

CAYMAN ISLANDS



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**THE PUBLIC PASSENGER VEHICLES REGULATIONS 1995**

(Price \$3.20)



Made in Council this 13th day of June, 1995.

## Arrangement of Regulations

**MONA N. BANKS-JACKSON**  
Clerk of Executive Council.

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### EXPLANATORY NOTE

**(This note is not part of the Regulations)**

These Regulations replace the Traffic (Public Transport) Regulations as part of the modernisation of traffic legislation being carried out by the Government. The Regulations are made under the Traffic Law, 1991, which has now been brought into force to replace the old Traffic Law (Revised). These Regulations and Part IV of the 1991 Law together provide new controls over buses and taxis operating in the Cayman Islands. Buses and Taxis will now be controlled by the Public Transport Board established under Part IV of the Traffic Law, 1991.

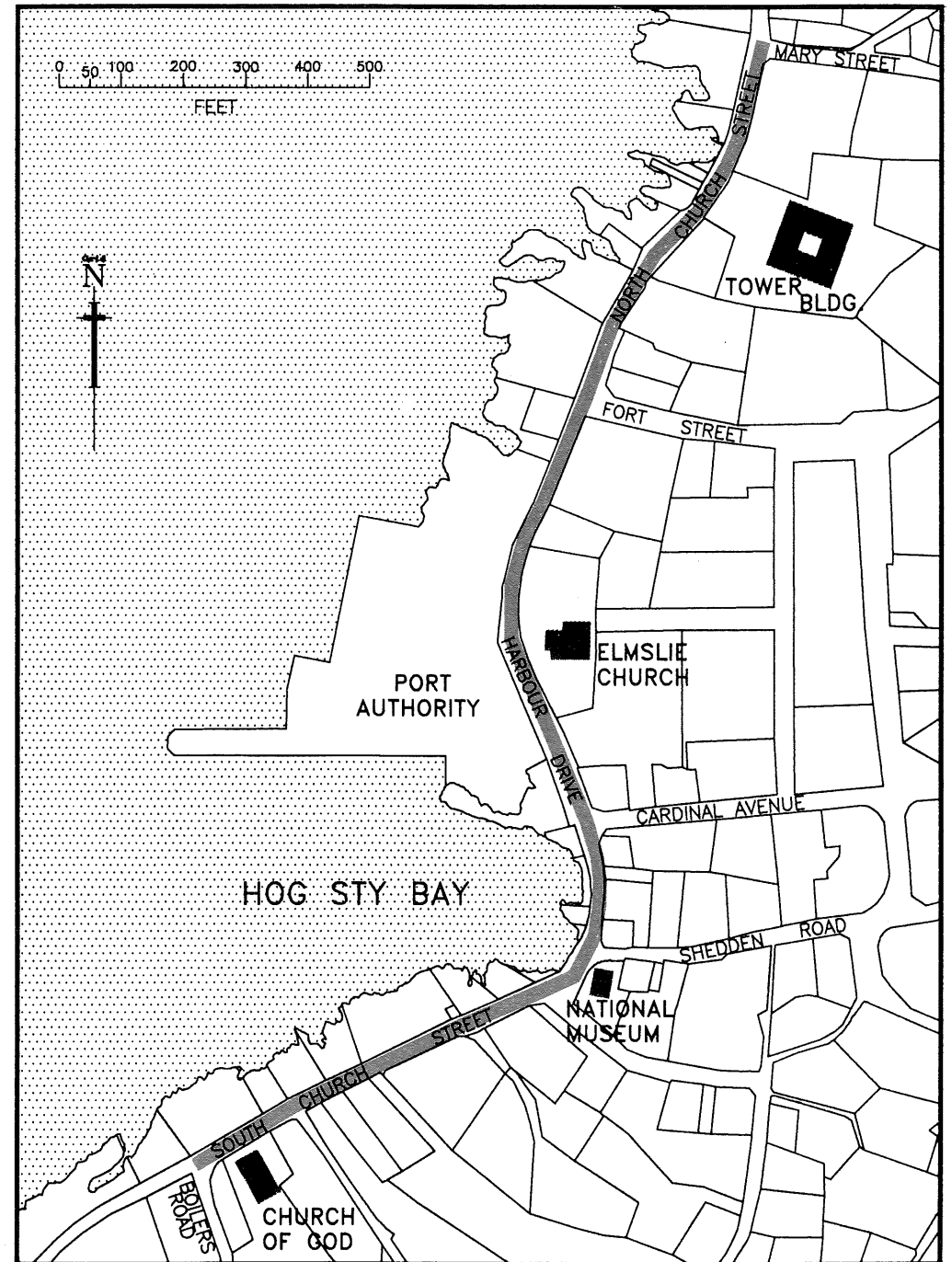
Regulation 3 of the new Regulations provides the details of how to apply to the Board for a permit. Regulation 4 gives the conditions with which an applicant for a permit will have to comply to be granted a bus or taxi permit. Regulations 5 to 10 provide the conditions with which bus and taxi drivers have to comply after they have been granted a permit. Regulation 11 applies the criminal offence and penalty in section 47 of the Traffic Law, 1991, to any failure to comply with those conditions. The penalty is a fine of up to \$1,000 and/or up to 6 months in prison.

Regulation 13 ensures that existing bus and taxi licences that are valid when the Regulations come into force will continue to be valid until their stated expiry date or until 31st December 1997, whichever is the first occur. However, after an initial 6 months grace period from the date on which these Regulations come into force, the Board will be able to suspend or revoke existing bus and taxi licences, as it can any new bus or taxi permit, if the licence holder has not complied with these Regulations.

The requirement to obtain a bus or taxi permit under these Regulations applies to all buses and taxis operating in the Islands. Additional controls apply to taxis and buses operating at the airports and ports administered by the Civil Aviation Authority and Port Authority.

1. Title and commencement.
2. Interpretation.
3. Application for grant of permit.
4. Conditions for grant of permit.
5. Conduct of driver.
6. Refusal to carry passengers.
7. Identification and information.
8. Standard and equipment of vehicles.
9. Taximeters.
10. Bus stops and the picking up, etc., of passengers by buses and taxis.
11. Offences.
12. Power to require applicants to submit information.
13. Repeals, saving and transitional.

PROHIBITION OF PICKING UP PASSENGERS BY BUSES AND TAXIS ON PART OF HARBOUR DRIVE



### **Offences**

11. For the purposes of section 47 (3) of the Law (offences of using or offering a vehicle for the carriage of passengers for hire or reward in contravention of the prescribed conditions) each of the provisions of regulations 5 to 10, inclusive, of these Regulations is a prescribed condition.

### **Power to require applicants to submit information**

12. (1) The Board may require an applicant for a permit under the Law to submit such information as the Board may reasonably consider necessary to enable the Board to determine whether the permit should be granted.

(2) Without prejudice to the generality of paragraph (1) above, the Board may require an applicant for a permit to submit to the Board –

- (a) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; and any trade or business activities carried on by that company;
- (b) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company; and any trade or business activities carried on by any such director or secretary;
- (c) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; and any trade or business activities carried on by that person.

### **Repeals, saving and transitional**

13. (1) The Traffic (Public Transport) Regulations (Revised) and regulation 12 of the Traffic Regulations are revoked.

(2) Where, immediately before the day on which these Regulations come into force, a person was carrying on business under the authority of a valid licence granted by the Commissioner under section 43 of the Traffic Law (Revised), he may continue to carry on that business until the expiry of the period specified in respect of that licence, the revocation of that licence or until 31st December 1997, whichever is the first to occur.

(3) In respect of any licence granted by the Commissioner under section 43 of the Traffic Law (Revised) which is in force on the date on which these Regulations come into force, the Board may, after the expiration of six months from that date, exercise its powers of revocation and suspension under section 44 of the Traffic Law, 1991, as if that licence were a permit granted by the Board.

(4) After the expiry of that six-month period the prescribed conditions referred to in regulation 11 of these Regulations shall apply to each licence granted by the Commissioner under section 43 of the Traffic Law (Revised) as if that licence were a permit granted by the Board.

## CAYMAN ISLANDS

### **THE TRAFFIC LAW, 1991**

### **THE PUBLIC PASSENGER VEHICLES REGULATIONS 1995**

The Governor in Council, in exercise of the powers conferred on him by sections 45(a), 48 and 113 of the Traffic Law, 1991, and of all other powers enabling him in that behalf, makes the following Regulations –

#### **Title and commencement**

1. These Regulations may be cited as the Public Passenger Vehicles Regulations 1995 and shall come into force on 13th June 1995.

#### **Interpretation**

2. (1) In these Regulations, unless the context otherwise requires –

"bus" includes an omnibus;

"bus route" means the public roads approved as bus routes by the Board;

"bus stop" means a place designated as a bus stop by a sign in a form approved by the Board;

"Caymanian" has the same meaning as in the Immigration Law;

"passenger" includes a person boarding or alighting from a bus or taxi or intending to do so.

(2) "Taximeter" is defined in regulation 9(3).

#### **Application for grant of permit**

3. (1) Every application for a permit under section 43 of the Law shall be made to the Board on the form specified for the purposes of the application by Regulations made under the Law;

and, before any such form is so specified, the application shall be made in such form as would have been acceptable to the Commissioner in respect of an application for a licence under section 43 of the repealed Traffic Law (Revised).

(2) An application for a permit under section 43 of the Law shall include –

- (a) two passport-sized photographs of the applicant;
- (b) sufficient information to identify the applicant and to describe the applicant's address in the Islands;
- (c) a description of the vehicle the applicant proposes to use for the carriage of passengers for hire or reward and in respect of which the application is made; and
- (d) the application fee.

(3) For the purposes of this regulation the application fee shall be the fee specified in the second column of the table below in relation to the description of vehicle described in the first column of the table –

Description of vehicle	Fee
1. Vehicles constructed or adapted to seat less than 10 passengers	\$150.
2. Vehicles constructed or adapted to seat 10 to 25 passengers	\$200.
3. Vehicles constructed or adapted to seat more than 25 passengers	\$250.

**Conditions for grant of permit**

4. (1) Upon receipt of an application for a permit made in accordance with regulation 3 above, the Board, in determining whether to grant the application, shall have regard in particular to the conditions in paragraph (2) of this regulation as to the suitability of the applicant.

(2) The conditions are that the applicant –

- (a) is a Caymanian who is not less than 21 years of age and not older than 70 years of age;
- (b) has paid the application fee to the Board;
- (c) has provided the Board with satisfactory evidence that there is in force in relation to the proposed use of the vehicle a policy of insurance of such security –
  - (i) to comply (in respect of that use) with the requirements of the Motor Vehicles Insurance (Third Party Risks) Law, or any revision or any statutory re-enactment of that Law; and
  - (ii) to provide such insurance cover against liability in respect of the death of or bodily injuries to passengers as may be specified in a direction by the Governor generally in relation to particular categories of vehicles;
- (d) has provided the Board with satisfactory evidence that the vehicle (in respect of

- (c) has an operating air-conditioning system that provides cooled air;
- (d) is clean, both inside and out;
- (e) is fully operational; and
- (f) is undamaged and free from rust, and has no exterior dents or cracks, and no missing lights, hubcaps or other parts.

(3) No person shall drive a bus or taxi in the course of a business unless the vehicle is equipped with –

- (a) a tow rope;
- (b) a lifting jack and other tools necessary to change a wheel;
- (c) an appropriate fire extinguisher;
- (d) first-aid kit;
- (e) spare fuses, spare bulbs, and an appropriate spare wheel and tyre.

**Taximeters**

9. (1) After 31st December 1997 the driver of a taxi shall not carry on any business of plying for hire or carrying passengers for hire or reward unless the taxi is fitted with a taximeter.

(2) No taxi with a taximeter shall, at any time after these Regulations come into force, be used for plying for hire or carrying passengers for hire or reward unless the taximeter has been tested and approved by or on behalf of the Board.

(3) In this regulation "taximeter" means any device for calculating the fare to be charged in respect of any journey in a taxi by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

**Bus stops and the picking up, etc., of passengers by buses and taxis**

10. (1) No driver of a bus carrying passengers for hire or reward on a bus route may pick up or set down passengers at any place other than at a bus stop.

(2) No driver of any vehicle other than –

- (a) a bus permitted to operate a regular daily schedule on a bus route; or
- (b) an emergency vehicle,

shall, except in an emergency or if required to do so by a constable in uniform, set down or pick up passengers at a bus stop.

(3) No driver or other person in charge of a bus shall permit any person to board or get off the bus when it is in motion.

(4) Between 6 am and 6 pm on any day no driver of a bus or taxi shall pick up passengers, or wait for any period for that purpose, anywhere in the district of George Town on the road shown coloured in red on the plan in the Schedule to these Regulations.

- (2) The driver of every taxi shall, while plying for hire, display in the vehicle –
- (a) a notice in a form approved by the Board which clearly shows the registration and permit numbers of the vehicle and the conditions of hire;
  - (b) a fare distance table in a form approved by the Board;
  - (c) a card and photograph in a form approved by the Board which clearly identify the person driving or in charge of the taxi as the driver authorised to drive it by a permit granted under the Law.

(3) The driver of every taxi shall, while plying for hire, display on the roof of the vehicle an illuminated sign of a type approved by the Board clearly indicating that the vehicle is available for hire as a taxi.

(4) The driver of every bus shall, while driving the vehicle in the course of a business, display –

- (a) a notice in the vehicle in a form approved by the Board which clearly shows the registration and permit numbers of the vehicle and the conditions of its use;
- (b) route and fare tables in a form and location in the vehicle approved by the Board;
- (c) destination indicators in a form approved by the Board showing the destination of the bus; and
- (d) a card and photograph in a form approved by the Board which clearly identify the person driving the bus as the driver authorised to drive it by a permit granted under the Law.

(5) The driver –

- (a) of every taxi, while plying for hire; and
- (b) of every bus, while driving the vehicle in the course of a business,

shall display on the rear of the vehicle a plate (in a form and location approved by the Board) which clearly shows, in respect of each description of service mentioned in the undertaking given under regulation 4(2)(j) for the use of the vehicle, the maximum number of passengers which may be carried for hire or reward in the provision of that service.

#### Standard and equipment of vehicles

8. (1) No person shall drive a bus or taxi in the course of a business unless both the condition and appearance of the vehicle are conducive to the safety and comfort of its passengers and the enhancement of tourism in the Islands.

(2) Without prejudice to the generality of paragraph (1) above, no person shall drive a bus or taxi in the course of a business unless the vehicle –

- (a) is safe and roadworthy in complete compliance with the Law;
- (b) is equipped to a reasonable standard of comfort for its permitted use;

which the application is made) has passed the inspection carried out by or on behalf of the Board as required by the Law;

- (e) in the case of an application for a renewal of a permit, has given the Board a statement of the number of months the applicant was engaged in the business of carrying passengers for hire or reward during the period in which that business was authorised by the permit to be renewed;
- (f) is able to speak, read and write the English language sufficiently to perform the duties of carrying passengers for hire and reward;
- (g) has, in the previous three months, undergone a medical examination by a registered health practitioner who has certified that the applicant is fit to drive passengers for hire or reward;
- (h) is the holder of a valid current driving licence authorising him to drive the vehicle he proposes to use for carrying passengers for hire or reward;
- (i) has undergone and passed any test required by the Board in respect of the applicant's first aid and driving skills and knowledge; and
- (j) has undertaken to use the vehicle (in respect of which the application for a permit is made) only in providing such one or more of the descriptions of services by which passengers may be carried for hire or reward as are specified by the Board in respect of that category of vehicle.

(3) For the purposes of paragraph (2) (j) of this regulation the description of services for the carriage of passengers for hire or reward which may be specified by the Board are –

- (a) the provision of tours, whether or not pre-paid, for visitors to the Islands;
- (b) the provision of a bus service on a bus route in accordance with a regular schedule;
- (c) plying for hire as a taxi;
- (d) contract hire; and
- (e) such other services as may be specified in a direction given to the Board by the Governor under section 42 of the Law.

(4) The Board shall not specify any description of service for the purposes of paragraph (2)(j) of this regulation except pursuant to a direction of the Governor given under section 42 of the Law in respect of categories of vehicles.

#### Conduct of driver

5. (1) A person who is granted a permit by the Board under Part IV of the Law to drive a vehicle shall not conduct himself in any way which causes annoyance or nuisance to any other person or which brings himself, the Islands or the operation of tourism in the Islands into disrepute.

(2) Without prejudice to the generality of paragraph (1) above, a person who is granted a permit by the Board to drive a bus or taxi shall carry on the business authorised by the permit in accordance with the following provisions of this regulation.

- (3) The driver of a bus or taxi shall not solicit a passenger or prospective passenger –
- (a) by the use of any bell, horn, whistle or other signal or by driving his vehicle back and forth in front of any public place; or
  - (b) on behalf of any tourist accommodation, restaurant, night club, bar, or watersports business.
- (4) The driver of a bus or taxi –
- (a) shall not divert or attempt to divert any person (whether or not a passenger in his or another person's vehicle) from travelling to any tourist accommodation, restaurant, night club, bar or watersports business; and
  - (b) shall not solicit or accept (or agree to solicit or accept) any thing in money or money's worth in relation to –
    - (i) the soliciting of a person for any tourist accommodation, restaurant, night club, bar or watersports business; or
    - (ii) the diversion or attempted diversion of a person who is travelling to or is at any such premises.
- (5) In the course of his business of carrying passengers for hire or reward the driver of a bus or taxi –
- (a) shall comply with the Law and all other Laws of the Islands;
  - (b) shall maintain a neat appearance and comply with any guidance given by the Board in relation to the mode of dress for drivers of taxis and buses;
  - (c) shall not carry in his vehicle any firearms or other weapons;
  - (d) shall maintain a written record of the journeys he undertakes;
  - (e) shall, in respect of each journey in which he carries a passenger in the course of his business, select the route for the journey which (subject to any direction from the passenger) he reasonably believes will provide the passenger with the shortest journey time;
  - (f) shall, where the taxi or bus is parked at a taxi-stand or at a bus stop, remain in or in attendance on the vehicle and shall not leave the doors of the vehicle open;
  - (g) shall not drive the vehicle at any time when his ability to do so is impaired;
  - (h) while driving passengers shall not, without their consent –
    - (i) smoke; or
    - (ii) play any radio, tape or other recorder;
  - (i) shall maintain his vehicle and its interior in a clean and roadworthy condition and in a state of repair such that it would at all times pass an inspection carried out by a vehicle inspector under section 54 of the Law; and

- (j) upon finding any unclaimed property in his vehicle, shall hand it within 24 hours to the officer in charge of the police station at George Town or at Cayman Brac.

#### **Refusal to carry passengers**

6. (1) Subject to the provisions of this regulation when a driver of a taxi is plying for hire he shall not refuse to accept a passenger for a lawful journey; and a driver of a bus, while the bus has a vacant seat, shall not refuse to accept a passenger for a lawful journey who is waiting at a bus stop.

- (2) The driver of a taxi may refuse to carry –

- (a) any animal; and
- (b) any item of baggage which cannot conveniently and safely be carried in his vehicle.

(3) The driver of a taxi, when his vehicle is empty and plying for hire, and the driver of a bus, while the bus has a vacant seat, shall not refuse to pick up a passenger unless the passenger –

- (a) does not, when requested, tender the proper fare;
- (b) is consuming alcoholic liquor or appears to be intoxicated, or appears to be under the influence of a drug the consumption of which is prohibited by the Misuse of Drugs Law (1995 Revision); or
- (c) has asked the driver to carry baggage of an unreasonable quantity, size or weight.

(4) The driver of a taxi or bus shall not refuse to carry a person in his vehicle solely by reason of the person's race, sex, religion, nationality, age or disability.

(5) The driver of a taxi shall not carry any person as an additional passenger in his vehicle without the voluntary consent of the passenger he has already agreed to carry in the vehicle.

- (6) The driver of a taxi may refuse to carry a person in his vehicle where –

- (a) he reasonably believes that person to be incapable of paying the proper fare for the journey he has requested;
- (b) that person has avoided or attempted to avoid payment of any proper fare he has incurred for the hire of any taxi; or
- (c) that person has withheld his true name and address from the driver when the driver is lawfully demanding payment of the proper fare due from him for the hire of the taxi.

#### **Identification and information**

7. (1) Every vehicle which is used as a taxi shall be clearly identifiable as a taxi, with the word "taxi" clearly visible in a manner approved by the Board as a means of identification of the vehicle in daylight and darkness; and every vehicle which is used as a bus shall be clearly identifiable as a bus in daylight and darkness and shall be painted in a colour approved by the Board.