

CAYMAN ISLANDS

LAW 30 of 1967

I assent,

(L.S.)

J.A. CUMBER
Administrator

24th October, 1967

The Motor Vehicles (Amendment) (No. 3) Law, 1967

ENACTED by the Legislature of the Cayman Islands.

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A Law further to amend the Motor Vehicles Law.

1. This Law may be cited as the Motor Vehicles (Amendment) (No. 3) Law, 1967, and shall be read and construed as one with the Motor Vehicles Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands.

2. The principal Law is hereby amended by adding immediately after section 13 the following section as 13A.

Short title.

Cap. 106

"Power to
convict for
reckless
dangerous
driving on
trial for
manslaugh-
ter."

13A. Upon indictment or inquisition for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence either under section 14 or section 15 of this Law (which relates to causing death by reckless or dangerous driving or to reckless or dangerous driving), to find him guilty of that offence, whether or not the requirements of section 20 of this Law (which relates to notice of prosecution) have been satisfied as respects that offence."

Repeal and
replacement
of section
30.

3. Section 30 of the principal Law is hereby repealed and the following sections substituted therefor as sections 30, 30A, and 30B:-

"Disquali-
fication for
offences

30 (1) Any Court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle and any Court before which a person is convicted of any offence whatsoever under this Law or the regulations made thereunder in addition to any penalty for such offence -

- (a) may in any case, and where so required by this Law, order him to be disqualified for holding or obtaining a driver's licence for such period as the Court thinks fit, and
- (b) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made, order that the particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender:

Provided that, if the Court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor

vehicle of the same category as the vehicle in relation to which the offence was committed.

(2) A person who by virtue of an order of a Court under this Law is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction and the Court making the order may if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions
as to dis-
qualifica-
tions and
suspensions.

30A. (1) Where a person who is disqualified by virtue of a conviction or order under this Law is the holder of a driver's licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this Law shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this Law is disqualified from holding or obtaining a driver's licence may, at any time after the expiration of six months from the date of the conviction or order, and from time to time, apply to the Court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the Court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

If the Court orders a disqualification to be removed, the Court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the Court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(4) If any person who, under the provisions of this Law, is disqualified from holding or obtaining a driver's licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified, drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular category, on a road, that person shall be guilty of an offence and shall be liable on conviction thereof to imprisonment for a term not exceeding six months or if the Court think that, having regard to the special circumstances of the case, a pecuniary penalty would be an adequate punishment for the offence, to a penalty not exceeding one hundred pounds, and in default of payment to imprisonment for a term not exceeding six months or to both such imprisonment and such penalty, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

Endorse-
ments.

30B. (1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any driver's licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

(2) Where an order is made requiring

any driver's licence held by an offender to be endorsed, then -

- (a) if the offender is at the time the holder of a driver's licence, he shall, if so required by the Court, produce the licence within five days or such longer time as the Court may determine for the purpose of endorsement; and
- (b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the Court for the purpose of endorsement,

and if he fails so to do, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new driver's licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.

(4) If any person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and shall be liable on conviction thereof to imprisonment for a term not exceeding three months or to a penalty not exceeding fifty pounds, and in default of payment to imprisonment for a term not exceeding three months and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom

an endorsement order has been made under this Law, has during a continuous period of three years or upwards since the order was made, had no such order made against him, he shall be entitled, either on applying for the grant of a licence under this Law, or subject to payment of a fee of ten shillings, and subject to surrender of any subsisting licence, at any time, have issued to him a new licence free from endorsements:

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified from holding or obtaining a driver's shall be excluded.

(6) Where a Court orders particulars to be endorsed on a driver's licence held by any person, or where by a conviction or order of a Court a person is disqualified from holding or obtaining a licence, the Court shall send notice of the order to the Licensing Authority, and in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to such Licensing Authority, and that Authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular category, the Licensing Authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof issue to that person a new licence on which there shall be indicated the category of vehicle which the holder of the licence is not thereby authorized to drive, and the licence so issued shall remain in force

either for the unexpired period of the original licence or for the period of disqualification, whichever is the shorter.

(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed the Court by which the appeal is allowed or the conviction is quashed, shall send notice thereof to the Licensing Authority."

Passed the Assembly this 22nd day of Sept. 1967

J.A. CUMBER
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.

Government Notice 120 of 1967

Date of operation 25th October, 1967