth commits an offence.

Duty to give name and address, and penalty for contravention

- (2) The owner of a vehicle shall, if so required by a constable -
 - (a) give all information which it is in his power to give as to the name, antecedents and whereabouts of any person who has committed or is alleged or believed to have committed an offence in respect of, or with or by the use of, that vehicle; and
 - (b) give similar information regarding any persons who are alleged or believed to have been occupants of that vehicle at the time of commission or alleged or believed commission of the offence,

and an owner who refuses or fails to give such information, or knowingly gives false information, commits an offence.

(3) A constable may arrest without warrant a person who, having been required by that constable under subsection (1) or (2) to give his name, address and date of birth fails or refuses to do so or gives a name, address or date of birth which the constable believes on reasonable grounds to be false.

(4) A person driving a vehicle on the road who fails, when required by a constable to produce -

(2007 Revision)

- (a) his driver's licence or learner's licence;
- (b) the relevant certificate of insurance or other evidence that the vehicle is not or was not being driven in contravention of the Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision);
- (c) a current certificate of roadworthiness in respect of that vehicle, or
- (d) a certificate of registration in respect of that vehicle,

commits an offence, but for the certificates or other evidence referred to in paragraphs (b), (c) and (d), that person shall not be prosecuted if he produces such certificates or other evidence at a police station within three days.

(5) A person who is convicted of an offence under this section is liable on summary conviction to a fine of five hundred dollars and the court may order that the person be disqualified from holding or obtaining a driver's licence for such period not exceeding twelve months as the court thinks fit.

Seat belts

70. (1) The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed, or are necessary or convenient to be prescribed, in relation to the need for persons who are driving or riding in vehicles on a road to wear seat belts and, in particular, regulations may provide for -

- (a) different provisions in relation to different categories of vehicles, different descriptions of persons and different circumstances;
- (b) exceptions for-
 - (i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addresses while engaged in making local rounds of deliveries;
 - (ii) the drivers of vehicles while performing a manoeuvre which includes reversing; and
 - (iii) persons holding a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt;
- (c) exceptions subject to conditions; and
- (d) cases in which a fee may be charged on an application for any certificate required as a condition of an exception.

(2) A person who drives or rides in a vehicle in contravention of regulations made under subsection (1) commits an offence, but notwithstanding any enactment or rule of law, no person other than the person actually committing the contravention commits an offence by reason of the contravention.

(3) If the holder of a certificate referred to in subsection (1)(b)(iii) is informed by a constable that he may be prosecuted for an offence under subsection (2), he is not, in proceedings for that offence, entitled to rely on the exception afforded to him by the certificate unless it is produced to the constable at the time he is so informed.

71. The Governor in Cabinet may make regulations relating to the wearing of seatbelts by children under the age of fourteen years.

Seatbelts for children under fourteen years of age

72. (1) The Governor in Cabinet may make regulations requiring, subject to such exemptions as may be specified in the regulations, persons driving or riding on motor cycles, mopeds, motor scooters of any group specified in the regulations to wear protective headgear of such description as may be so specified.

Wearing of protective headgear and penalty for contravention

(2) Regulations under subsection (1) may make different provisions in relation to different circumstances.

(3) A person who contravenes regulations made under this section commits an offence and is liable upon summary conviction to a fine of eight hundred dollars or to imprisonment for a term of eight months, or to both.

73. (1) Subsections (2), (3) and (4) apply where, owing to the presence of a vehicle on a road, an accident occurs by which -

Duty to stop and furnish particulars in case of accident

- (a) personal injury is caused to a person other than the driver of that vehicle; or
- (b) damage is caused -
 - (i) to a vehicle other than the vehicle or a trailer drawn by that vehicle;
 - (ii) to an animal other than an animal in or on that vehicle or a trailer drawn by that vehicle; or
 - (iii) to any other property constructed on, fixed to, growing in, or otherwise forming part of, the land on which the road in question is situated or land adjacent to such land.

(2) The driver of the vehicle referred to in subsection (1) shall stop and, if required to do so by any person having reasonable grounds for so requiring, give his name, address and date of birth, the registration number of the vehicle, the name and address of the owner and the name of the insurance company with which the owner of the vehicle is insured.

(3) If the driver of the vehicle does not give the particulars referred to in subsection (2), that driver shall report the accident at a police station or to a

constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence of the accident.

(4) A person who fails to comply with subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months, or to both, and the court may order that such person be disqualified from holding or obtaining a driver's licence for such period as the court thinks fit but in any event the court shall order that the particulars of the offence be endorsed on that person's driving record.

(5) Subsections (6) and (7) apply in a case where, owing to the presence of a vehicle on a road, an accident occurs -

- (a) by which personal injury is caused to a person other than the driver of that vehicle;
- (b) which involves no other vehicle;
- (c) in respect of which a party involved in the accident -
 - (i) alleges that an offence has or might have been committed;
 - or
 - (ii) expresses a desire to have a police report; or
- (d) in which damage is caused to a vehicle rendering it unusable or not roadworthy.

(6) The vehicle shall not be moved from the position where it first stopped unless by the direction of a constable, other than a constable involved in the accident, or in the case of an emergency.

(7) The driver of the vehicle shall remain at the scene of the accident until released by a constable, unless in the case of an emergency, including a need for immediate medical attention or if the site is not safe.

(8) Notwithstanding any other provision of this section, where there has been an accident but there is no injury to a person, all parties may agree not to call the police or remain at the scene of the accident but each party shall report the accident to the police within twenty-four hours.

Police evidence in case of accident

74. (1) A sketch made by a constable of the scene of an accident shall be received as evidence in criminal or civil proceedings relating to that accident.

(2) The Governor in Cabinet may make regulations providing for -

- (a) the form and contents of a sketch referred to in subsection (1); and

- (b) the supply, upon payment of the prescribed fee, copies of the sketch to a person having an interest in the outcome of criminal or civil proceedings likely to arise out of the accident.

75. (1) A person who drives a vehicle on a road dangerously or recklessly, having regard to the manner of driving or to the defective condition of the vehicle, and by so doing causes the death of another person commits an offence.

Causing death by dangerous or reckless driving

(2) A constable may arrest without warrant a person whom he has reasonable grounds to believe has committed an offence under subsection (1).

(3) An offence under subsection (1) is triable on indictment, and upon conviction the offender is liable to imprisonment for ten years and, in addition, shall, without an order by the court, automatically be disqualified from holding or obtaining a driver's licence for a term of five years or such longer period as the court may order.

(4) The period of disqualification runs from the date of conviction or the expiration of a sentence of imprisonment, as the court may direct, and the particulars of the offence shall be endorsed on the driver's driving record.

76. A person who drives a vehicle or animal on a road dangerously or recklessly, or at a speed or in a manner or in a condition which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road or place and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road or place commits an offence and is liable -

Dangerous or reckless driving

- (a) on summary conviction to a fine of one thousand dollars or to imprisonment for one year, or to both, and in addition -
 - (i) shall, without an order by the court, automatically be disqualified from holding or obtaining a driver's licence for twelve months or such longer period as the court may order, the period of disqualification to run from the date of conviction or the expiration of the sentence of imprisonment, as the court may order; and
 - (ii) the particulars of the offence shall be endorsed on his driving record; and
- (b) upon conviction on indictment, to a fine of three thousand dollars or to imprisonment for a term of two years, or to both, and in addition -
 - (i) shall, without an order by a court, automatically be disqualified for two years or such longer period as the court may order, from holding or obtaining a driver's licence or

driving a vehicle on the road, the period of disqualification to run from the date of conviction or the expiration of the sentence of imprisonment, as the court may order; and

- (ii) the particulars of the offence shall be endorsed on his driving record.

Careless or
inconsiderate driving

77. (1) A person who drives a vehicle or animal on a road without care and attention, or without reasonable consideration for other persons, commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months, or to both.

(2) Where a person is convicted of an offence under subsection (1), the court may order that he be disqualified from holding or obtaining a driver's licence for such period not exceeding twelve months as the court may order and the particulars of the conviction shall be endorsed on his driving record.

Ban on use of mobile
telephones

78. (1) Except as provided in subsection (2), a driver shall not use a mobile telephone while he is operating a vehicle.

(2) Subsection (1) does not apply to -

- (a) a constable on duty;
- (b) a driver using a mobile telephone to make a 911 call in an emergency when it is unsafe or impractical to stop and park the vehicle in order to make the emergency call;
- (c) a driver who uses a mobile telephone that -
 - (i) is secured in a mounting affixed to the vehicle while the mobile telephone is being used; and
 - (ii) does not require the pressing of more than one button on the mobile telephone to make, receive or terminate a telephone call;
- (d) a driver who uses a mobile telephone that -
 - (i) is not secured in a mounting affixed to the vehicle; but
 - (ii) does not require the driver to hold, or to manipulate, the mobile telephone in order to make, receive or terminate a telephone call; or
- (e) a driver who uses a mobile telephone when the vehicle that he is operating has stopped, having been removed from the normal flow of traffic, and, for this purpose, a vehicle that has stopped in obedience to a traffic sign or traffic signal while awaiting circumstances to develop which would allow it to proceed or while awaiting the traffic signal to change shall not be considered to have been removed from the normal flow of traffic.

(3) A person who contravenes this section commits an offence.

79. (1) A person who drives a vehicle or animal on a road without care and attention, or without reasonable consideration for other persons, and by so doing causes the death of another person commits an offence.

Causing death by careless driving or inconsiderate driving

(2) A constable may arrest without warrant a person whom he has reasonable grounds to believe has committed an offence under subsection (1).

(3) An offence under subsection (1) is triable only on indictment and upon conviction the offender is liable to a fine of ten thousand dollars or to imprisonment for a term of seven years or, to both, and, in addition -

- (a) shall, without an order by a court, automatically be disqualified from holding or obtaining a driver's licence for at least three years, the period of disqualification to run from the expiration of a sentence of imprisonment, as the court may order; and
- (b) the particulars of the offence shall be endorsed on his driving record.

80. (1) A person commits an offence under this section if he causes the death of another person by driving a vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing -

Causing death by driving: unlicensed, disqualified or uninsured drivers

- (a) an offence relating to driving other than in accordance with a licence issued under this Law;
- (b) an offence relating to driving while disqualified by or under this Law; or
- (c) an offence relating to driving a vehicle while uninsured or unsecured against third party risks as may be required by this or any other Law.

(2) A constable may arrest without warrant a person whom he has reasonable grounds to believe has committed an offence under subsection (1).

(3) An offence under subsection (1) is triable only on indictment and upon conviction the offender is liable to a fine of ten thousand dollars or to imprisonment for seven years, or to both, and, in addition -

- (a) shall, without an order by a court, be automatically disqualified from holding or obtaining a driver's licence for at least three years, the period of disqualification to run from the expiration of a sentence of imprisonment, as the court may order; and
- (b) the particulars of the offence shall be endorsed on his driving record.

Person charged with certain offences may be convicted of a lesser offence

81. A person who is, before any court, indicted or charged with -
- (a) manslaughter in connection with the use of a vehicle, may be convicted of an offence under section 75, 76 or 79;
 - (b) an offence under section 75, may be convicted of an offence under section 76; or
 - (c) an offence under section 76, may be convicted of an offence under section 77.

Driving or supervising under the influence of alcohol or drugs

82. (1) A person who -
- (a) drives or attempts to drive a vehicle on a road; or
 - (b) is in charge of a vehicle on a road,
- while he -
- (i) is under the influence of alcohol or drugs to such an extent that his efficiency as a driver is impaired;
 - (ii) has consumed alcohol in such a quantity that the proportion of it in his breath, blood or urine exceeds the prescribed limit; or
 - (iii) has consumed illegal drugs so that when tested drugs are shown in his blood,

commits an offence.

(2) A person who is supervising a learner driver and who, had he been the driver, would have contravened subsection (1) also commits an offence.

(3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction -

- (a) on a first offence, to a fine of one thousand dollars or to imprisonment for six months, or to both;
- (b) on a second or subsequent offence, to a fine of two thousand dollars and to imprisonment for twelve months, or to both; and
- (c) in addition, on a first or any subsequent offence, to disqualification from driving for a period of twelve months or such longer period as the court may order.

(4) A constable may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.

(5) The particulars of a conviction under this section shall be endorsed on the driving record of the convicted person.

83. (1) A person who -

- (a) has consumed alcohol in such a quantity that the proportion of alcohol in that person's breath, blood or urine exceeds the prescribed limit; or
- (b) is unfit to drive through the consumption of alcohol or drugs, whether or not he has consumed alcohol in excess of the prescribed limit,

Driving or being in charge of a vehicle while under the influence of alcohol or drugs and causing death

and who drives or attempts to drive a vehicle on a road, or is in charge of a vehicle on a road, and by so doing causes the death of another person, commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term of ten years and shall be disqualified from driving for a period of five years or such longer period as the court may order or to a fine of five thousand dollars or both.

(3) Where a constable has reasonable cause to suspect that a person is or has been committing an offence under this section, he may arrest that person without warrant.

(4) The particulars of a conviction under this section shall be endorsed on the driving record of the convicted person.

84. (1) Where a constable has reasonable cause to suspect -

- (a) that a person who is supervising a learner driver of a vehicle on a road has consumed alcohol and the learner driver, while under that person's supervision, committed a traffic offence while the vehicle was in motion;
- (b) that a person driving or attempting to drive or who is in charge of a vehicle on a road has consumed alcohol and committed a traffic offence while the vehicle was in motion;
- (c) that a person has been driving or attempting to drive or has been in charge of a vehicle on a road or has been supervising a learner driver of a vehicle on a road after consuming alcohol;
- (d) that a person has been driving or attempting to drive or has been in charge of a vehicle on a road and committed a traffic offence while the vehicle was in motion; or
- (e) that a person is supervising a learner driver of a vehicle on a road and that the learner driver, while under that person's supervision, committed a traffic offence while the vehicle was in motion,

Breath tests

that constable may, subject to section 86, request that person to provide a specimen of breath for a breath test by a portable alcohol-in-breath measuring device.

(2) Where an accident occurs owing to the presence of a vehicle on a road, a constable may, subject to section 86, request a person whom he has reasonable cause to believe -

- (a) was driving;
- (b) was in charge of the vehicle; or
- (c) was supervising a learner driver of the vehicle,

at the time of the accident, to provide a specimen of breath for a breath test by a portable alcohol-in-breath measuring device.

(3) A person may be requested under subsection (1) or (2) to provide a specimen either at or near the place where the request is made.

(4) A constable shall, on requiring a person to provide a breath test under this section, warn that person that a failure to provide the breath test may render that person liable to prosecution.

(5) A person who, without reasonable cause, fails to provide a specimen of breath when requested to do so under this section, commits an offence and is liable on summary conviction -

- (a) on a first offence, to a fine of one thousand dollars or to imprisonment for a term of six months, or to both;
- (b) on a second or subsequent offence, to a fine of two thousand dollars or to imprisonment for a term of twelve months, or to both; and
- (c) in addition, on a first or subsequent offence, to disqualification from driving for a period of twelve months or such longer period as the court may order.

(6) A constable may arrest without a warrant a person whom he has reasonable cause to believe has committed an offence under subsection (5).

(7) A constable may arrest a person without a warrant if, as a result of a breath test taken under this section, he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit.

Provision of specimens
for analysis

85. (1) A person who has been arrested for an offence under section 82, 83 or 84 shall, while at a police station, be requested to -

- (a) provide a specimen of breath for analysis by means of an alcohol-in-breath measuring device; or
- (b) a specimen of blood, or one or more specimens of urine, for a laboratory test.

(2) If a constable has reasonable cause to suspect that a person's ability to drive properly was, or might have been, impaired through drugs he may, with the consent of the officer in charge of the police station, request that person to provide a specimen of blood or urine under subsection (1)(b) notwithstanding that he has, in respect of the same arrest, been requested to and has provided a specimen of breath under that subsection.

(3) A request under this section to provide a specimen of blood or urine can only be made at a police station or a hospital, but in the case of a hospital it can be made there only if -

- (a) the constable considering whether to make the request has reasonable cause to believe that, for medical reasons, a specimen of breath cannot be provided or should not be requested at the police station;
- (b) at the time the constable is considering making the request, a device or a reliable alcohol-in-breath device either is not available at the police station or it is at that time for any other reason not practicable to use such a device there; or
- (c) the constable considering to make the request has been advised by a medical practitioner that the condition of the person requested to provide the specimen might be due to some drug.

(4) A request under subsection (3) may be made notwithstanding that the person requested to provide the specimen has already provided or been requested to provide two specimens of breath.

(5) If the provision of a specimen other than a specimen of breath is requested under this section, the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the constable making the request.

(6) The constable operating an alcohol-in-breath measuring device shall do so in the presence of another constable.

(7) A certificate signed by the constable operating the alcohol-in-breath measuring device as to the result of the breath test and countersigned by the constable in whose presence it was made shall be received in evidence in a court and be evidence of the proportion of alcohol in the breath.

(8) A constable, on requesting a person to provide a specimen under this section shall warn that person that a failure to provide the specimen shall render that person liable to prosecution.

(9) A person who, without reasonable cause, fails to provide a specimen when requested to do so under this section commits an offence and is liable on summary conviction -

- (a) on a first offence, to a fine of one thousand dollars or to imprisonment for a term of six months, or to both;
- (b) on a second or subsequent offence, to a fine of two thousand dollars or to imprisonment for a term of twelve months, or to both; and
- (c) in addition, on a first or subsequent offence, to disqualification from driving for a period of twelve months or such longer period as the court may order,

and the particulars of the offence shall be endorsed on the driving record of the convicted person.

(10) The constable requiring a person to provide a specimen of blood or urine under subsection (1)(b) for a laboratory test shall, if requested by that person, supply to him in a clean and suitable container, part of the specimen, or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to being taken.

(11) The laboratory test referred to in subsection (1)(b) shall be carried out by or under the supervision of a government medical officer or such other person as may be authorized by the Chief Medical Officer, and a certificate signed by such officer shall be received in evidence in any court and shall be evidence of the proportion of alcohol in the blood.

(12) A specimen of urine shall be provided within one hour of the request that it be provided is made and after a previous specimen of urine has been provided.

Protection for hospital patients

86. (1) While a person is a patient at a hospital he shall not be requested to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of him has been notified of the proposal to make the request and -

- (a) if the request is then made, it shall be for the provision of a specimen at the hospital; but
- (b) if the medical practitioner objects on the ground specified in subsection (2), the request shall not be made.

(2) The ground on which the medical practitioner may object is that the request or the provision of a specimen, or in the case of a specimen of blood or urine, the request under section 84, would be prejudicial to the proper care and treatment of the patient.

87. Where a person has been charged with an offence under section 82 or 83, the Commissioner may retain at a vehicle pound or police station a vehicle used in the commission of the offence for - Retention of vehicles

- (a) eighteen hours;
- (b) until it appears to a constable that, were the person at the time driving or attempting to drive a vehicle on a road, he would not be committing an offence under section 82; or
- (c) for such period as the Commissioner may, in his discretion, direct,

whichever period is the longest.

88. (1) In sections 82 to 87 -

Interpretation of
sections 82 to 87

“breath test” means a test for the purpose of obtaining measurement of the proportion of alcohol in a person’s breath by means of an alcohol-in-breath measuring device or by a portable alcohol-in-breath measuring device;

“fail” includes refuse;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients; and

“test” means the analysis of a specimen provided for the purpose.

(2) A person does not provide a specimen of urine or blood for analysis unless the specimen -

- (a) is sufficient to enable the test or the analysis to be carried out; and
- (b) is provided in such a way as to enable the objective of the test of analysis to be satisfactorily achieved.

(3) A person provides a specimen of blood only if he consents to it being taken by a medical practitioner and it is so taken.

89. (1) A person who drives or attempts to drive or obtains or attempts to obtain a licence while under a period of disqualification commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of one year, and -

Obtaining licence, or
driving while
disqualified

- (a) shall be disqualified from holding or obtaining a driver's licence for a period of twenty-four months or such longer period as the court may order, the period to run from the date of conviction or the expiration of any sentence of imprisonment, as the court may order; and
- (b) the particulars of the offence shall be endorsed on his driving record.

(2) A constable may arrest, without warrant, a person driving or attempting to drive a vehicle on a road whom he has reasonable cause to suspect of being disqualified.

Unlawful use of vehicles

90. (1) A person who takes and drives away a vehicle without having the consent of the owner or other lawful authority commits an offence unless he can show, the onus being upon him, that he acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked commits an offence and, if convicted, in addition to any other penalty ordered by the court, the particulars of the conviction shall be endorsed on his driving record.

(2) A person who or knowingly travels in or on a vehicle taken and driven in contravention of subsection (1) also commits an offence and is liable to the same penalty unless he can show, the onus being upon him, that he acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent to the driver if the owner had been asked, but, even if convicted, the particulars of the conviction shall not be endorsed on his driving record even if he happens to be a licensed driver.

(3) A constable may arrest without warrant a person he reasonably suspects of having committed or attempted to commit an offence under subsection (1).

Motor racing on roads

91. (1) A person who promotes or takes part in a race or trial of speed between vehicles on a road commits an offence and a person convicted of such offence shall, in addition to any other penalty imposed under this Law, have the particulars of the offence endorsed on his driving record.

(2) Notwithstanding subsection (1) and section 92, the Commissioner may authorize the holding of meetings for the racing, testing and competing of drivers and vehicles in sporting and other events within such areas and under such conditions and such safeguards as the Commissioner may order in writing.

Speed limit offences

92. (1) A person who drives on a road a vehicle other than an emergency vehicle -

- (a) at a speed in excess of the maximum speed prescribed for the Islands generally or for the place where such vehicle is driven;
- (b) at a speed in excess of the maximum speed prescribed for the class to which the vehicle belongs; or
- (c) at a speed in excess of the maximum speed posted for that road works, school zone, road block or barrier as it relates to section 116, 117 or 118,

commits an offence and punishable under section 94 but where a person is convicted of an offence and was, at the time of commission of the offence, driving a vehicle at a speed in excess of twice the maximum speed prescribed he shall, in addition -

- (i) without an order by a court, be automatically disqualified from driving for six months, or such longer period as the court may order, the period to run from the date of conviction or the expiration of a sentence of imprisonment, as the court may order; and
- (ii) have the particulars of the offence endorsed on his driving record.

(2) Without prohibiting the use by any other method by which the speed of a vehicle may be measured or assessed for the purpose of providing evidence of speed, a court may reach a conclusion as to the speed at which a vehicle was travelling at a particular time and place from the evidence of a constable as to facts ascertained from the reading of a speedometer over a distance of at least three hundred yards or a single radar speed meter reading made by a constable.

(3) A person who keeps or carries in a vehicle a device or thing, not being part of the normal equipment of that vehicle, which is capable of -

- (a) detecting the presence of a radar speed meter; or
- (b) impeding, balking or frustrating the purpose of the radar meter or the mechanical or efficient running of any police equipment or vehicle,

commits an offence and on conviction shall, in addition to any other penalty imposed under this Law, have the particulars of that offence endorsed on his driving record.

(4) For the purpose of subsections (2) and (3), a radar speed meter includes any automated electronic or other speed measuring device approved by the Commissioner in writing and published by notification in the Gazette.

(5) No person may drive a vehicle other than an emergency vehicle anywhere in the Islands at a speed in excess of fifty miles per hour, irrespective of whether or not a traffic speed limit sign is displayed at the place where such vehicle is being driven.

(6) The maximum speed at which an invalid carriage, oversize vehicle, school vehicle or special vehicle may be driven shall be fixed by the Commissioner in each case and such speed limit shall be displayed on each such vehicle in such manner as may be prescribed by regulations.

Ticket offences

93. (1) A person who does any of the following commits an offence and is punishable under section 138 -

- (a) uses, without its prescribed registration plates, a vehicle for which registration is required under this Law;
- (b) holds on to a vehicle on a road for the purpose of being towed by it;
- (c) throws an object at a vehicle or a person in a vehicle;
- (d) throws an object from a vehicle while the vehicle is in motion on a road;
- (e) uses a vehicle designed to be used with a silencer, without a silencer or with a silencer that is in an unsound condition;
- (f) uses a vehicle with its engine in such a condition that it gives out excessive or obnoxious smoke, fumes, noise or odour;
- (g) uses a horn or other audible warning device on a vehicle excessively or in such a way as to cause unnecessary discomfort to another person;
- (h) uses a spotlight or flashing headlights in such away as to endanger or dazzle another person;
- (i) obstructs or fails to give way to an emergency vehicle;
- (j) fails to give ample clearance to a school vehicle or overtakes such vehicle while it is engaged in setting down or picking up passengers;
- (k) leaves a vehicle unattended with the engine running;
- (l) brings or drives a vehicle, other than an invalid carriage, on to a beach or other place intended for the exclusive use of pedestrians unless specially authorized by the Commissioner;
- (m) parks a vehicle other than a pedal cycle at night on the carriageway of a road unless that vehicle has its rear lights and, in the case of a vehicle other than a motorcycle, its side lights illuminated;
- (n) being the owner or person in control of a vehicle, causes or permits it to stand or lie on a road or footpath so as to cause

- unnecessary obstruction or danger to persons using the road or footpath;
- (o) uses or keeps on a road a vehicle required to be licensed under this Law;
- (p) is in breach of construction and use regulations;
- (q) is in breach of his duties as a driver under section 68;
- (r) parks a vehicle other than a taxi or omnibus in a taxi rank;
- (s) fails to give way to a pedestrian making use of a pedestrian crossing;
- (t) parks or loads a vehicle on a road in contravention of section 108; or
- (u) parks a vehicle within forty-five feet of the approach to a pedestrian crossing designated under section 110;
- (v) parks or loads a vehicle where there is a yellow line on the roadside or at the road centre;
- (w) carries an unauthorized pillion passenger on a motor cycle for which the driver has only a provisional licence or on a pedal cycle;
- (x) drives a vehicle with a load which overhangs the vehicle or which is carried on the vehicle in a manner which is likely to cause danger to other road users;
- (y) tows a vehicle in a manner which is likely to cause danger to other road users;
- (z) fails to wear a seat belt contrary to regulations made under Part 7;
- (aa) drives or parks a vehicle or causes an obstruction or uses a badge contrary to section 119;
- (bb) rides a motor cycle without a crash helmet;
- (cc) uses or keeps a vehicle without displaying on the vehicle in the prescribed manner a valid vehicle licence; or
- (dd) contravenes section 78.

94. (1) When an offence appears to have been committed contrary to section 70(3), 72, 92(1), 93 or such other sections as may be prescribed by the Governor in Cabinet by regulations, a constable or a person authorized by the Commissioner may serve on the alleged offender a traffic ticket in the form determined by the Commissioner. Ticket procedure

(2) If the offender wants to plead guilty he may pay such ticket by returning the ticket to the Clerk of the Court with payment either in person or by registered mail or electronic means on or before the date and time prescribed, not being more than twenty-eight days from the service of the said ticket.

(3) Where a constable or person authorized by the Commissioner has reason to believe in the case of a stationary vehicle that an offence under section 93 is being or has on that occasion been committed in respect of it, he may affix a traffic ticket in respect of the offence to the vehicle.

(4) A person who removes or interferes with a ticket fixed to a vehicle under subsection (1) commits an offence, unless he does so by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question.

Service of notice if fine
is not paid

95. (1) This section applies where a traffic ticket relating to an offence has been fixed to a vehicle under section 94.

(2) Subject to subsection (3), if, at the end of the suspended period of enforcement with respect to a ticketing offence, the prescribed fine has not been paid in accordance with this Law or the regulations, a notice under this section may be served by the Commissioner on a person who appears to him to be the owner of the vehicle.

(3) A “notice to owner”, shall -

- (a) give particulars of the alleged offence and of the prescribed fine concerned;
- (b) state the period allowed for response to the notice, which shall not be less than twenty-one days from the date on which the notice is served; and
- (c) indicate that, if the prescribed fine is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period to the Commissioner a statement of ownership in the prescribed form.

(4) A person on whom a notice to owner is served may, before the end of the period allowed for response to the notice, either -

- (a) give notice requesting a hearing in respect of the offence; or
- (b) if-
 - (i) he was not the driver of the vehicle at the time of the alleged offence; and
 - (ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, together with the statement of ownership requested in that notice, a statement of facts in the prescribed form, which shall operate as a notice given by the driver requesting a hearing in respect of the offence.

(5) A person who, in response to a notice to owner, provides a statement which is false in a material particular and does so recklessly or knowing it to be false in that particular commits an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of three months, or to both.

96. (1) This section applies where -

Enforcement of
proceedings against
owner

- (a) a traffic ticket relating to an offence has been fixed to a vehicle under section 94;
- (b) a notice to owner relating to the offence has been served on a person; and
- (c) the prescribed fine has not been paid in accordance with this Law before the end of the period allowed for response to the notice to owner.

(2) Subject to subsection (4), proceedings may be brought in respect of the offence against the person on whom the notice to owner was served.

(3) If the person on whom the notice to owner was served -

- (a) was not the owner of the vehicle at the time of the alleged offence; and
- (b) provides a statement of ownership in the prescribed form to that effect in response to the notice before the end of the period allowed for response to the notice,

he is not liable in respect of an offence under this section.

(4) Subject to subsection (5) -

- (a) for the purposes of the instituting of proceedings under subsection (2) against a person on whom a notice to owner has been served; and
- (b) in proceedings brought under that subsection against any such person,

it shall be conclusively presumed, notwithstanding that that person may not be an individual, that he was the driver of the vehicle at the time of the alleged offence and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(5) The presumption in subsection (4) does not apply in proceedings brought against a person under subsection (3) if, in those proceedings, it is proved that at the time of the alleged offence the vehicle was in the possession of some other person without the consent of the accused.

- Rental vehicles
97. (1) This section applies where -
- (a) a notice to owner has been served on a vehicle-hire entity;
 - (b) at the time of the alleged offence the vehicle in respect of which the notice to owner was served was let to another person by the vehicle-hire firm under a hiring agreement; and
 - (c) within the period allowed for response to the notice to owner the vehicle-hire firm provides the Commissioner with the documents mentioned in subsection (2).
- (2) The documents referred to in subsection (1) are a statement in the prescribed form stating that at the time of the alleged offence the vehicle concerned was hired under a hiring agreement, together with -
- (a) a copy of that hiring agreement; and
 - (b) a copy of a statement of liability signed by the hirer under that hiring agreement.
- (3) Where this section applies, sections 95 and 96 has effect as if -
- (a) a reference to the owner of the vehicle were a reference to the hirer under the hiring agreement; and
 - (b) a reference to a prescribed statement of ownership were a reference to a prescribed statement of hiring,
- and accordingly references in this Part to a notice to owner include references to a notice served under section 95 as it applies by virtue of this section.
- (4) In this section “statement of liability” means a statement made by the hirer under a hiring agreement to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle -
- (a) in respect of an offence which may be committed with respect to the vehicle during the currency of the hiring agreement; and
 - (b) to give such information as may be prescribed.

- Miscellaneous offences
98. A person who -
- (a) without the permission of the owner, interferes with a vehicle or any of the controls or equipment, or an animal while saddled or in harness;
 - (b) while using a road is in breach of his duty under section 67; or
 - (c) uses, in or on or in connection with a vehicle other than an emergency vehicle, a loud hailer, megaphone, loudspeaker, broadcasting apparatus or similar device otherwise than in conformity with a written licence issued and signed by the Commissioner,

commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for a period of six months, or to both.

99. (1) An offence under this Law for which no mode of trial is specifically prescribed shall be tried summarily, but no summary court other than a court presided over by a magistrate may - Trial of offences

- (a) endorse a driving record or disqualify a person from driving unless such endorsement or disqualification is mandatory; or
- (b) impose a sentence otherwise lawful under this Law which is in excess of the general jurisdiction of such court.

(2) A constable may, in any court of summary jurisdiction, exhibit informations and conduct prosecutions in any matter arising out of this Law.

100. (1) The Director shall maintain, in respect of every person holding a licence, a record of all endorsements and periods of disqualification ordered by a court in respect of offences against this Law. Driving record

(2) The Clerk of the Court shall keep the Director informed of all endorsements and periods of disqualification ordered by any court under this Law.

(3) For the purpose of proceedings in a court -

- (a) the contents of a person's driving record shall be proof of the information contained in it, unless the contrary is shown; and
- (b) extracts of a person's driving record purporting to be certified as such by the Director shall be proof of the contents of the record, unless the contrary is shown.

101. (1) Where a person is disqualified from driving by an order of a court, that order prohibits that person from - Effect of order of disqualification

- (a) driving a vehicle on a road; and
- (b) holding a licence in respect of any group of vehicle.

(2) A holder of a licence in respect of whom an order of disqualification is made shall forthwith surrender the licence to the court, and the court shall cause that licence to be forwarded to the Director for safe custody during the period of disqualification.

(3) A person who fails to surrender his licence to the court when required to do so under subsection (2) commits an offence.

(4) If the court so orders, a person disqualified from driving by an order of a court may be required, at the end of the period of disqualification, to take out a learner's licence and after that pass or re-pass a driving test before again being licensed to drive any group of vehicle.

(5) Where a court has a discretion to disqualify a person from driving, it may, instead of disqualification, order that a driver's licence be in abeyance until the person concerned has taken out a learner's licence and after that passed or re-passed a driving test.

Obligatory
disqualification

102. Where a person is charged with an offence involving obligatory disqualification, the court may order him to be disqualified from driving until the court has dealt with him in respect of that offence, and the period of disqualification before the offence is dealt with may, at the discretion of the court, be taken into account in sentencing the offender for the offence.

Discretionary
disqualification

103. (1) A court shall when required by this Law and in any other case, subject to section 99 and to subsection (2) of this section, may, in its discretion, instead of or in addition to any other punishment imposed under this Law, order that an offender under this Part be disqualified from driving vehicles for such period as the court may think fit from the date of the conviction.

(2) Subsection (1) does not apply to offences under sections 70, 71 and 72.

Power to suspend order

104. (1) A court which makes an order disqualifying a person from driving may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(2) Where a person appeals against an order of a court disqualifying him from driving and the disqualification is suspended under subsection (1), the period of disqualification shall be treated as beginning on the day on which the disqualification ceases to be suspended.

Endorsement of driving
record and effect

105. (1) A court shall, when required by this Law, and subject to section 99, may at its discretion in any other case, instead of or in addition to any other punishment imposed under this Law, where the offender is the holder of a licence, order that the offender's driving record be endorsed with the date and particulars of the offence of which such offender has been convicted.

(2) Where an offender has been served with a traffic ticket under section 94 for an offence involving obligatory endorsement under this Law, the

offender's driving record may be endorsed in accordance with subsection (3) without any order of a court.

(3) On payment of the fine stated on the traffic ticket before the end of the suspended period of enforcement, the Clerk of the Court shall notify the Director of the offender's name and the date and particulars of the offence, and the Director shall cause the offender's driving record to be endorsed accordingly.

(4) An endorsement made on a person's driving record under subsection (3) shall be treated as if it had been made pursuant to an order of the court.

(5) A holder of a licence whose driving record has been endorsed on more than two occasions with offences committed during a consecutive period of three years from the first endorsement -

- (a) shall be disqualified from driving vehicles as from the date of the third endorsement for such period as the court may order; and
- (b) the court causing the third endorsement to be entered shall cause the Clerk of the Court to forward the offender's driver's licence to the Director who shall retain it until the owner ceases to be disqualified from driving by virtue of this section.

106. The Governor in Cabinet may make regulations prescribing all matters that are required or permitted to be prescribed by this Part, or are necessary or convenient to be prescribed for giving effect to the purposes of this Part and, in particular, may make regulations prescribing -

Regulations under this Part

- (a) a road code, setting out a code of conduct to be adhered to by drivers of vehicles and by road users in general;
- (b) the form of traffic tickets to be served under section 94, and the fines payable;
- (c) the forms of notice to owner, statement of ownership and statement of facts required under section 95;
- (d) the form of statement of hiring required under section 97(2);
- (e) the form and manner of an application for a copy of a person's driving record, and the fee payable upon such application; and
- (f) the maximum amount by way of fines which may be imposed upon offenders under who are in breach of regulations.

PART 8-Control of Traffic

107. (1) There is by this provision established, for the purpose of advising the Governor in Cabinet on road traffic matters, the Traffic Management Panel, which shall have the powers and discharge the duties conferred or imposed on it by or under this or any other Law.

Traffic Management Panel

2006 Revision

- (2) The Panel shall consist of -
- (a) the Director of Licensing;
 - (b) the Commissioner;
 - (c) the Managing Director of the National Roads Authority appointed under section 11 of the National Roads Authority Law (2006 Revision);
 - (d) the Chief Officer of the Ministry responsible for roads; and
 - (e) one member selected from among persons living on Cayman Brac or Little Cayman, such person to be appointed by the Governor in Cabinet and to hold office on such terms and conditions as the Governor in Cabinet may determine.

(3) Where a member referred to in subsection (2)(a) to (d) is unable to attend a meeting, he may nominate a person from his institution to attend and that person shall, subject to the specific or general directions of the substantive member, be a member for the purpose of that meeting.

(4) The Panel established under subsection (1) is a continuation of, and is the same as, the Traffic Management Panel established under the repealed Law.

(5) A question or matter to be determined by the Panel shall be decided by the majority vote of all the members.

(6) The Governor in Cabinet may make regulations governing the procedure of the Panel.

(7) Where a procedural matter is not regulated by this section or regulations made under subsection (6), the Panel shall regulate its own procedure.

(8) Without limiting the general power conferred by or under subsection (1), the Panel shall, in particular, advise the Governor in Cabinet the matters specified in sections 108, 109, 110 and 111.

Parking at yellow lines

108. (1) To prevent congestion of traffic in certain areas, the Commissioner may provide for the painting of yellow lines along the edge of the carriageway, parallel to the kerb, and subject to subsection (2), a person who parks a vehicle on such lines or between the road edge and the road centre where such lines are painted commits an offence.

(2) A person may park a goods vehicle along yellow lines for a period of up to fifteen minutes for the purpose of loading or unloading the vehicle, except

in an area set aside for disabled parking or where there is a sign prohibiting the loading and unloading of a vehicle.

(3) The Minister with the responsibility for roads may provide for the painting of the carriageway, parallel to the kerb, and for the erection (adjacent to the carriageway) of a plate of the prescribed form and design, giving details of the waiting and loading restrictions applicable to that area, and a person who parks a vehicle between the edge of the road and the road centre in contravention of waiting or loading restrictions shown on a plate commits an offence.

(4) A person who parks a vehicle in contravention of indications given under this section commits an offence.

(5) The Minister with the responsibility for roads may, by Notice published in the Gazette, designate parking places on roads for vehicles driven by, or used for the carriage of, disabled persons, and such parking places shall be demarcated by lines of a prescribed colour and measurement painted on the carriageway and by traffic signs of a prescribed form and design erected adjacent to the designated parking place.

(6) A person who parks a vehicle in contravention of indications given under this section commits an offence.

109. (1) The Minister with the responsibility for roads may, after consultation with the Ministry with the responsibility for public transport, designate certain places for the exclusive parking of taxis and certain places for the parking of omnibuses and cause such places to be marked as taxi ranks.

Taxi ranks

(2) No person may park a vehicle in contravention of any indications given under subsection (1) and a person who does commits an offence.

Pedestrian crossings 110. (1) The Minister charged with the responsibility for roads may designate road crossings for use by pedestrians in priority to other road users.

(2) Drivers of vehicles shall give way to pedestrians making use of pedestrian crossings and no vehicle shall be parked within forty-five feet of either side of any such pedestrian crossings.

(3) A person who contravenes subsection (2) commits an offence.

111. The Governor in Cabinet may make regulations prescribing -

Regulations under this Part

(a) speed limits relating to particular roads and portions of roads;

- (b) the prohibition of the use of vehicles in more than one direction on specified roads;
- (c) the installation of traffic signals;
- (d) roads or parts of roads on which vehicles are prohibited from parking, waiting or being driven;
- (e) special conditions for the use on the road of emergency vehicles and invalid carriages, including rules for their driving and management of such vehicles;
- (f) special conditions for the use on the road of oversize vehicles and special vehicles, including restrictions as to the routes and times of use of such vehicles;
- (g) the size, colour and type of traffic signs and traffic signals to be used in the Islands; and
- (h) any other matters required to be prescribed under this Part.

School-crossing wardens

112. (1) A person who is eighteen years of age or above may apply to the Commissioner to be a warden for the purpose of this section and the Commissioner may, if he thinks fit, grant the application.

(2) A warden shall be issued with a prescribed uniform which he shall wear when on duty.

(3) A warden shall, in school zones, display a prescribed sign to require drivers of all vehicles to come to and remain at a halt and so provide a clear path for pedestrians crossing or about to cross a road.

Removal of vehicles to pound, etc

113. (1) Where it appears to a constable that a vehicle has been -

- (a) abandoned;
- (b) parked in an unlawful or unsafe manner;
- (c) left in such a condition as to constitute a danger; or
- (d) involved in an accident,

the constable may take charge of that vehicle and drive or tow it off or cause it to be driven or towed to a place authorized by the Commissioner to be used as a vehicle pound (which power is by this provision conferred) or to any other place considered by the Commissioner to be appropriate.

(2) The Commissioner shall, as soon as practicable, give notice to the owner or person last having control of a vehicle driven or towed away under subsection (1) that it has been so driven or towed away and requiring him, where necessary or convenient, to remove that vehicle.

(3) The owner or person referred to in subsection (2) shall, in respect of a vehicle detained in a vehicle pound referred to in subsection (1), pay to the

Commissioner such fee as may be prescribed by regulations in respect of every day or part of a day that such vehicle remains in the vehicle pound.

(4) The owner or person last having control of a vehicle driven or towed away under subsection (1) shall pay to the Commissioner such fee as may be prescribed by regulations in respect of such driving or towing away.

(5) The Commissioner may retain at a vehicle pound a vehicle which has been involved in an accident, but without charge to the owner in respect of the retention, until the conclusion of any police investigation as to the cause of the accident or until the vehicle is ordered to be released by a court.

(6) No action lies against the Government or any constable for damages in any civil court in respect of -

- (a) damage to a vehicle; or
- (b) loss or damage to property from or in such vehicle,

as a result of anything done in good faith under this section.

(7) Where a vehicle is parked in a manner that makes it liable to removal under this section, the owner or person in charge of the premises concerned may request a constable to exercise his powers under this section and, if the constable is satisfied that the vehicle is liable to removal, he shall remove it.

114. (1) Subject to sections 108, 109, 110, 111 and 117(2), the Panel may cause or permit traffic signs to be placed, erected or otherwise marked on or near any road. Traffic signs

(2) The size, colour and type of any traffic sign shall be prescribed in the road code, and all traffic signs shall be of the prescribed type and substantially of the prescribed size and colour.

(3) A traffic sign erected, placed, marked or retained on or near a road shall, unless the contrary is proved, be deemed -

- (a) to have been lawfully erected, placed, marked or retained; and
- (b) to be of the prescribed type and substantially of the prescribed size and colour.

(4) Subject to sections 108, 109, 110, 111 and 117(2), and notwithstanding anything contained in subsection (3), no person other than the Panel or a person acting under its directions may, except with the general or special permission in writing of the Panel -

- (a) erect, place or mark a traffic sign on or near any road; or
- (b) retain a traffic sign erected, placed or marked, or caused to be erected, placed or marked by him on or near any road,

but nothing in this subsection applies to a traffic sign -

- (i) which the owner of land erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any private road which is situated on the land; or
- (ii) which any person erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any road in pursuance of authority conferred upon him by or under any other Law.

(5) In subsection (4) -

“owner”, in relation to land, includes a person in lawful occupation of the land; and

“private road” means a privately owned road or open space to which the public are granted access conditionally.

(6) The Panel may, by notice in writing, require the owner or occupier of land on which there is a traffic sign, or an object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it.

(7) If the person referred to in subsection (6) fails to comply with a notice, the Panel may authorize the removal, doing as little damage as possible, and may, except where the sign was erected, placed, marked or retained by the Panel, recover, in a court as a civil debt from the person in default, the expenses incurred by it in doing so.

(8) The Panel may, after giving three days’ written notice personally to an occupier of land adjoining a road or by posting the notice conspicuously on the land, authorise -

- (a) the cutting of plant life; or
- (b) the removal of any other thing which obscures or is likely to cause damage to a traffic sign.

(9) The Panel or any person authorized by it may enter land near to or adjoining a road -

- (a) for the purpose of exercising a power conferred on the Panel by this section; or

- (b) for the purpose of replacing, removing or maintaining traffic signs.

(10) The Panel shall do as little damage as possible in executing work authorized by this section.

(11) No action lies against the Panel or a person authorized by the Panel for any loss or damage to any property as a result of anything done in good faith under this section.

(12) A person who -

- (a) unlawfully places, erects, marks or retains, or causes to be placed, erected, marked or retained, any traffic sign on or near any road; or
- (b) removes, defaces, damages, alters or obscures, or in any way interferes with, a traffic sign lawfully placed, erected, marked or retained on or near a road,

commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months, or to both.

115. A person who -

- (a) operates as an agent for the clamping of vehicles in public places; or
- (b) clamps or tows away a vehicle in a public place,

Ban on clamping of vehicles

commits an offence.

116. (1) For the purpose of enforcing this Law or regulations, a constable may erect on a road, whether during the day or night a road block or barrier, at which all vehicles shall be required to stop.

Erection of road blocks or barriers

(2) The approach to a road block shall be identified -

- (a) during the daytime, by not less than two police notices or signposts erected at a suitable distance from the road block or barrier, facing on coming traffic; and
- (b) during the night, by not less than three warning lights, of prescribed design, in conjunction with police notices or signposts erected at a suitable distance from the road block or barrier, facing oncoming traffic.

(3) A driver shall, on approaching a road block or barrier, slow the vehicle down to walking pace and stop, and after that obey all direction signals and

signs, whether verbal or manual, given to him by a constable manning such road block or barrier.

(4) A driver who, at a road block or barrier, fails -

- (a) to slow down;
- (b) to bring his vehicle to a halt; or
- (c) to comply with a signal or direction given by a constable,

commits an offence.

(5) On the conviction of a person under subsection (4), the court may, in addition to any punishment imposed, order the person convicted to pay a reasonable sum as compensation for damage caused to equipment used in conjunction with or in setting up a road block or barrier, and the sum may be recovered as a fine under this Law and when recovered shall be paid to the Commissioner to form part of the general revenues of the Islands.

(6) No action lies against the Government or any member of the Royal Cayman Islands Police Service for damages in any civil court in respect of personal injury or damage to property caused as a result of anything done in good faith under this section.

Roads works
2005 Revision

117. (1) Notwithstanding the provisions of the Roads Law (2005 Revision), no person may carry out works under, in, over, along or across a road which may affect the normal circulation of traffic on that road, without having first given the Commissioner two days' notice in writing but the Commissioner may accept -

- (a) such lesser period of notice as he thinks fit;
- (b) verbal notice, including notice by telephone; and
- (c) electronic means of communication such as electronic mail and text messaging,

if he is satisfied that the case is an emergency.

(2) The Commissioner may require a person carrying out works under, in, over, along or across any road to cause those works to be signed and indicated with such traffic signs and signals in such positions as he thinks fit.

(3) A person who, on approaching road works referred to in subsection (2), does not obey all directional signals and signs, whether verbal, manual or automated, given to him by -

- (a) a person authorized to man such place; or
- (b) equipment placed at such road works,

commits an offence.

118. (1) A constable may, at any time and without previous notice, remove from a road, footpath or pavement an object or vehicle which obstructs that road, footpath or pavement and which is likely to cause danger to a person lawfully using the road, footpath or pavement and any such object or vehicle may, at the discretion of the court, be forfeited to the Crown.

Obstructions on road,
pavement, etc.

(2) A person who places on a road, footpath or pavement an object or vehicle which obstructs that road, footpath or pavement and which is likely to cause danger to a person a person lawfully using the road, footpath or pavement contrary to subsection (1) commits an offence.

119. (1) There shall be a badge of a prescribed form to be issued by the Director for vehicles driven by, or used for the carriage of, disabled persons, and subject to this section, the badge so issued for any vehicle may be displayed on it.

Disabled person's badge

(2) A badge may be issued to a disabled person for one or more vehicles driven by him or used by him as a passenger.

(3) A badge may be issued to an institution concerned with the care of the disabled person for a vehicle, or, for each vehicle kept and used by or on behalf of the institution to carry disabled persons.

(4) A badge issued under this section shall be displayed when the vehicle to which it relates is parked in a parking place designated for disabled persons and in such manner as may be prescribed.

(5) A person who -

- (a) drives a vehicle on a road while displaying a badge intended to lead to an impression that it is a prescribed badge issued under this section or regulations;
- (b) parks a vehicle in a disabled parking space when he is not entitled to do so contrary to subsection (4);
- (c) parks a pedal cycle or otherwise does anything that causes an obstruction in a parking place reserved for disabled persons; or
- (d) uses a badge in contravention of this section,

commits an offence.

(6) The Director shall maintain a register showing the holders of badges issued under this section, and the vehicle for which each of the badges is held.

(7) A badge issued under this section remains the property of the Crown, shall be issued for such period as may be prescribed and be returned to the Director in such circumstances as may be prescribed.

(8) Regulations made under this Law may prescribe -

- (a) cases in which the Director shall or may refuse to issue badges; and
- (b) a fee for the issue or reissue of a badge,

and where the Director refuses to issue a badge, the applicant may, within thirty days of notification of the decision, appeal in writing to the Chief Officer responsible for the Department of Vehicle and Drivers' Licensing, who may conduct such investigation, seek such opinions and do such other things as he considers necessary or expedient to assist him in arriving at a decision.

(9) Where the prescribed conditions are not met in the case of any person

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- (a) if he applies to the Director for the issue of a badge under this section, the Director may by notice refuse the application; and
- (b) if he holds a badge issued under this section by the Director, the Director may by notice require the return of the badge.

(10) The conditions that may be prescribed for the purposes of subsection (9) are conditions relating to the misuse of badges under this section.

(12) A notice under subsection (9) may be given by post.

(13) A badge which is required to be returned to the Director shall not be displayed on a vehicle, and a badge which is required to be returned by virtue of a notice under subsection (9) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

120. (1) The Governor in Cabinet may, by Notice published in School zones the Gazette, designate part of a road as a school zone.

(2) Regulations may prescribe -

- (a) the traffic signs, signals, road markings or lights which shall be required to demarcate the school zone at each of its entrances and exits; and
- (b) the speed limit and other conditions which shall apply in a school zone.

(3) In this section "school" includes an institution that provides -

- (a) tertiary education;
- (b) career and technical education; or
- (c) education to prepare for the award of a degree, qualification or certification.

PART 9-Driving Instructors

121. (1) No person except a registered driving instructor may for payment instruct in the driving of a vehicle.

Driving instruction for payment to be given only by registered driving instructors

(2) Where a registered driving instructor is instructing another person in the driving of a motor vehicle, he shall ensure that there is fixed to and exhibited on that vehicle in the prescribed manner a certificate in such form as may be prescribed indicating that the name of the person giving the instruction is in the Driving Instructors' Register.

(3) For the purposes of subsections (1) and (2), instruction is paid if payment of money or money's worth is, or is to be, made by or in respect of the person to whom the instruction is given for the giving of the instruction.

(4) Where instruction is given in contravention of subsection (1) -

- (a) the person by whom it is given; and
- (b) if that person is employed by another person to give that instruction, that other person,

also commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both.

(5) Subsections (1) and (2) do not apply to the giving of instruction by a police instructor under the authority of the Commissioner.

(6) Where instruction is given in contravention of subsection (2), the person by whom it is given commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both.

(7) In proceedings against a person for an offence under subsection (4)(b), it is a defence for the accused to prove that -

- (a) at the time of engaging the person who was giving the instruction, that person was registered; and
- (b) since then took reasonable steps from time to time to ensure that the instructor continued to be registered.

The Driving Instructors'
Register

122. (1) The Director shall establish and keep a register to be known as the Driving Instructors' Register in which shall be entered -

- (a) the name of every person whose application for registration under section 123 has been approved by the Director; and
- (b) the name of every person who immediately before the date of commencement of this Law was carrying on the business of giving paid instruction in the driving of a vehicle.

(2) Each entry in the Driving Instructors' Register shall contain the following particulars in relation to each person registered -

- (a) his business address;
- (b) the date on which his application was approved by the Director; and
- (c) such other relevant particulars as the Director may determine.

(3) The Director shall -

- (a) make such alterations to the particulars of persons registered as are notified to him in writing;
- (b) remove from the Driving Instructors Register the name of a registered driving instructor who -
 - (i) is deceased;
 - (ii) otherwise ceases to be eligible for registration; or
 - (iii) ceases to carry on the business of giving paid instruction in the driving of vehicles; and
- (c) where a registered driving instructor is disqualified by a court from driving, remove from the Driving Instructors' Register the name of that instructor during the period of disqualification.

(4) Where the business address provided under subsection (2)(a) has changed, the registered driving instructor shall inform the Director in writing within fourteen days of the change.

(5) The Director shall supply to the Commissioner a list of all persons registered in the driving instructors register and any other information from the Driving Instructors' Register as the Commissioner may require, and shall keep the Commissioner currently informed of all new registrations.

(6) The Director shall, upon payment of the prescribed fee, supply to any person applying for a copy of the entries on the Driving Instructors' Register relating to any specified person a copy of those entries.

(7) In proceedings in a court -

- (a) the contents of the Driving Instructors' Register; or
- (b) extracts from the Driving Instructors' Register purporting to be certified as such by the Director,

shall be proof of the details concerned, unless the contrary is proved.

123. (1) An application for the entry of a person's name in the Driving Instructors' Register shall be made to the Director in the prescribed form and accompanied by the prescribed registration fee.

Registration of driving
instructors

(2) Where a person applies for his name to be entered in the Driving Instructors' Register, the Director shall approve the application if he is satisfied that the following conditions are fulfilled -

- (a) he has passed such examination of ability to give instruction in the driving of vehicles (consisting of a written examination, a practical test of ability and fitness to drive, and a practical test of ability and fitness to instruct) as may be prescribed;
- (b) he holds a current driver's licence authorising him to drive a vehicle, not being a restricted driver's licence or learners licence, in respect of vehicles of that group;
- (c) during the period of two years ending with the day on which the application is made, the periods for which he did not hold -
 - (i) a current driving licence of the kind mentioned in paragraph (b); or
 - (ii) an international driving permit of the kind mentioned in section 28,did not amount in the aggregate to more than six years; and
- (d) apart from fulfilment of the other conditions in this subsection, he is fit to have his name entered in the Driving Instructors' Register.

(3) The Director shall, in considering whether to grant or refuse an application made under subsection (1), take into account any offence of which the applicant has been convicted under this or any other Law if the conviction is likely to affect his suitability for registration including -

- (a) an offence under section 79 or 80;
- (b) an offence connected with illegal drugs;
- (b) an offence involving dishonesty;
- (c) an offence against the person;
- (d) an offence relating to dangerous or reckless driving, whether or not causing death; or
- (e) an offence under section 82 or 83,

and where the applicant has pending proceedings, the Director shall delay his decision until a judgement has been rendered.

(4) The entry of a person's name in the Driving Instructors' Register is subject to the condition that he will, if at any time required to do so by the Director, undergo a prescribed test of continued ability and fitness to give instruction in the driving of vehicles.

(5) The Director shall, on making a decision on an application under subsection (2), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for refusal.

Duration of registration

124. (1) Unless previously removed under other provisions of this Part, the name of a driving instructor shall, subject to subsection (2), be removed from the Driving Instructors' Register at the end of -

- (a) one year beginning with the first day of the month next after that in which the entry of his name was made; or
- (b) one year beginning, where his name has been retained in the Driving Instructors' Register under section 125, the day with which the last further period for which his name was so retained began.

(2) If an application for the retention of a driving instructor's name in the Driving Instructors' Register is made under section 125 before the end of the period referred to in subsection (1), the name shall not be moved until the decision under that section takes effect.

(3) Where a driving instructor's name has been removed from the Driving Instructors' Register under subsection (1) and he applies under section 123(1) for his name to be entered again in the Driving Instructors' Register, he shall be required again to pass the examination mentioned in section 123(2)(a).

Extension of duration of registration

125. (1) A driving instructor may, before the time when his name is required under section 124(1) to be removed from the Driving Instructors' Register, apply to the Director in the prescribed form, for the retention of his name in the Driving Instructors' Register for a further period of one year.

(2) On an application under subsection (1), a person shall be entitled, on payment of the prescribed fee, to have his name retained in the Driving Instructors' Register for that further period, if he satisfies the Director -

- (a) that he has not refused to undergo a test mentioned in section 123(3) which he has been required to undergo during the year

ending with the time when his name is required under section 124(1) to be removed from the Driving Instructors' Register;

- (b) that his ability and fitness to give instruction in the driving of vehicles continue, to be of a satisfactory standard, having regard to a test which he has undergone during that period;
- (c) that he holds a current licence of the kind referred to in section 123(2)(b); and
- (d) that, in addition to fulfilling the other conditions in this subsection, he continues to be a fit person to have his name entered in the Driving Instructors' Register.

(3) The retention of a driving instructor's name under this section is subject to the condition mentioned in section 123(3).

(4) Before refusing an application under subsection (1) the Director shall give the applicant written notice stating that he is considering the refusal of the application and giving particulars of the grounds on which he is considering refusal.

(5) Where the Director gives notice under subsection (4) -

- (a) the applicant may, within twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed refusal;
- (b) the Director shall not decide to refuse the application until after the expiration of that period; and
- (c) before deciding whether or not to refuse the application, the Director shall take into consideration any representations made by the applicant within that period.

(6) On deciding to grant or refuse an application the Director shall give notice in writing of the decision to the person concerned.

(7) A decision to refuse an application shall take effect -

- (a) where no appeal under this Part is brought against the decision within the time limited for the appeal, on the expiration of that time;
- (b) where an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
- (c) where an appeal is brought and not withdrawn or struck out for want of prosecution, when the appeal is dismissed.

Removal of names from
Driving Instructors'
Register

126. (1) The Director may remove the name of a person from the Driving Instructors' Register if he is satisfied that -

- (a) where his name has not been retained in the Driving Instructors' Register under section 125, at any time since the entry of his name was made; and
- (b) where his name has been retained under that section, at any time since it was last retained,

any of the following has happened -

- (i) that he did not hold the kind of current driving licence mentioned in section 123(2)(b);
- (ii) that he refused to undergo a test referred to in section 123(3);
- (iii) that he failed to pass that test; or
- (iv) that he ceased to be a fit person to have his name included in the Driving Instructors' Register.

(2) The Director may remove the name of a person from the Driving Instructors' Register if the entry or retention of his name there was made by mistake or procured by fraud.

(3) Before removing the name of a driving instructor from the Driving Instructors' Register under this section, the Director shall give him written notice stating that he is considering the removal and giving particulars of the grounds on which he is considering removal.

(4) Where the Director gives notice to a person under subsection (3) -

- (a) that person may, within the period of twenty-eight days beginning with the day on which the notice is given, make representations with respect to the proposed removal;
- (b) the Director shall not decide to remove his name from the Driving Instructors' Register until after the expiration of that period; and
- (c) before deciding whether or not to remove his name from the Driving Instructors' Register, the Director shall take into consideration any representations made by him within that period.

(5) The Director shall, on making a decision to remove a name from the Driving Instructors' Register, give notice in writing of the decision to the person concerned.

(6) A decision to remove a name from the Driving Instructors' Register shall take effect -

- (a) where no appeal under this Part is brought against the decision within the time limited for the appeal, on the expiration of that time;
- (b) where an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or
- (c) where an appeal is brought and not withdrawn or struck out for want of prosecution, when the appeal is dismissed.

127. (1) A person who is dissatisfied by a decision of the Director -

Appeals

- (a) to refuse an application for the entry of his name in the Driving Instructors' Register;
- (b) to refuse an application for the retention of his name in the Driving Instructors' Register; or
- (c) to remove his name from the Driving Instructors' Register,

may by notice in writing appeal to a court of summary jurisdiction in accordance with rules of court and where no rules of court have been prescribed, the appeal shall be made in such manner as the court of summary jurisdiction may direct.

(2) On the appeal the summary court may -

- (a) order that the application be granted or refused;
- (b) order that the name be removed or be retained in the Driving Instructors' Register; or
- (c) make such other order as it thinks fit.

(3) An order for refusal, removal or revocation may direct that an application by the appellant for his name to be entered in the Driving Instructors' Register shall not be entertained before the expiration of such period, not exceeding one year, beginning with the day on which the order is made, as may be specified in the order.

128. (1) The Governor may, by regulations, make provision -

Examinations and tests of ability to give driving instruction

- (a) with respect to the nature of examinations on the ability of persons to give instruction in the driving of motor vehicles and tests of continued ability and fitness to give such instruction;
- (b) with respect to evidence of the results of such tests and examinations;
- (c) for requiring a person submitting himself to any part of such an examination, or to such a test of continued ability and fitness, to

provide a vehicle for the purposes of the test, being a vehicle in respect of which such conditions as may be specified in regulations are complied with;

- (d) for requiring a person applying to submit himself for any part of such an examination to pay to the Director such fee as may be specified in the regulations in relation to that part;
- (e) for requiring a person who desires to submit himself for any part of such an examination to supply the Director with such particulars as the Director may determine; and
- (c) generally with respect to such tests and examinations.

Power to prescribe form of certificate of registration, etc.

129. (1) Regulations may prescribe -

- (a) a form of certificate for issue to persons whose names are in the Driving Instructors' Register as evidence of their names' being in the Driving Instructors' Register; and
- (b) a form of badge for use by such persons.

(2) A person whose name is not in the Driving Instructors' Register and who -

- (a) takes or uses a title prescribed under this section;
- (b) wears or displays a badge or certificate so prescribed; or
- (c) takes or uses any name, title, addition or description implying that his name is in the Driving Instructors' Register,

commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both, unless he proves that he did not know, and had no reasonable cause to believe, that his name was not in the Driving Instructors' Register at the material time.

(3) A person who carries on business providing instruction in the driving of vehicles who -

- (a) uses a title or description so prescribed in relation to any person employed by him whose name is not in the Driving Instructors' Register; or
- (b) issues any advertisement or invitation calculated to mislead with respect to the extent to which persons whose names are in the Driving Instructors' Register are employed by him,

commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both, unless he proves that he did not know, and had no reasonable cause to believe, that the name or names in question were not in the Driving Instructors' Register at the material time.

130. Where the name of a person to whom a certificate prescribed under section 129 has been issued is removed from the Driving Instructors' Register under this Part, that person shall, if so required by the Director by notice in writing, surrender the certificate to the Director within fourteen days beginning with that on which the notice is given and, if he fails to do so, he commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, to both.

Surrender of certificates

131. (1) A person to whom a certificate prescribed under section 130 is issued shall, on being required by a constable or the Director, produce the certificate for examination.

Production of certificates and licences to constables and authorised persons.

(2) Where the name of a person is removed from the Driving Instructors' Register and that person fails to satisfy an obligation imposed on him by or under section 130, a constable may require him to produce any certificate issued to him, and upon its being produced may seize it and deliver it to the Director.

(3) A person who is required under subsection (1) or (2) to produce a document and fails to do so commits an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both.

132. (1) A notice authorised or required to be given by this Part to a person may be given by delivering it to him, or by leaving it at his proper address, or by sending it to him by post.

Service of notices.

(2) For the purposes of this section, the proper address of a person shall be, in the case of a person whose name is included in the Driving Instructors' Register, his address on the Driving Instructors' Register, and in any other case, his usual or last known address.

PART 10-Miscellaneous and General

133. (1) A person who, with intent to deceive another person -

Offences and penalties relating to documents

- (a) alters, uses, lends or allows to be used;
- (b) makes or has in his possession anything resembling;
- (c) makes a false statement or withholds information in order to obtain; or
- (d) issues without belief in its authenticity or veracity,

a document relating to anything under this Law or regulations, or purporting to be such document, commits an offence.

(2) A person responsible for the issue of a driver's licence, learner's licence or certificate of vehicle registration shall endorse on that licence or certificate the time and date at which it is issued, but before the date of expiry of a driver's licence, a learner's licence or certificate of vehicle registration the person responsible for issuing these documents may renew these documents.

(3) A person who uses or connives at the use of a document for a purpose other than that for which it is issued commits an offence.

(4) A person who makes a false declaration in an application made under this Law commits an offence.

(5) A person who is convicted of an offence under this section is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of twelve months, or to both.

Powers of constables
and Director

134. If a constable or the Director has reasonable cause to believe that a document produced to him under this Law is a document-

- (a) in relation to which an offence has been committed under section 133; or
- (b) which has expired or appears to have been unlawfully written or marked upon,

he may take possession of that document.

Obstruction of police

135. (1) A person who obstructs or hinders a constable in the course of doing his duty in enforcing this Law or the regulations commits an offence.

(2) If in the commission of an offence under subsection (1) or an attempt to commit such an offence, involves -

- (a) the use of a vehicle; or
- (b) the attachment to or carriage in a vehicle of a device or other thing, not being part of the normal equipment of that vehicle, which is capable of impeding, balking or frustrating-
 - (i) the purpose of a radar speed meter as defined by section 92(4); or
 - (ii) the mechanical or efficient running of any police equipment or vehicle,

then the vehicle to which that device or thing is attached or in which it is carried may, at the discretion of any court, be forfeited to the Crown.

Offences by
corporations

136. (1) Where a body corporate commits an offence under this Law and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.

(2) In subsection (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

137. (1) The Director or a constable may require the driver of a vehicle licensed according to its maximum gross weight to drive him with the vehicle to the nearest weighbridge or other device approved by the Director or Commissioner in writing and published by notification in the Gazette. Power to require vehicle to be weighed

(2) A person who, upon being requested under subsection (1) to proceed to the nearest weighbridge or other approved device, fails to do so commits an offence.

138. A person who commits an offence under this Law or a regulation for which no penalty is prescribed is liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for six months, or to both. General penalty

139. (1) Subject to subsection (2), a constable may arrest without warrant a person who within his view commits an offence under this Law or regulations. General power of arrest

(2) The power of arrest conferred by subsection (1) may be exercised only -

- (a) where the maximum punishment by way of imprisonment for that offence is three months or more;
- (b) where a person, upon request, refuses to give his name, address or date of birth;
- (c) where there are reasonable grounds for suspecting that a person has given a false name, address or date of birth; or
- (d) where a constable has reasonable grounds to believe that a person has committed an offence under section 135.

140. This Law applies to vehicles and people in the service of the Crown. Application to the Crown

141. All fees paid under this Law shall, unless otherwise expressly stated, form part of the general revenues of the Islands. Fees to be paid into general revenues

142. (1) The Governor in Cabinet may make regulations prescribing all matters that are required or permitted by this Law to be prescribed, or are necessary or Regulations-general power

convenient to be prescribed for giving effect to the purposes of this Law, including for -

- (a) regulating the removal by the Commissioner or any person authorized by the Commissioner of vehicles illegally parked in private or public places;
- (b) the licensing of categories of vehicles that are not provided for in this Law; and
- (c) electronic ticketing.

(2) Regulations made under this Law may create offences punishable by a fine not exceeding ten thousand dollars.

PART 11-Repeal

Repeal

143. The Traffic Law (2003 Revision) is repealed.

Passed by the Legislative Assembly the 18th day of November, 2011.

Mary J. Lawrence, JP

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.