

CAYMAN ISLANDS



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THE TRAFFIC (AMENDMENT) LAW, 2005

(LAW 7 OF 2005)

THE TRAFFIC (AMENDMENT) LAW, 2005

ARRANGEMENT OF SECTIONS

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CAYMAN ISLANDS

Law 7 of 2005.

I Assent

B. H. Dinwiddy

Governor.

11 March, 2005

**A LAW TO AMEND THE TRAFFIC LAW (2003 REVISION) TO REVISE
THE PERIOD OF DURATION OF DRIVING LICENCES; TO FURTHER
REGULATE THE GRANT OF DRIVING LICENCES TO TEENAGERS;
TO RESTRUCTURE THE PUBLIC TRANSPORT BOARD; AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Traffic (Amendment) Law, 2005.

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.

2. The Traffic Law (2003 Revision), in this Law referred to as “the principal Law”, is amended in section 2 -

Amendment of section 2
of the Traffic Law (2003
Revision) - definitions

- (a) by inserting the following definitions in their appropriate alphabetical order -

“ “mature”, in relation to any person, means that that person is of or above the age of twenty;

“restricted driving licence” means a licence granted under section 34A;

“serious traffic offence” means an offence under section 67, 68, 69, 71, 72, 80 or 81;

“teenager” means a person under the age of twenty;”;

- (b) by repealing the definition of the terms “Caymanian licence” and “driving licence” and substituting the following definitions -

“ “Caymanian licence” means a driving licence, a learner’s licence or a restricted driving licence;

“driving licence” means a licence to drive a motor vehicle, not being a learner’s licence or a restricted driving licence, granted under the laws of the Islands;”;

- (c) in the definition of the term “omnibus” by repealing the words “nine persons” and substituting the words “fifteen persons”;
- (d) in the definition of the term “prescribed limit” as follows -

- (i) by deleting the word “or” appearing at the end of paragraph (b),

- (ii) by deleting the comma appearing at the end of paragraph (c) and substituting “; or”; and

- (iii) by inserting the following paragraph after paragraph (c) -

“ (d) in the case of a teenager who is the holder of a learner’s licence or a restricted driving licence -

- (i) three hundredth of one per cent weight/volume blood/alcohol concentration on a reading of an alcohol-in-breath measuring device;

- (ii) thirty milligrams of alcohol in one hundred millilitres of blood; or

- (iii) forty milligrams of alcohol in one hundred millilitres of urine;”;

and

- (d) in the definition of the term “taxi” by repealing the words “nine persons” and substituting the words “fifteen persons”.

3. The principal Law is amended by inserting after Part II the following Part -

Insertion of Part IIA -
driving instruction

“PART IIA - DRIVING INSTRUCTION

20A. (1) No paid instruction in the driving of a motor vehicle shall be given unless the name of the person giving the instruction is in the driving instructors register.

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

(2) No paid instruction in the driving of a motor vehicle shall be given unless there is fixed to and exhibited on that motor vehicle in such manner as may be prescribed a certificate in such form as may be prescribed 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 instruction 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 to give that instruction, that other, as well as that person,

is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

(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 is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

(7) In proceedings against a person for an offence under subsection (4), it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the driving instructors register at the material time.

20B. (1) The Director shall keep a register (to be called the “driving instructors register”) in which shall be entered -

The driving instructors
register

- (a) the name of every person who immediately before the date of commencement of the Traffic (Amendment) Law, 2005, was carrying on a business of giving paid instruction in the driving of a motor vehicle; and
 - (b) the name of every person whose application for registration under section 20C has been approved by the Director.
- (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;
 - (b) remove from the driving instructors register the name of a registered person who -
 - (i) is deceased;
 - (ii) otherwise ceases to be registered; or
 - (iii) ceases to carry on a business of giving paid instruction in the driving of a motor vehicle; and
 - (c) where a registered person is disqualified by a court from driving, remove from the driving instructors register the name of that person during the period of disqualification.
- (4) A registered person shall inform the Director in a timely manner of any change in his particulars under subsection (2)(a) and (c).
- (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 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 upon payment of the prescribed fee.
- (7) The contents of the driving instructors register shall for the purpose of all proceedings in any court be prima facie evidence of the information contained therein and extracts of the driving instructors register purporting to be certified as such by the Director shall be receivable in evidence in any court.

20C. (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 the entry of his name in the driving instructors register, the Director shall approve the application and enter his name in the driving instructors register if he satisfies the Director that the following conditions are fulfilled in his case -

- (a) he has passed such examination of ability to give instruction in the driving of motor 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 so prescribed;
- (b) he is the holder of a current driving licence authorising him to drive a motor vehicle (not being a restricted drivers licence or a learners licence) in respect of vehicles of that group;
- (c) during the period of six years ending with the day on which the application is made, the periods (if any) for which he did not hold one or more of the following licences, that is—
 - (i) a current driving licence of the kind mentioned in paragraph (b), and
 - (ii) an international driving licence of the kind mentioned in section 26,did not amount in the aggregate to more than two years; and
- (d) apart from fulfilment of the preceding conditions, he is a fit and proper person to have his name entered in the driving instructors register.

(3) The entry of a person's name in the driving instructors register shall be subject to the condition that, so long as his name is in the driving instructors register, he will, if at any time required to do so by the Director, undergo the test prescribed by regulations of continued ability and fitness to give instruction in the driving of motor vehicles.

(4) 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 the refusal.

20D. (1) Unless previously removed under the following provisions of this Part, the name of a person shall, subject to subsection (2), be removed from the driving instructors register at the end of the period of four years beginning with -

Duration of registration

- (a) the first day of the month next after that in which the entry of his name was made; or
- (b) where his name has been retained in the driving instructors register under section 20E, the day with which the last further period for which his name was so retained began.

(2) If an application for the retention of his name in the driving instructors register is made under section 20E before the end of that period, the name shall not be removed except in pursuance of a decision of the Director having effect under that section.

(3) Where a person whose name has been removed from the driving instructors register under subsection (1) applies under section 20C(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 20C(2)(a) unless the application is made before the end of the period of one year beginning with the end of the period of four years mentioned in subsection (1).

Extension of duration of
registration

20E. (1) A person may, before the time when his name is required under section 20D(1) to be removed from the driving instructors register, apply to the Director in the prescribed form and manner, for the retention of his name in the driving instructors register for a further period of four years.

(2) On an application under subsection (1), a person shall be entitled, on payment of such fee, if any, as may be prescribed, to have his name retained in the driving instructors register for that further period, if he satisfies the Director that the following conditions are fulfilled in his case -

- (a) that he has not refused to undergo any such test as is mentioned in section 20C(3) which he has been required to undergo during the period of four years ending with the time when his name is required under section 20D(1) to be removed from the driving instructors register;
- (b) that his ability and fitness to give instruction in the driving of motor vehicles continue, having regard to any such test which he has undergone during that period, to be of a satisfactory standard;
- (c) that he is the holder of a current licence of the kind mentioned in section 20C(2)(b); and
- (d) that, apart from fulfilment of the preceding conditions, he continues to be a fit and proper person to have his name entered in the driving instructors register.

(3) The retention of a person's name under this section shall be subject to the condition mentioned in section 20C(3).

(4) Before refusing an application under subsection (1) the Director shall give to 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 it.

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

- (a) the applicant 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 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 such 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 the following provisions of this Part is brought against the decision within the time limited for the appeal, on the expiration of that time;
- (b) where such 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 such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.

20F. (1) The Director may remove the name of a person from the driving instructors register if he is satisfied that -

Removal of names from
driving instructors
register

- (a) in a case where his name has not been retained in the driving instructors register under section 20E, at any time since the entry of his name was made; and
- (b) in a case where his name has been so retained under that section, at any time since it was last retained,

any of the following conditions was fulfilled in his case -

- (i) that he did not hold the kind of current driving licence mentioned in section 20C(2)(b);
- (ii) that he refused to undergo a test such as is mentioned in section 20C(3);
- (iii) that he failed to pass such a test;

- (iv) that he ceased, apart from fulfilment of any of the preceding conditions, to be a fit and proper 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 of his name in the driving instructors register, or the retention of his name in the driving instructors register, was made by mistake or procured by fraud.

(3) Before removing the name of a person 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 it.

(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 such 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 the following provisions of this Part is brought against the decision within the time limited for the appeal, on the expiration of that time;
- (b) where such 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 such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.

Appeals

20G. (1) A person who is aggrieved by a decision of the Director -

- (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.

(2) On the appeal the court may make such order -

- (a) for the grant or refusal of the application; or
- (b) for the removal or the retention of the name in the driving instructors register,

as the court thinks fit.

(3) An order for such 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 four years beginning with the day on which the order is made, as may be specified in the order.

20H. (1) The Governor may, by regulations, may make provision -

Examinations and tests
of ability to give driving
instruction

- (a) with respect to the nature of examinations of 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) generally with respect to such tests and examinations.
- (d) for requiring a person submitting himself to any part of such an examination which consists of a practical test, 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;
- (e) 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; and
- (f) 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.

20 I. (1) Regulations may prescribe all or any of the following—

Power to prescribe form
of certificate of
registration, etc.

- (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;
 - (b) a form of badge for use by such persons, and
 - (c) an official title for such use.
- (2) If a person whose name is not in the driving instructors register—
- (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,

he is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months, 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) If a person carrying on business in the provision of instruction in the driving of motor vehicles -

- (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,

he is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months, 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.

Surrender of certificates

20J. Where the name of a person to whom a certificate prescribed under section 20 I has been issued is removed from the driving instructors register in pursuance of this Part, that person shall, if so required by the Director by notice in writing, surrender the certificate to the Director within the period of fourteen days beginning with that on which the notice is given and, if he fails to do so, he is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

Production of certificates and licences to constables and authorised persons.

20K. (1) A person to whom a certificate prescribed under section 20J is issued shall, on being so required by a constable, produce the certificate for examination.

(2) Where the name of a person is removed from the driving instructors register, if that person fails to satisfy an obligation imposed on him by section 20J, a constable may require him to produce any such 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 is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

20L. Where a body corporate is guilty of an offence under this Part 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, is guilty of that offence and liable to be proceeded against and punished accordingly.

Offences by corporations.

20M.(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.

20N. In this Part -

Interpretation of this Part

“driving instructors register” means the register of driving instructors established pursuant to section 20C; and

“police instructor” means a person who is -

- (a) a member of the Royal Cayman Islands Police Force and whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor 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.”.

4. The principal Law is amended in section 23(b) by inserting after subparagraph (i) the following subparagraph -

Amendment of section 23 – qualification to drive

“(ia) is the holder of a restricted driving licence to drive such vehicle under the conditions under which it is being driven; or”.

Repeal and substitution of section 24 - persons who are not licensed or authorised to drive	5. The principal Law is amended by repealing section 24 and substituting the following section - “Persons who are not licensed or authorised to drive 24. (1) No mature person is licensed or authorised to drive a motor vehicle unless he- (a) is the holder of a current driving licence authorising him to drive such a vehicle; (b) is the holder of a current learner’s licence to drive such a vehicle under the conditions under which he is driving it; or (c) is exempted under section 35(6) from holding a driving licence. (2) No teenager is licensed or authorised to drive a motor vehicle unless he- (a) is the holder of a current driving licence authorising him to drive such a vehicle; (b) is the holder of a current restricted driving licence authorising him to drive such a vehicle; (c) is the holder of a current learner’s licence to drive such a vehicle under the conditions under which he is driving it; or (d) is exempted under section 35A(6) from holding a driving licence.”.
Amendment of section 25 – persons who may be licensed	6. The principal Law is amended in section 25 by inserting after subsection (1) the following subsection - “(1A) No person shall be issued with a restricted driving licence in respect of any group of vehicle unless he satisfies the conditions specified in paragraph (a)(i) to (iv) of section 23.”.
Amendment of section 26 – new residents and certain visitors may be authorised to drive; international driving licence	7. The principal Law is amended in section 26 as follows – (a) in subsections (1) and (2), respectively, by repealing the words “A person” and substituting the words “A mature person or a teenager”; and (b) in subsection (9) by inserting after the words “to which the Islands have adhered shall,” the words “whether he is a mature person or a teenager,”.
Amendment of section 33 – learners’ licences	8. The principal Law is amended in section 33 by repealing subsection (2) and substituting the following subsections -

“ (2) A learner’s licence issued to a mature person, is valid for six months and may, on payment of the prescribed fee, be renewed for a further period of six months, but thereafter no renewals shall be permitted unless the applicant therefor has taken at least one driving test under section 35 since the last renewal.

(2A) A learner’s licence issued to a teenager, is valid for twelve months and may, on payment of the prescribed fee, be renewed for a further period of twelve months, but thereafter no renewals shall be permitted unless the applicant therefor has, since the last renewal, taken at least one driving test relating to the grant of a restricted driving licence.”.

9. The principal Law is amended in section 34 as follows -

Amendment of section
34 – conditions under
which learners may
drive and penalty for
offences

- (a) in subsection (1) by repealing the words “A learner driver” and substituting the words “A mature learner driver”;
- (b) by inserting after subsection (1) the following subsection -

“ (1A) A teenager who is a learner driver in respect of any group of motor 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-

- (a) there are displayed in the prescribed manner on the motor vehicle being driven plates of the prescribed design bearing the letters “TL”;
- (b) the holder of a learner’s licence in respect of any motor vehicle other than an invalid carriage or motorcycle, does not drive the vehicle between 10:00 p.m. and 5:00 a.m.;
- (c) the learner driver of any vehicle other than an invalid carriage or motorcycle is, at all times when driving, accompanied and supervised by a mature person who has been fully licensed and qualified to drive vehicles of the group being driven for a period of at least three years, and who is seated next to the learner driver;
- (d) the holder of a learner’s licence in respect of a motor vehicle other than a motorcycle or moped does not carry any passenger other than the mature person mentioned in paragraph (c); and
- (e) the holder of a learner’s licence in respect of a motorcycle or moped does not carry a passenger unless that passenger holds a driving licence in respect of vehicles of that group.”;

and

- (c) by repealing subsection (4) and substituting the following subsection –

“ (4) Whoever is convicted of an offence under subsection (2) or (3) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months and –

- (a) in the case of a teenager convicted of an offence under subsection (2), the Court may order that he be disqualified from holding or obtaining a restricted driving licence for such period not exceeding twelve months as the Court deems appropriate; and
- (b) in the case of any other person convicted of an offence under subsection (2), the Court may order that he be disqualified from holding or obtaining a driving licence, for such period not exceeding twelve months as the Court deems appropriate;

and the particulars of such conviction shall be endorsed on his driving record.”.

Insertion of sections
34A and 34B - restricted
driving licences;
conditions under which
restricted drivers may
drive and penalty for
offences

10. The principal Law is amended by inserting after section 34 the following sections -

“Restricted driving
licences

34A. (1) Any teenager who –

- (a) is qualified under paragraph (a)(i) to (iv) of section 23 to drive any group of motor vehicles; and
- (b) has passed the prescribed restricted driving test for motor vehicles of that group,

may, subject to subsection (3) and any regulations made under section 40, on making application in the prescribed form and paying to the Director the prescribed fee, be granted a restricted driving licence in the prescribed form to drive such group of motor vehicles, and the holder of that licence shall be called a restricted driver.

(2) A restricted driving licence is valid for twelve months and may, on payment of the prescribed fee, be renewed for a further period of twelve months, but thereafter no renewals shall be permitted unless the applicant therefor has taken at least one driving test under section 35 since the

last renewal.

(3) No teenager submitting himself for a prescribed restricted driving test shall be permitted to take the driving test unless he has furnished to the Director, a certificate in the prescribed form, evidencing that he has obtained the prescribed previous driving experience relating to learner drivers who are teenagers.

(4) No teenager shall be granted a restricted driving licence for any group of motor vehicles -

- (a) if, at any time during the period of twelve months preceding the date of the grant, he has been convicted of a serious traffic offence; or
- (b) if he has not first passed the prescribed written examination for that group.

Conditions under which
restricted drivers may
drive and penalty for
offences

34B. (1) A restricted driver in respect of any group of motor 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 -

- (a) there are displayed in the prescribed manner on the motor vehicle being driven plates of the prescribed design bearing the letter "R";
- (b) the holder of a restricted driving licence in respect of any motor vehicle other than an invalid carriage or motorcycle, does not drive the motor vehicle between 11:00 p.m. and 5:00 a.m.; and
- (c) the holder of a restricted driving licence in respect of a motorcycle or moped does not carry a passenger unless that passenger holds a driving licence in respect of vehicles of that group.

(2) The holder of a restricted driving licence in respect of any motor vehicle other than an invalid carriage or motorcycle may carry passengers if the restricted driver is 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 three years and who is seated next to the restricted driver; but not more than three passengers (including the person supervising the restricted

driver) shall be so carried.

(3) A person who drives a vehicle under the authority of a restricted driving licence and who is in breach of any condition attached to that restricted driving licence (whether by virtue of this Law or the regulations) is guilty of an offence.

(4) Whoever is convicted of an offence under subsection (3) is liable on summary conviction to a fine of one thousand dollars and to imprisonment for twelve months and the Court may order that he be disqualified from holding or obtaining a driving licence for such period not exceeding twelve months as the Court deems appropriate and the particulars of the conviction shall be endorsed on his driving record.”.

Amendment of section 35 – tests of competence to drive

11. The principal Law is amended in section 35 as follows -

- (a) in subsection (5) by repealing the words “A learner driver” and substituting the words “A mature learner driver”; and
- (b) by inserting after subsection (5) the following subsection -

“(5a) Notwithstanding subsection (1), a restricted driver who –

- (a) has been declared by a driving examiner to have passed the driving test; and
- (b) has not, at any time during the period of twelve months preceding the date of the driving test, been convicted of a serious traffic offence,

shall surrender to the Director his restricted driving licence and receive in exchange a certificate, in the prescribed form, of competence to drive.”.

Repeal and substitution of section 38 - duration of licences

12. The principal Law is amended by repealing section 38 and substituting the following section -

“Duration of licences

38. A driving licence shall, unless previously revoked or surrendered, expire on the third next anniversary of the birth of the licensee following the date of the first issue or re-issue thereof, and thereafter may be renewed for consecutive periods of three years at a time without the applicant for the renewal being required to pass a further driving test.”.

13. The principal Law is amended in section 39 as follows -

Amendment of section
39 – powers of arrest

- (a) by deleting the word “and” appearing at the end of paragraph (b) and inserting after paragraph (b) the following paragraph -

“(ba)any restricted driver who, in the opinion of that constable, is driving or attempting to drive in contravention of the conditions imposed by his restricted driving licence; and”;
and

- (b) in paragraph (c), by inserting after the words “learner driver” the words “or a restricted driver”.

14. The principal Law is amended in section 40 as follows -

Amendment of section
40 - regulations under
this Part

- (a) in paragraph (h), by inserting after the words “driving licences” the words “, restricted driving licences”;
- (b) in paragraph (i), by inserting after the words “learner’s licence” the words “and different regulations may be made in respect of conditions for mature learners and for teenagers who are learners”;
- (c) by inserting after paragraph (j) the following paragraphs –

“(ja) the conditions subject to which restricted drivers may drive any group of vehicles on a road under the authorisation of a restricted driving licence;

(jb) the manner and form in which application may be made for a restricted driving licence under section 34A, the fees to be paid on such an application, and the nature of the written examination for any group of vehicles under section 34A;”;

- (d) in paragraph (k), by inserting after the words “in respect of driving tests” the words “for mature learners, for restricted drivers and”; and
- (e) by inserting after paragraph (m) the following paragraph -

“(ma)the exemption or exclusion of specific persons or categories or classes of persons from the requirements of this Part;”.

15. The principal Law is amended in section 41 by repealing subsection (2) and substituting the following subsections -

Amendment of section
41 - establishment of
Public Transport Board

“ (2) The Board shall consist of –

- (a) a Chairman (who shall be appointed by the Governor);
- (b) the Director of Tourism or such other person as the Director of Tourism may nominate in writing for the purpose;

- (c) the Commissioner or such other officer of the Royal Cayman Islands Police Force as the Commissioner may nominate in writing for the purpose;
- (d) the Director of the Port Authority or such other person as the Director of the Port Authority may nominate in writing for the purpose;
- (e) the Director of the Civil Aviation Authority or such other person as the Director of the Civil Aviation Authority may nominate in writing for the purpose;
- (f) the Permanent Secretary of the Ministry for the time being responsible for transport or such other officer of the Ministry as the Permanent Secretary may nominate in writing for the purpose; and
- (g) three other members (not being public officers) appointed by the Governor.

(2A) The Director of Licensing shall be the secretary to the Board and shall record and keep all minutes of the meetings, proceedings and decisions of the Board but shall have no right to vote.

(2B) A meeting of the Board shall be presided over by the Chairman or, in the absence of the Chairman, such member of the Board as the members present elect to act as chairman at that meeting.”.

Savings, validation and
transitional provisions

16. (1) Every driving licence in force immediately before the coming into force of this Law continues in force after this Law comes into force on the same conditions and with the same effect as if this Law had not come into force.

(2) Any matter relating to a driving licence, commenced under the former Law and partly dealt with when the new Law comes into force, is to be continued and dealt with in all respects as if the new Law had not come into force.

(3) Any matter relating to a driving licence, commenced under the former Law and not wholly or partly dealt with when the new Law comes into force, is to be taken to be a matter commenced under the new Law and the provisions of the new Law are to apply accordingly.

(4) Subject to section 91 of the principal Law, any teenager who -

- (a) is the holder of a current driving licence;
- (b) has within three years of applying for a new driving licence been the holder of a current driving licence; or
- (c) has passed the driving test prescribed under the former law,

is, subject to any court order to the contrary, exempted for the purpose of paragraph (a)(v) of section 23 from passing a driving test as a condition of holding, renewing or taking out a driving licence in respect of the group of vehicles which he is currently or was formerly licensed to drive or in respect of which he passed such test.

(5) The charging and collection of fees (in respect of any driving licence) prior to the date of commencement of this Law, in purported exercise of powers conferred by the principal Law, is validated and is to be taken to have been lawfully charged and collected.

(6) This Law does not affect any order or determination made by a court before the coming into force of this Law.

(7) If any proceeding for an offence committed before the coming into force of this Law was commenced, but not finally determined, before that time, or is commenced on or after that time, the proceeding is to be dealt with and determined as if this Law had not been enacted.

(8) In this section -

“driving licence” means a driving licence as defined in section 2 of the principal Law;

“former Law” means the principal Law in force immediately before the date of commencement of this Law;

“new Law” means the principal Law as amended by this Law; and

“teenager” means a teenager as defined in section 2 of the principal Law.

Passed by the Legislative Assembly the 23rd day of February, 2005.

LINFORD A. PIERSON

Speaker.

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.