

Supplement No. 10 published with Gazette No. 14 of 14th July, 2003.

TRAFFIC LAW
(2003 Revision)

Law 24 of 1991 consolidated with Laws 36 of 1993 (part), 4 of 1997 (part), 11 of 1997, 11 of 2000, 40 of 2001 and 9 of 2002.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 24 of 1991-12th December, 1991
Law 36 of 1993-3rd December, 1993
Law 4 of 1997-24th March, 1997
Law 11 of 1997-18th April, 1997
Law 11 of 2000-18th September, 2000
Law 40 of 2001-10th January, 2002
Law 9 of 2002-5th July, 2002.

Consolidated and revised this 27th day of May, 2003.

Note: (not forming part of the Law): This revision replaces the 2001 Revision which should now be discarded.

**TRAFFIC LAW
(2003 Revision)**

ARRANGEMENT OF SECTIONS

PART I-Introductory

1. Short title
2. Definitions

PART II-Registration and Licensing of Vehicles

3. Licensing Authority
4. Functions of the Director
5. The register
6. Registration of motor vehicles
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 prohibited
12. Charge of duty
13. Exemptions from duty
14. Commencement and duration of licences; rate of duty
15. Continuous liability for suspension of vehicle licence
16. Issue and exhibition of licences
17. Duplicate licences
18. Special licences
19. Trade plates
20. Regulations under this Part

PART III-Licensing of Drivers of Vehicles

21. Unqualified persons not to drive
22. Persons not to drive motor vehicle unless licensed or authorised
23. Qualification to drive
24. Persons who are not licensed or authorised to drive
25. Persons who may be licensed
26. New residents and certain visitors may be authorised to drive; international driving licence
27. Driving tests for new residents
28. Saving of licences and tests under the old law
29. Requirements as to physical fitness of drivers
30. Revocation of licence because of disability

31. Provision of information, etc., relating to disabilities
32. Driving with uncorrected defective eyesight
33. Learners' licences
34. Conditions under which learners may drive and penalty for offences
35. Tests of competence to drive
36. Grant of licences
37. Form of licences
38. Duration of licences
39. Powers of arrest
40. Regulations under this Part

PART IV-Public Passenger Vehicles

41. Establishment of Public Transport Board
42. Governor may give directions
43. Permits for omnibus and taxi drivers
44. Revocation and suspension of permits
45. Matters to be taken into account by Board
46. Permit not a driving licence
47. Conditions for driving passengers for hire or reward and penalty for contravention
48. Regulations under this Part

PART V-Construction and Use of Vehicles and Equipment

49. Regulation of construction, weight, equipment and use of vehicles
50. Offence where regulations are contravened
51. Authorisation of use on roads of vehicles not complying with regulations under section 49
52. Appointment of vehicle inspectors
53. Imported vehicles to be inspected before use on the road
54. Issue of certificate of roadworthiness
55. Annual inspection of vehicles
56. Powers of vehicle inspectors and constables
57. Using uninspected vehicle
58. Regulations as to inspection and testing

PART VI-Control of Road Users

59. General duty of road users
60. Duties of drivers
61. Duty to give name and address, and penalty for contravention
62. Seat belts
63. Restriction on carrying children not wearing seat belts in motor vehicles
64. Wearing of protective headgear and penalty for contravention
65. Duty to stop and furnish particulars in case of accident

66. Police evidence in case of accident
67. Causing death by dangerous or reckless driving
68. Dangerous or reckless driving
69. Careless driving
70. Person charged with certain offences may be convicted of a lesser offence
71. [Driving under the influence of alcohol or drugs](#)
72. Driving or being in charge of a motor vehicle while under the influence of alcohol or drugs and causing death
73. Breath tests
74. Provision of specimens for analysis
75. Protection for hospital patients
76. Retention of vehicles
77. Interpretation of sections 71 to 76
78. Obtaining licence, or driving while disqualified
79. Unlawful use of vehicles
80. Motor racing on roads
81. Speed limit offences
82. Ticket offences
83. Ticket procedure
84. Service of notice if fine is not paid
85. Enforcement of proceedings against owner
86. Rental vehicles
87. Miscellaneous offences
88. Trial of offences
89. Fine and imprisonment
90. Driving record
91. Effect of order of disqualification
92. Obligatory disqualification
93. Discretionary disqualification
94. Power to suspend order
95. Endorsement of driving record and the effect thereof
96. Regulations under this Part

PART VII-Control of Traffic

97. Traffic Advisory Panel
98. Parking at yellow lines
99. Taxi ranks
100. Pedestrian crossings
101. Regulations under this Part
102. School crossing patrols
103. Vehicle pounds
104. Traffic signs
105. Erection of road blocks or barriers

- 106. Road works
- 107. Obstructions on road, pavement, etc.
- 108. Disabled person's badge
- 109. School zones

PART VIII-Miscellaneous and General

- 110. Offences and penalties relating to documents
- 111. Powers of constables
- 112. Obstruction of police
- 113. Vicarious responsibility
- 114. Power to require motor vehicle to be weighed
- 115. General penalty
- 116. General power of arrest
- 117. Application to the Crown
- 118. Fees to be paid into Treasury
- 119. Regulations-general power

TRAFFIC LAW
(2003 Revision)

PART I-Introductory

1. This Law may be cited as the Traffic Law (2003 Revision). Short title
2. In this Law- Definitions
 - “alcohol-in-breath measuring device” means a device approved from time to time by the Commissioner in writing and published by notice in the Gazette for measuring the amount of alcohol in a person’s breath or blood;
 - “bicycle” means a vehicle propelled only by human energy and includes a tricycle;
 - “carriageway” means that part of a road which is designed for the passage of vehicles;
 - “Caymanian licence” means a driving licence or a learner’s licence;
 - “certificate of registration” means the prescribed certificate issued by the Director under section 6;
 - “certificate of roadworthiness” means the prescribed certificate issued by a vehicle inspector under section 54;
 - “Chief Engineer” means the Chief Engineer of the Public Works Department or any person deputed to act on his behalf;
 - “church vehicle” means a motor vehicle constructed and used for the carriage of more than nine persons (excluding the driver) while it is actually being used for or in connection with the usual activities of a church;
 - “Clerk of the Court” means the Clerk of the Court as appointed under the Grand Court Law (1995 Revision); 1995 Revision
 - “Commissioner” means the Commissioner of Police or any person deputed to act on his behalf;
 - “Director” means the Director of Licensing appointed by the Governor under section 3;
 - “disability” includes disease;
 - “disabled person” means a person with a want of physical ability affecting the driving of motor cars;
 - “driver” and its grammatical derivations includes the driver or rider of any kind of vehicle or animal;

“driving examiner” means a person appointed as such under section 35;

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

“driving test” means a test of competence to drive, conducted under section 35;

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

2000 Revision

“footpath” means footpath as defined in section 2 of the Roads Law (2000 Revision);

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

“Governor” means Governor in Council;

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

“learner’s licence” means a licence granted under section 33;

“licensed” means licensed under this Law;

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

“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 thereby or by human energy or a combination of both;

“motorcycle” means a motor vehicle, not being an invalid carriage, with less than four wheels which is used for the transport of people and, unless the context otherwise requires, includes a moped;

“motor vehicle” means any mechanically propelled vehicle manufactured or adapted for use on roads;

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

1986 Revision

“old law” means the Traffic Law (Law 16 of 1973-as revised);

“omnibus” means a motor vehicle constructed or capable of being used for the carriage of more than nine persons (excluding the driver) which, when in the control of a person holding a valid permit under Part IV is permitted to carry passengers on a fare-paying basis or by private arrangement;

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

(a) in the case of a motor vehicle which is not drawing a trailer, the distance between the ground and the point on the motor vehicle,

or any load which is being carried by or any equipment which is fitted to the said vehicle, which is farthest from the ground; and

- (b) in the case of a motor vehicle which is drawing a trailer, the distance between the ground and the point on the motor vehicle or any trailer which it is drawing, or any load which is being carried on or any equipment which is fitted to any part of the said 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 motor vehicle and of any trailer which it is drawing shall be such as to comply with the requirements specified in regulations made under Part V;
- (ii) the surface under the motor vehicle and any trailer which it is drawing and any load which is being carried on and any equipment which is fitted to any part of the said combination of vehicles and which projects beyond any part of the said combination of vehicles shall be reasonably flat; and
- (iii) any equipment which is fitted to the motor vehicle or any 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 thereof exclusive of-

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

“oversize truck” means a truck-

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

“owner” in relation to a vehicle, means the person by whom the vehicle is kept or the person having the right of immediate disposition of such vehicle whether or not that right is to be exercised subject to any lien over such vehicle or subject to any balance of payment of such vehicle or subject to the right of any mortgagee or holder of a bill of sale;

“Panel” means the Traffic Advisory Panel established under section 97;

“park” with respect to a vehicle, means to voluntarily bring the vehicle to rest or, being in control thereof, 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 any part of a road designed and set aside for the exclusive passage of pedestrians;

“prescribed” means prescribed by this Law or any regulation made hereunder;

“prescribed limit” means, as the case may require-

- (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 an omnibus, taxi, church vehicle and school vehicle;

“public place” means any place to which the public has access as of right or upon payment or upon invitation express or implied;

“Public Transport Board” means the Board established under section 41;

“register” means the register of motor vehicles established under the Motor Vehicles Law, previously repealed, and continued by the old law and by this Law;

“registered” means registered under this Law;

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

“registration” means registration under Part II;

“registration plates” means plates of the prescribed design bearing a serial registration number, issued by the Director under section 6;

“regulation” means a regulation made under this Law;

“relevant disability”, in relation to any person means-

- (a) any prescribed disability, and
- (b) any other disability likely to cause the driving of a vehicle by him to be a source of danger to the public;

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

“road code” means the written code of conduct for road users published under the authority of this Law;

“road user” means any person using a road whether driving or on foot;

“school crossing patrol” means a person appointed and acting in that behalf under section 102;

“school vehicle” means any vehicle while it is actually being used for or in connection with the conveyance of school children for hire or reward;

“special licence” means a licence issued in respect of an oversize truck or a special vehicle under section 18;

“special vehicle” means a vehicle not constructed or adapted for use on roads, and includes a track-laying or wheeled vehicle having motive power and designed to be used with or without accessories for construction, road maintenance, engineering or agricultural work, and also includes a forklift, front-loader and golf cart;

“taxi” means a motor vehicle or horse-drawn vehicle constructed and used for the carriage of not more than nine persons (excluding the driver) which, when in the control of a person holding a valid permit under Part IV, is permitted to stand or ply for casual hire for the conveyance of passengers and their personal luggage;

“taxi rank” means a place designated by the Governor under section 99;

“trade plates” means numbered plates of the prescribed design issued by the Director under section 19;

“traffic sign” means an object or device (whether fixed or portable) for conveying to traffic and other road users on a road warnings, information, requirements, restrictions or prohibitions of any description, and includes road markings but does not include a traffic signal, and a reference to the erection or placing of a traffic sign includes a reference to the display thereof in any manner whatsoever (whether or not involving fixing or placing);

“traffic signal” means a device 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 Governor 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 the said 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 motor vehicle;

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

tanker, and for the purpose of this definition, “goods” includes other vehicles, whether or not operative;

“vehicle” includes every type of wheeled or tracked vehicle capable of being driven or towed on a road, but does not include hand carts, barrows or baby carriages;

“vehicle inspector” means a person appointed by the Director to certify the fitness or otherwise of any vehicle for use on the road; and

“vehicle licence” means a licence in the prescribed form issued by the Director under section 16.

PART II-Registration and Licensing of Vehicles

Licensing Authority

3. (1) The Governor may appoint a Director of Licensing who shall be the licensing authority for the whole of the Islands or any part thereof.

(2) The Director may under his hand appoint such officers and employees as he may consider necessary for carrying out his functions under this Law.

(3) The Director may delegate to any other person the exercise of any power or the performance of any duty vested in him by this Law and the instrument purporting to delegate such powers shall be published by notice in the Gazette.

Functions of the Director

4. The Director or any person appointed by him in that behalf shall-

- (a) inspect and test vehicles;
- (b) register motor vehicles and maintain the register;
- (c) issue licences in respect of motor vehicles and drivers;
- (d) conduct driving tests; and
- (e) perform such other functions as may, from time to time, be prescribed.

The register
Cap. 106

5. (1) The Director shall continue to maintain the register established under the Motor Vehicles Law, previously repealed, and continued under the old law in a form modified to comply with this Law, and vehicles required to be registered under this Law shall be registered with serial registration numbers under the prescribed registration categories.

(2) The Director shall supply to the Commissioner a list of all registered owners of vehicles with the relevant vehicle registration numbers and any other information from the register as the Commissioner shall require, and shall keep the Commissioner currently informed of all new registrations and all changes of ownership.

(3) The Director shall supply to any person applying for a copy of the entries on the register relating to any specified vehicle a copy of those entries upon payment of the prescribed fee.

(4) The contents of the register shall for the purpose of all proceedings in any court be prima facie evidence of the information contained therein and extracts of the register purporting to be certified as such by the Director or his delegate shall be receivable in evidence in any court.

6. (1) Whoever, in any place, uses or keeps or, being the owner, permits any other person to use or keep any motor vehicle, not being a vehicle exempted from registration under this Law and which is not registered, is guilty of an offence.

Registration of motor vehicles

(2) No person is liable to a penalty for a breach of subsection (1) if he proves that he has taken all reasonable steps to comply with its requirements, and, when the vehicle is in use on a road, that it is on its way for the purpose of being registered.

(3) Application for the registration of a motor vehicle shall be made in the prescribed form and accompanied by the prescribed registration fee.

(4) The Director, on being satisfied that this Law and the Motor Vehicle Insurance (Third Party Risks) Law (1997 Revision), and regulations respectively made thereunder, have been complied with, shall register the vehicle by assigning it a serial registration number and recording the prescribed particulars in the register, and shall issue to the owner registration plates and a certificate of registration in the prescribed form.

1997 Revision

(5) Where a certificate of registration is lost, destroyed or rendered illegible, the owner of the vehicle shall obtain from the Director a duplicate marked as such.

(6) If a motor vehicle does not have affixed to it registration plates as provided by section 8, this fact shall be regarded as *prima facie* evidence that the vehicle has not been registered, and any constable may detain that vehicle until enquiries have been made.

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

(8) No person shall be registered as the owner of a motor vehicle unless he is at least seventeen years of age.

7. New motor vehicles in the possession of persons licensed under the Trade and Business Licensing Law (2003 Revision) as motor vehicle dealers, agents, repairers or traders shall be exempted from the need for registration, but subject to such provisions as to trade plates as may appear hereafter.

Certain new vehicles exempt from registration 2003 Revision

8. (1) On every registered vehicle there shall be exhibited registration plates displayed in the prescribed manner.

Registration plates

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

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

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

9. (1) When there is a change of ownership or alteration in the particulars of a registered vehicle the owner shall inform the Director on the prescribed form within fourteen days of such alteration taking effect and submit to the Director the form and certificate of registration, and the Director shall record all such changes in the register and issue a new certificate of registration to the owner of the vehicle.

(2) Whoever, being the owner of a vehicle, fails to inform the Director of any change of ownership or alteration in the prescribed particulars of a registered vehicle is guilty of an offence and liable on summary conviction to a fine of three hundred dollars and to imprisonment for three months.

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

Termination of vehicle registration

10. (1) When a registered vehicle has been -
(a) exported from the Islands; or
(b) disposed of to the satisfaction of the Department of Public Health,

the owner shall cause the vehicle registration to be terminated by surrendering the certificate of registration and the vehicle licence, if any, to the Director and satisfying the Director in the prescribed form that the vehicle has been so exported or disposed of, and on such termination the Director shall refund to the registered owner any licence duty prepaid in respect of the period from the date of such 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:

Provided that in the case of a vehicle licence taken out for a period of six months, no refund of the surcharge payable under paragraph (b) of section 14(3) shall be made to the registered owner.

(2) Whoever, being the owner of a registered vehicle, fails to inform the Director of the export or disposal of that vehicle as aforesaid is guilty of an offence.

(3) The Director may delete from the register any vehicle for which a vehicle licence has not been taken out for a continuous period of three years.

Importation and use of certain vehicles prohibited

11. (1) No vehicle of a type known to the motor vehicle trade as "moke" or "mini moke" or any similar vehicle or vehicle commonly known as a "beach buggy" or "dune buggy" or any similar vehicle and no parts for any of

such vehicles may be imported into or used in the Islands without the permission of the Governor.

(2) No double-decker omnibus shall be imported into or used in the Islands.

(3) No person may, without the prior permission of the Governor, import into or use in the Islands any motor vehicle which is constructed, or capable of being used, for the carriage of more than nine persons excluding the driver.

(4) No motorcycle may be used in the Islands in combination with a side-car and no side-car may be imported into the Islands.

(5) No vehicle imported into the Islands in contravention of this section shall be accepted for registration.

(6) Whoever imports a vehicle into the Islands in contravention of this section is guilty of an offence.

(7) Whoever uses a motorcycle in combination with a side-car is guilty of an offence.

(8) Save as permitted by section 18, no mechanically propelled 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 49 shall be used on a road, and whoever uses such a vehicle on a road is guilty of an offence.

12. (1) Subject to this Law, licence duty shall be charged in respect of every motor vehicle used or kept on a road and shall be paid upon a vehicle licence to be taken out by the owner of the vehicle.

Charge of duty

(2) The duty chargeable under subsection (1) in respect of a vehicle shall be charged by reference to the renewal rate prescribed for vehicles of that description.

(3) Subject to this Law, no person shall use or cause to be used on a road any motor vehicle unless a vehicle licence has been issued by the Director and is in force in respect of that vehicle.

(4) Whoever uses or keeps on a road a motor vehicle for which a vehicle licence is not in force, not being a vehicle exempted from duty under this Law by virtue of any enactment (including this Law), is guilty of an offence and shall, in addition to any other punishment imposed on him under this Law, be liable to a penalty equal to three times the amount of the licence duty chargeable in respect of the vehicle since the date of expiry of the last vehicle licence issued in respect of such vehicle; and any sum payable by an order under this subsection shall be treated as a fine, and the order as a conviction for the purpose of any enactment relating to the recovery or application of sums ordered to be paid by the Court.

13. No duty shall be chargeable under this Law in respect of-

Exemptions from duty

2003 Revision

- (a) motor vehicles in the possession of persons licensed under the Trade and Business Licensing Law (2003 Revision) as motor vehicle dealers, agents, repairers or traders solely for the purpose of sale, repair or testing in the course of that business, but subject to such provisions as to trade plates as may appear hereafter; and
- (b) oversize trucks, subject to such provisions as to special licences as may appear hereafter.

Commencement and duration of licences; rate of duty

14. (1) A vehicle licence may be taken out for three, six or twelve months and shall come into effect -

- (a) upon the first application for a vehicle licence in respect of a vehicle, on the day of issue of that vehicle licence; or
- (b) upon a subsequent application for a vehicle licence in respect of a vehicle, on the day following the day of expiry of the last vehicle licence issued in respect of that vehicle, irrespective of the date of such application.

(2) A vehicle licence issued in respect of a vehicle following any of the periods described in section 15(2) shall come into effect on the day following the last day of the period in question.

(3) The duty payable on a vehicle licence for a vehicle of any description shall -

- (a) if the vehicle licence is taken out for a period of twelve months, be paid at the annual rate of duty applicable to vehicles of that description and prescribed by regulations under section 20; and
- (b) if the vehicle licence is taken out for a period of three or six months, be paid at a rate of twenty-five and fifty per cent respectively of the prescribed annual rate, plus such surcharge as may be prescribed.

Continuous liability for suspension of vehicle licence

15. (1) Subject to this section, whoever for any period keeps a vehicle in respect of which duty under this Law has at any time become chargeable is liable to pay duty under this Law in respect of the vehicle for that period.

(2) Subject as aforesaid, a person shall not be liable under subsection (1) to pay duty under this Law in respect of a vehicle -

- (a) for any period in respect of which he has, in accordance with subsection (3), made application to the Director for the suspension of a vehicle licence; or
- (b) for any period when the vehicle is exempt from duty under section 13.

(3) Where the registered owner of a registered vehicle intends not to use or keep that vehicle on a road for a period in excess of three months he may lodge the vehicle licence with the Director and make application to the Director in the

prescribed form for a suspension of the vehicle licence and for a refund of any licence duty prepaid in respect of the period of such suspension and, provided the Director is satisfied that the registered owner has made proper provision for the custody or storage of such vehicle during the period of suspension, he shall refund to the registered owner *pro rata* on a quarterly basis any licence duty prepaid in respect of each clear quarter of such period of suspension.

(4) In the case of a vehicle licence taken out for a period of three or six months, no refund of the surcharge payable under paragraph (b) of section 14 shall be made to the registered owner.

(5) 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 further application to the Director in that behalf.

(6) A person shall not, by virtue of paragraph (a) of subsection (2), be exempt from his liability for any period under subsection (1) in respect of a vehicle if, at any time during that period, he or any other person with his consent uses or keeps the vehicle on a road and no vehicle licence is in force for the vehicle at that time, and such consent shall be presumed to have been given unless the contrary is shown.

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 licence is to be taken out or otherwise as may be prescribed.

Issue and exhibition of licences

(2) Every vehicle licence shall be issued for the vehicle specified in the application for the licence and shall not entitle the person to whom it is issued to use or keep any other vehicle.

(3) The Director shall not be required to issue any vehicle licence for which application is made unless he is satisfied that -

- (a) the licence applied for is the appropriate licence for the vehicle specified in the application;
- (b) the vehicle has been duly registered, and does not differ in any respect from the particulars entered in the register in respect of the 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 (1997 Revision) have been complied with in respect of the vehicle; and
- (e) in the case of an application for a licence for a vehicle purporting to be the first application for a licence for the vehicle, a licence has not previously been issued for that vehicle.

1997 Revision

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

Duplicate licences

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

(2) If any such licence is subsequently found, the holder of the duplicate licence shall forthwith surrender to the Director the duplicate licence, and whoever knowingly retains or has in his possession both an original and a duplicate vehicle licence is guilty of an offence and liable on summary conviction to a fine of three hundred dollars and to imprisonment for three months.

Special licences

18. (1) Save as provided in this section-

- (a) no oversize truck; and
- (b) no special vehicle,

shall be used upon any road, and no vehicle licence shall be issued in respect thereof.

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

- (a) any regulations made under section 101; and
- (b) such conditions as the Commissioner may specify in that special licence,

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

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

- (a) any regulations made under section 101; and
- (b) such conditions as the Commissioner may specify in that special licence,

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

(4) Application for a special licence under this section shall be made on the prescribed form and accompanied by the prescribed fee:

Provided that -

- (a) the Commissioner may, in his discretion, allow applications not made in the prescribed form (including telephone applications) if he is satisfied that the case is one of genuine emergency; and

- (b) notwithstanding the issue of any licence under subsections (2) and (3), no fee shall be payable in respect of any road maintenance vehicle in the ownership of Government, nor in any case in which the distance travelled along a road does not exceed half a mile.

(5) Whoever uses an oversize truck or a special vehicle upon a road without having first obtained a special licence to do so is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

(6) Any person to whom a special licence has been granted who fails to observe any of the conditions specified in that licence is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

19. (1) Trade plates of the prescribed number and design may be leased by the Director to persons who are licensed under the Trade and Business Licensing Law (2003 Revision) to carry on the business of motor vehicle dealers, agents, repairers or traders, for the purpose of allowing those persons to take or cause to be taken on the road for the purposes of that business any unregistered or unlicensed motor vehicle provided that-

Trade plates
2003 Revision

- (a) the vehicle is held by that person for sale, repair or testing;
- (b) that person is fully covered by insurance for all third party risks in respect of every vehicle on which the trade plates are used, whatever the manner of user; and
- (c) the physical condition of the vehicle on which the trade plates are used complies with this Law and the regulations.

(2) Trade plates may be leased by the Director to authorised persons who make application for the same on the prescribed form for periods of one year at the prescribed fee but so that no person shall be the holder of more than three pairs of trade plates at any one time.

(3) Whoever uses a motor vehicle on any road with trade plates unless authorised in that behalf by the authorised holder thereof or otherwise than as authorised by this Law is guilty of an offence and liable on summary conviction to a fine of six hundred dollars and to imprisonment for six months.

20. The Governor may, by regulations, 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 therein;
- (c) the manner and form in which application may be made for copies of entries on the register and the fee to be paid upon such application;

- (d) the manner and form in which application may be made for the registration of vehicles, the fees to be paid on such an application and the form of certificate of registration;
- (e) the vehicles or categories of vehicles which may be registered and the conditions subject to which any vehicle or category of vehicle may be registered;
- (f) the form of registration plates and mode of display thereof;
- (g) the issue of duplicates of certificates of registration and registration plates lost or defaced and the fee to be paid for the issue of such duplicates;
- (h) the forms of application for alteration of particulars in the register under section 9 and termination of vehicle registration under section 10;
- (i) the division of vehicles in any registration category into sub-categories for the purpose of licensing, and the annual rates of vehicle licence duty to be paid under section 12 in respect of vehicles in any such sub-category;
- (j) as to 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 thereof;
- (l) the manner and form in which application may be made for vehicle licences and trade plates;
- (m) fees payable for and trade plates; and
- (n) the replacement of vehicle licences and trade plates which are lost, destroyed or rendered illegible and as to the fees payable in connection with their replacement,

and generally for the implementation of this Part.

PART III-Licensing of Drivers of Vehicles

21. (1) It is an offence for a person to drive a vehicle on a road if he is not qualified to drive such vehicle, the proof of qualification being upon him.

(2) It is an offence to cause or permit another person to contravene subsection (1), the onus of proving that such person was at the material time qualified to drive being upon the person charged.

(3) Whoever is convicted summarily of an offence under this section is liable to a fine of four thousand dollars and to imprisonment for twelve months.

22. (1) It is an offence for a person to drive a motor vehicle on a road if he is not licensed or authorised by this Law to drive such a motor vehicle, the proof of his being so licensed or authorised being upon him.

Unqualified persons not to drive

Persons not to drive motor vehicle unless licensed or authorised

(2) It is an offence to cause or permit another person to contravene subsection (1), the onus of proving that such person was at the material time licensed or authorised under this Law being upon the person charged.

(3) Whoever is convicted summarily of an offence under this section is liable to a fine of four thousand dollars and to imprisonment for twelve months.

23. No person is qualified to drive a vehicle-

Qualification to drive

- (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 any relevant disability;
 - (iv) is not disqualified from driving, temporarily or otherwise, by the order of any court or the operation of any law; and
 - (v) has passed the prescribed driving test in respect of the group of vehicle driven; or
- (b) unless he-
 - (i) is a new resident or visitor to whom section 27 applies or is a person to whom the exception under section 28 applies; or
 - (ii) is the holder of a learner's licence to drive such vehicle under the conditions under which it is being driven.

24. No person is licensed or authorised to drive a motor vehicle unless he-

Persons who are not licensed or authorised to drive

- (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.

25. (1) No person shall be issued with a driving licence in respect of any group of vehicle unless he is qualified under paragraph (a) of section 23 to drive the relevant group of vehicle.

Persons who may be licensed

(2) No person shall be issued with a learner's licence in respect of any group of vehicle unless he satisfies the conditions specified in paragraph (a)(i) to (iv) of section 23.

26. (1) A person who is resident in the Islands shall, during the period of three months after he becomes so resident, be treated for the purposes of section 24 as the holder of a current driving licence authorising him to drive a motor vehicle, if-

New residents and certain visitors may be authorised to drive; international driving licence

- (a) he satisfies the conditions specified in paragraph (a)(i) to (iv) of section 23; and

- (b) he is the holder of a valid driving licence authorising him to drive such a motor 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 paragraph (a)(i) to (iv) of section 23; and
- (b) is the holder of a current driving 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 vehicle of that group and, if that group does not include a motor scooter, a motor scooter in the Islands-

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

(3) In subsection (2)-

“motor scooter” means a mechanically propelled vehicle having two road wheels used for the transport of people, with a power unit of a cylinder capacity of eighty cubic centimetres or less and having no gears or clutch that require operation by the rider, and includes a moped.

(4) 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.

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

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

(6) A vehicle hire firm gazetted as such 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 firm.

(7) A vehicle hire firm that issues a permit under subsection (2) 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.

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

(9) The holder of an international driving licence issued elsewhere than in the Islands and in accordance with any International Convention with respect to

the international circulation of motor vehicles to which the Islands have adhered shall, whilst such licence remains valid, be exempted from any requirement to hold a driving licence under this Law to drive in the Islands a motor vehicle of the group for which he holds an authorisation to drive in the country in which his international driving licence was issued.

(10) Where a person in the Islands desires to drive a motor vehicle in any other country which has adhered to any International Convention as aforesaid, he shall apply to the Director in the prescribed manner for an international driving licence. The applicant shall comply with the requirements of the said Convention and shall, in addition to any other particulars as may be required by the Director, satisfy the Director that he holds a valid driving licence issued in the Islands and that he is ordinarily resident in the Islands. The Director shall have power to issue international driving licences in accordance with any International Convention as aforesaid upon payment of the prescribed fee. Such licences shall, unless suspended by a court, remain in effect for twelve months from the date of issue.

(11) The Director shall keep a register of all holders in the Islands of valid international driving licences issued elsewhere than in the Islands and of all holders of international driving licences issued by him.

(12) Nothing in this Law shall derogate from any privilege or obligation accorded to any person by virtue of the Geneva Convention on Road Traffic, 1949.

27. Every person who-

- (a) is resident in the Islands for more than three months, except a person who was previously resident in an country specified in an order made by the Governor* and who is the holder of a valid driving licence issued in that country; and
- (b) is not the holder of a current international driving licence,

Driving tests for new residents
*See note on page 67

shall, in order to drive a motor vehicle in the Islands, pass the prescribed driving tests for motor vehicles.

28. Subject to section 91, whoever -

- (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 old law,

Saving of licences and tests under the old 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.

Requirements as to physical fitness of drivers

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

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

Revocation of licence because of disability

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

- (a) the holder of a Caymanian licence is suffering from a relevant disability; and
- (b) the Director would be required under section 29(3) to refuse an application for the licence made by him at that time,

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 up the licence to the Director forthwith after the revocation.

Provision of information, etc., relating to disabilities

31. (1) If, at any time during the period for which his licence remains in force, the holder of a Caymanian licence becomes aware that -

- (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 so 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) Whoever fails without reasonable excuse to notify the Director under subsection (1) is guilty of an offence and liable on summary conviction to a fine of six hundred dollars and to imprisonment for six months.

(3) If the Director has reasonable grounds for believing that a person who is an applicant for, or the holder of, a Caymanian licence may be suffering from a

relevant disability, subsection (4) shall apply 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 authorised to drive by the licence which he holds,

as the case may be.

(5) If he considers it appropriate to do so in the case of any applicant for, or holder of, a Caymanian 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 any 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) any driving test which he is required to take as mentioned in paragraph (b) of that subsection,

the Director may exercise his powers under sections 29 and 30 as if he were satisfied that the applicant a licence holder concerned is suffering from a relevant disability.

32. (1) Whoever drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under this Part for the purpose of tests of competence to drive, is guilty of an offence.

Driving with uncorrected defective eyesight

(2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under subsection (1) 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 is guilty of an offence.

(3) Whoever is convicted of an offence under subsection (1) is liable on summary conviction to a fine of six hundred dollars and to imprisonment for six months. Such fine and imprisonment and the particulars of the conviction shall be endorsed on his driving record.

Learners' licences

33. (1) Any person who is qualified under paragraph (a)(i) to (iv) of section 23 to drive any group of motor vehicles 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 learner's licence in the prescribed form to drive such group of motor vehicles, and the holder of that licence shall be called a learner driver.

(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. Thereafter no renewals will be permitted unless the applicant therefor has taken at least one driving test under section 35 since the last renewal.

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

Conditions under which learners may drive and penalty for offences

34. (1) 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 vehicle being driven plates of the prescribed design bearing the letter "L";
- (b) the learner driver of any 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 one year, and who is seated next to the learner driver;
- (c) no holder of a learner's licence in respect of a motorcycle or moped may carry a passenger unless that passenger holds a driving licence in respect of vehicles of that group.

(2) Whoever drives a vehicle under the authority of a learner's licence who is in breach of any condition attached to that learner's licence (whether by virtue of this Law or the regulations) is guilty of an offence.

(3) Whoever supervises or attempts to supervise a learner driver of a vehicle when not qualified or licensed to do so is guilty of an offence.

(4) Whoever is convicted of an offence under subsections (2) and (3) is liable on summary conviction to a fine of one thousand dollars and to

imprisonment for twelve months and the particulars of such conviction shall be endorsed on his driving record.

35. (1) No person shall be granted a driving licence unless he has first passed the prescribed driving test for motor vehicles of that group.

Tests of competence to drive

(2) Driving tests shall be carried out by a driving examiner who is appointed under his hand by the Director.

(3) Any person not being licensed but otherwise qualified to drive may apply to undergo a driving test on making application to the Director in that behalf in the prescribed form and paying the prescribed fee.

(4) The form of driving tests and the requirements for passing such tests shall be prescribed in regulations.

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

(6) The certificate of competence shall, for the day of its issue and the three days following its issue, exempt its owner from holding a driving licence for the purpose of paragraph (c) of section 24.

36. Upon proof of exemption under section 28 or upon production of a certificate of competence to drive, payment of the prescribed fee and making application in the prescribed form, an applicant for a driving licence shall be issued with such licence which shall not be valid until it has been signed by the person to whom it is lawfully issued.

Grant of licences

37. A driving licence shall be in the form prescribed in regulations and shall specify the group or groups of motor vehicles which it authorises its holder to drive.

Form of licences

38. A driving licence shall, unless previously revoked or surrendered, remain in force for the period of three years after the issue of the licence, and 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.

Duration of licences

39. A constable may, without warrant, arrest-

Powers of arrest

- (a) any person who, in the opinion of that constable, is driving or attempting to drive any vehicle when not qualified to do so;
- (b) any learner driver who, in the opinion of that constable, is driving or attempting to drive in contravention of the conditions imposed by his learner's licence; and
- (c) any person who, in the opinion of that constable, is supervising or attempting to supervise a learner driver of a vehicle when not licensed or qualified to do so.

Regulations under this Part

40. The Governor may, by regulations, provide for-
- (a) age qualifications for the purpose of paragraph (a)(i) of section 23, and different ages may be prescribed for different groups of vehicles;
 - (b) requirements as to the previous driving experience of applicants for Caymanian licences in respect of any group of vehicles;
 - (c) disabilities for the purpose of paragraph (a)(iii) of section 23;
 - (d) conditions upon which Caymanian 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 29;
 - (g) the driving of vehicles under International Driving Permits;
 - (h) the form of driving licences and learner's licences;
 - (i) the conditions subject to which learner drivers may drive any group of vehicles on a road under the authorisation of a learner's licence;
 - (j) the manner and form in which application may be made for a learner's licence under section 33, the fees to be paid on such an application, and the nature of the written examination for any group of vehicles under section 33;
 - (k) the nature of driving tests for the purposes of section 35(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 application may be made for driving tests and the fee to be paid upon such application;
 - (m) the manner and form in which application may be made for the grant and renewal of driving licences and the fee to be paid upon such application;
 - (n) the manner and form in which application may be made for international driving licences and the fee to be paid upon such application; and
 - (o) generally for the implementation of this Part.

PART IV-Public Passenger Vehicles

Establishment of Public Transport Board

41. (1) There is established, for the purpose of issuing permits for the operation of public passenger vehicles, a board called the Public Transport Board

(hereinafter referred to as the Board) which shall have the powers and discharge the duties conferred or imposed upon the Board under this or any other law.

(2) The Board shall consist of the Director of Tourism as Chairman, the Commissioner or such other officer of the Royal Cayman Islands Police Force as may be nominated in writing for the purpose by the Commissioner, the Director of the Port Authority, the Director of the Civil Aviation Authority, the Permanent Secretary of the Ministry for the time being responsible for transport or his representative and four other members appointed by the Governor

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

(4) Subject to subsections (1) to (3) and to any regulations made under this Part, the Board shall have power to regulate its own procedure.

42. (1) The Governor 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 may give directions

(2) The Governor 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 II at any time, and the Director shall supply the Board with all such information from the register as the Board shall require for the purpose of enabling the Board to limit or suspend applications for permits under this Part.

43. (1) No person shall drive an omnibus or a taxi for hire or reward except under the authority of a valid permit granted in that behalf by the Board.

Permits for omnibus and taxi drivers

(2) With respect to permits authorising persons to operate omnibus or taxi services-

- (a) an application for the grant of a permit shall be made to the Board in the prescribed manner and shall contain the prescribed particulars;
- (b) subject to section 42(2) and subsection (3) hereof, 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;
- (c) without prejudice to the discretionary power of the Board, in any application made to them to grant a permit, the Board, in determining the application, shall take into consideration the total number of omnibuses and taxis already at the time of the application authorised to be used by holders of permits, and in that regard shall take into consideration such matters as the

reasonable need of the public for transport facilities, the character and condition of the roads, the amenities of the Islands and the safety, comfort and convenience of the community.

(3) Notwithstanding subsection (2)-

- (a) the Board shall refuse to consider an application for a permit by or on behalf of 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 or on behalf of any person who, during the last three years, has been convicted in any court for-
 - (i) an offence under section 71 or 72;
 - (ii) any offence connected with dangerous drugs;
 - (iii) any offence involving fraud or dishonesty;
 - (iv) any offence against the person triable on indictment or either way; or
 - (v) dangerous driving, whether or not causing death.

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

Revocation and suspension of permits

44. (1) The Board may revoke any permit issued under section 43 on being satisfied that any person to whom such a permit has been issued has been convicted of any of the offences mentioned in paragraph (b) of section 43(3) or is otherwise not a suitable person to hold a permit.

(2) The Board may suspend any permit issued under section 43 for up to six months on being satisfied that any 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.

Matters to be taken into account by Board

45. In determining whether a person is a suitable person to be granted a permit under section 43, or whether to revoke or suspend a licence under section 44, the Board shall have regard to-

- (a) the conditions prescribed in regulations for the holding of such a permit; or
- (b) any breach of any regulations controlling the operation of omnibuses and taxis made under paragraph (b) of section 48,

as the case may be.

46. The holding of a permit issued under section 43 for the operation of an omnibus service or taxi service does not authorise the holder thereof to drive a vehicle outside the group covered by his driving licence.

Permit not a driving licence

47. (1) No vehicle, other than a public passenger vehicle when driven by a person holding a valid permit in that behalf, 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) Whoever uses or offers a vehicle for the carriage of passengers for hire or reward in contravention of subsection (1) is guilty of an offence.

(3) Public passenger vehicles shall operate under such conditions as may be prescribed, and notwithstanding the issue of a permit under section 43, whoever uses or offers a vehicle for the carriage of passengers for hire or reward in contravention of any of the prescribed conditions is guilty of an offence.

(4) No public passenger vehicle other than a taxi shall stand or ply for casual hire, and whoever uses or offers a public passenger vehicle, not being a taxi, for casual hire is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

48. (1) The Governor may, by regulations, provide for-

Regulations under this Part

- (a) the procedures to be followed by the Board in the exercise and performance of its functions under this Law;
- (b) the conditions under which public passenger vehicles may operate, ply for hire or be made available for hire;
- (c) the fares that may be charged for the carriage of passengers and their luggage on public passenger vehicles;
- (d) the charges that may be made for the hire of public passenger vehicles;
- (e) the location and marking of bus stops, and the conditions under which they shall be used;
- (f) the safe custody and re-delivery or disposal of any property accidentally left in a public passenger vehicle, and the charges to be made in respect thereof;
- (g) the equipment of public passenger vehicles and the manner in which such equipment is to be used;
- (h) distinctive or other marks, signs or lettering to be displayed on public passenger vehicles;
- (i) 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;
- (j) badges and uniforms to be worn by drivers and other persons having charge of public passenger vehicles, their conduct and their obligations as carriers;

- (k) the number of hours for which a person may lawfully drive a public passenger vehicle in each period of twenty-four hours;
- (l) the conduct of persons carried as passengers on public passenger vehicles;
- (m) the manner and form in which application may be made for the grant and renewal of permits issued under this Part and the fees to be paid upon such applications; and
- (n) generally for the implementation of this Part.

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

PART V-Construction and Use of Vehicles and Equipment

49. (1) The Governor may make regulations generally as to the use of motor vehicles, trailers and bicycles on roads, their construction and equipment and the conditions under which they may be so used.

(2) In particular, regulations may provide for-

- (a) the width, height and length of motor vehicles and trailers, the condition and diameter of wheels, and the width, nature and condition of tyres of motor vehicles and trailers;
- (b) the emission or consumption of smoke, fumes or vapour;
- (c) noise;
- (d) the maximum laden weight of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicle or trailer or by any part of such a motor 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 motor vehicles and trailers and the securing of loads carried by them;
- (f) the particulars to be marked on motor vehicles and trailers;
- (g) the towing of or drawing of vehicles by motor 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) for securing that the power unit is in good repair and properly enclosed;
- (m) the appliances to be fitted for-
 - (i) signalling the approach of a motor vehicle;
 - (ii) enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear; or

Regulation of construction, weight, equipment and use of vehicles

- (iii) intimating any intended change of speed or direction of a motor vehicle,
and the use of any such appliance, and for securing that any such appliance is efficient and kept in proper working order; and
- (n) for prohibiting the use of any appliances fitted to motor vehicles, at any times, or on or in any roads or localities specified in the regulations.

(3) 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.

(4) Different regulations may be made as respect different categories of vehicles or as respect the same category of vehicles in different circumstances and as respect different times of the day or night and as respect roads in different localities.

50. Subject to section 51, whoever-

- (a) contravenes or fails to comply with any regulations made under section 49; or
- (b) uses on a road a motor vehicle, trailer or bicycle which does not comply with any such regulations or causes or permits a vehicle to be so used,

Offence where regulations are contravened

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

51. Notwithstanding sections 49 and 50, the Governor may, by regulations, prescribe special conditions for the use on the road of emergency vehicles, special vehicles, oversize trucks and invalid carriages.

Authorisation of use on roads of vehicles not complying with regulations under section 49
Appointment of vehicle inspectors

52. The Director shall, under his hand, appoint suitable persons to be vehicle inspectors who shall carry out their duties under the Director's supervision.

53. Every motor vehicle or trailer imported into the Islands before being used otherwise on the road shall be taken from the point of import direct to a vehicle inspector or direct to a public garage or the residence of the owner and thence direct to a vehicle inspector for examination, and no such vehicle shall be used further on the road otherwise than by a vehicle inspector for testing purposes until a vehicle inspector has certified the vehicle fit for use on the road and issued under his hand a prescribed certificate of roadworthiness or as otherwise provided for in section 54(2).

Imported vehicles to be inspected before use on the road

Issue of certificate of roadworthiness

54. (1) Before issuing a certificate of roadworthiness in respect of any vehicle, the vehicle inspector shall satisfy himself that the vehicle is in roadworthy condition and complies with all requirements of this Law and regulations.

(2) No vehicle found by a vehicle inspector to be unroadworthy or failing to comply with this Law or regulations under this Part shall 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.

Annual inspection of vehicles

55. (1) Every owner of a motor vehicle or trailer shall, within twelve months from the last inspection of that vehicle under this Part, submit that vehicle or cause it to be submitted to a vehicle inspector at a place and within the times prescribed, for inspection for roadworthiness and general compliance with this Law and regulations, and no vehicle shall be used on the road after that inspection until the vehicle inspector has issued a certificate of roadworthiness in respect of that vehicle.

(2) No vehicle in respect of which the certificate of roadworthiness has expired shall be used on a road except for the purpose of being driven to a pre-arranged appointment for an inspection.

Powers of vehicle inspectors and constables

56. (1) If a vehicle inspector has cause 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, he may, at any reasonable time, enter any public place where that vehicle is to be found and there inspect that vehicle or 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 cause 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 shall order that vehicle to be taken off the road and may exercise the powers conferred upon a vehicle inspector under section 54(2).

Using uninspected vehicle

57. Whoever uses a vehicle, or being the owner thereof permits a vehicle to be used, on a road contrary to section 53, 54 or 55 is guilty of an offence and liable on summary conviction to a fine of six hundred dollars and to imprisonment for six months, and the particulars of such offence shall be endorsed on his driving record.

Regulations as to inspection and testing

58. The Governor may, by regulations, provide for-

- (a) the qualifications and training of vehicle inspectors;
- (b) the manner in which application may be made for the inspection of vehicles under sections 53 and 55, 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 54(2);
- (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; and
- (e) generally as to the inspection and testing of vehicles.

PART VI-Control of Road Users

59. It is the duty of every road user to exercise care and attention when using the road and to have due regard to the safety and comfort of other road users and the preservation and protection of public and private property. General duty of road users

60. It is the duty of every person driving any kind of vehicle upon a road- Duties of drivers

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

intersection or junction from any other road user or to deny to any other road user free passage along any road;

- (m) to give right of way to emergency vehicles;
- (n) to keep illuminated by night the rear light or lights, the front or head light or lights and the registration plate light as prescribed for the class of vehicle driven; and
- (o) to comply with the road code.

Duty to give name and address, and penalty for contravention

61. (1) Any 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 such 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 is guilty of an offence.

(2) The owner of any vehicle shall, if so required by a constable, 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 any offence in respect of, or with or by the use of that vehicle, and shall also 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 any owner who refuses or fails to give such information, or knowingly gives false information is guilty of an offence.

(3) A constable may arrest without warrant any 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 so required by a constable to produce-

- (a) his driving 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 (1997 Revision); or
- (c) a current certificate of roadworthiness in respect of that vehicle,

is guilty of an offence:

Provided that, in the case of the certificates or other evidence referred to in paragraphs (b) and (c), that person shall not be prosecuted if he produces such certificates or other evidence at a police station within three days.

(5) Whoever 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

such person be disqualified from holding or obtaining a driver's licence for such period not exceeding twelve months as the Court may deem appropriate.

62. (1) The Governor may make regulations requiring, subject to such exceptions as may be prescribed, persons who are driving or riding in motor vehicles on a road to wear seat belts of such description as may be prescribed.

Seat belts

(2) Regulations under subsection (1)-

- (a) may make different provision in relation to different categories of vehicles, different descriptions of persons and different circumstances;
- (b) shall include exceptions for-
 - (i) the users of vehicles constructed or adapted for the delivery of goods or mail to consumers or addresses, as the case may be, while engaged in making local rounds of deliveries;
 - (ii) the drivers of vehicles while performing a manoeuvre which includes reversing; and
 - (iii) any person 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) may make exceptions subject to such conditions as may be prescribed; and
- (d) may prescribe cases in which a fee of a prescribed amount may be charged on an application for any certificate required as a condition of any prescribed exception.

(3) Whoever drives or rides in a motor vehicle in contravention of regulations made under subsection (2) is guilty of an offence; but, notwithstanding any enactment or rule of law, no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.

(4) If the holder of any such certificate as is referred to in paragraph (b)(iii) of subsection (2) is informed by a constable that he may be prosecuted for an offence under subsection (3), 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.

(5) Regulations made under subsection (1) shall not apply to children under the age of fourteen years.

63. (1) Except as provided by regulations, where a child under the age of fourteen years is in the front of a motor vehicle, a person shall not, without reasonable excuse, drive the vehicle on a road, unless the child is wearing a seat belt in conformity with regulations.

Restriction on carrying children not wearing seat belts in motor vehicles

(2) It is an offence for a person to drive a motor vehicle in contravention of subsection (1).

(3) Except as provided by regulations, where a child under the age of fourteen years is in the rear of a motor vehicle and any seat belt is fitted in the rear of that vehicle, a person shall not, without reasonable excuse, drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.

(4) It is an offence for a person to drive a motor vehicle in contravention of subsection (3).

(5) Regulations may-

- (a) exempt, from the prohibition in subsection (1) or (3), children of any prescribed description, vehicles of a prescribed category or the driving of vehicles in such circumstances as may be prescribed;
- (b) define, in relation to any category of vehicle, what part of the vehicle is to be regarded as the front of the vehicle for the purposes of subsection (1) or as the rear of the vehicle for the purposes of subsection (3);
- (c) prescribe, for the purposes of subsection (1) or (3), the descriptions of seat belt to be worn by children of any prescribed description and the manner in which such seat belt is to be fixed and used.

(6) Regulations made for the purposes of subsection (3) shall include an exemption for any child 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.

(7) If the driver of a motor vehicle is informed by a constable that he may be prosecuted for an offence under subsection (4), he is not, in proceedings for that offence, entitled to rely on an exception afforded to a child by a certificate referred to in subsection (6) unless it is produced to the constable at the time he is so informed.

(8) In this section -

“regulations” means regulations made by the Governor under this section; and

“seat belt” includes any description of restraining device for a child, and any reference to wearing a seat belt is to be construed accordingly.

64. (1) The Governor may make regulations requiring, subject to such exemptions as may be specified in the regulations, persons driving or riding on motor cycles 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) Whoever drives or rides on a motorcycle in contravention of regulations under this section is guilty of an offence and liable upon summary conviction to a fine of eight hundred dollars and to imprisonment for eight months.

65. (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 that 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 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, for any reason, the driver of the vehicle does not give his name, address and date of birth under subsection (2), he 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) Whoever fails to comply with subsection (2) or (3) is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months, and the Court may order that that such person be disqualified from holding or obtaining a drivers licence for such period as the Court shall think 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; or
- (c) in respect of which an offence is alleged against any person.

(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 unless, having regard to all the circumstances of the case, there is reasonable cause for so moving it.

(7) The driver of the vehicle shall remain at the scene of the accident until the arrival of a constable, unless, having regard to all the circumstances of the case, there is reasonable cause for leaving.

(8) In this section-

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

Police evidence in case of accident

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

(2) The Governor may, by regulations, provide for-

- (a) the form and contents of any such sketch; and
- (b) the supply of copies thereof to any person having an interest in the outcome of any criminal or civil proceedings likely to arise out of the accident, upon payment by that person of the prescribed fee.

Causing death by dangerous or reckless driving

67. (1) Whoever 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 thereby causes the death of another person is guilty of an offence.

(2) A constable in uniform may arrest without warrant any person whom he has reasonable cause 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 be disqualified from holding or obtaining a driver's licence for five years or such longer period as the Court may think fit, such period of disqualification to run from the date of conviction or the expiration of any sentence of imprisonment as the Court may direct, and the particulars of such offence shall be endorsed on his drivers licence.

Dangerous or reckless driving

68. Whoever 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 is guilty of an offence and liable-

- (a) on summary conviction to a fine of one thousand dollars and to imprisonment for one year and in addition shall be disqualified from holding or obtaining a drivers licence for twelve months or such longer period as the Court may think appropriate, and the

particulars of the offence shall be endorsed on his driver's record;
and

- (b) on conviction on indictment, to a fine of three thousand dollars and to imprisonment for two years and in addition shall, without prejudice to the power of the Court to order a longer period of suspension, be disqualified for two years from the date of conviction or the expiration of any sentence of imprisonment, as the Court may direct, from holding or obtaining a driver's licence or driving any vehicle on the road.

69. Whoever drives a vehicle or animal on a road without due care and attention, or without reasonable consideration for other persons, is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months and 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 deems appropriate and the particulars of the conviction shall be endorsed on his drivers licence.

Careless driving

70. Whoever 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 67 or 68;
- (b) an offence under section 67, may be convicted of an offence under section 68; or
- (c) an offence under section 68, may be convicted of an offence under section 69.

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

71. (1) Whoever-

- (a) drives or attempts to drive a motor vehicle on a road;
- (b) is in charge of a motor vehicle on a road; or
- (c) is supervising a learner driver of a motor vehicle on a road;

Driving under the influence of alcohol or drugs

while he-

- (i) is under the influence of alcohol or drugs to such an extent that his efficiency as a driver is impaired; or
- (ii) has consumed alcohol in such a quantity that the proportion thereof in his breath, blood or urine exceeds the prescribed limit,

is guilty of an offence.

(2) Whoever is guilty of an offence, under subsection (1) is liable on summary conviction-

- (a) on a first offence, to a fine of one thousand dollars and to imprisonment for six months;

- (b) on a second or subsequent offence, to a fine of two thousand dollars and to imprisonment for twelve months; and
- (c) in addition to the above, 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.

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

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

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

72. (1) Whoever-

- (a) drives or attempts to drive a motor vehicle on a road; or
- (b) or is in charge of a motor vehicle on a road,

where that person-

- (i) is unfit to drive through the consumption of alcohol or drugs; or
- (ii) has consumed alcohol in such a quantity that the proportion of alcohol in that person's breath, blood or urine exceeds the prescribed limit,

and thereby causes the death of another person, is guilty of an offence.

(2) Whoever is guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for ten years and shall be disqualified from driving for a period of five years or such longer period as the Court may order.

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

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

Breath tests

73. (1) Where a constable in uniform has reasonable cause to suspect-

- (a) that a person who is supervising a learner driver of a motor vehicle on a road has consumed alcohol and the learner driver, while under that person's supervision, has 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 motor vehicle on a road has consumed alcohol and has 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 motor 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 motor vehicle on a road and has committed a traffic offence while the vehicle was in motion; or
- (e) that a person is supervising a learner driver of a motor vehicle on a road and that the learner driver, while under that person's supervision, has committed a traffic offence while the vehicle was in motion,

that constable may, subject to section 75, require 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 motor vehicle on a road, a constable may, subject to section 75, require any person whom he has reasonable cause to believe was driving, was in charge of the vehicle or 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 required under subsection (1) or (2) to provide a specimen either at or near the place where the requirement 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) Whoever, without reasonable cause, fails to provide a specimen of breath when required to do so under this section, is guilty of an offence and liable on summary conviction-

- (a) on a first offence, to a fine of one thousand dollars and to imprisonment for six months;
- (b) on a second or subsequent offence, to a fine of two thousand dollars and to imprisonment for twelve months; and
- (c) in addition to the above, 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.

(6) A constable in uniform may arrest without a warrant any 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 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.

74. (1) A person who has been arrested under section 71, 72 or 73 shall, while at a police station, be required-

- (a) to provide a specimen of breath for analysis by means of an alcohol-in-breath measuring device of a type approved from time to time by the Commissioner in writing and published by notice in the Gazette; 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, require that person to provide a specimen of blood or urine under paragraph (b) of subsection (1) notwithstanding that he has, in respect of the same arrest, been required to and has provided a specimen of breath under paragraph (b) of subsection (1).

(3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or a hospital; and it cannot be made at a police station unless-

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

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(4) If the provision of a specimen other than a specimen of breath is required 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 requirement.

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

(6) A certificate under the hand of 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 receivable in evidence in any court and shall be evidence in any court of the proportion of alcohol in the breath.

(7) A constable, on requiring 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.

(8) Whoever, without reasonable cause, fails to provide a specimen when required to do so under this section is guilty of an offence and liable on summary conviction -

- (a) on a first offence, to a fine of one thousand dollars and to imprisonment for six months;
- (b) on a second or subsequent offence, to a fine of two thousand dollars and to imprisonment for twelve months; and
- (c) in addition to the above, 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,

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

(9) The constable requiring any person to provide a specimen of blood or urine under paragraph (b) of subsection (1) 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 be taken.

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

(11) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

75. (1) While a person is a patient at a hospital he shall not be required 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 his case has been notified of the proposal to make the requirement and-

Protection for hospital patients

- (a) if the requirement 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 requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement or the provision of a specimen, or in the case of a specimen of blood or urine, the warning required under section 73, would be prejudicial to the proper care and treatment of the patient.

Retention of vehicles 76. Where a person has been charged with an offence under section 71 or 72, the Commissioner may retain at a vehicle pound or police station any vehicle used in the commission of the offence for -

- (a) eighteen hours;
- (b) until it appears to a constable that, were that person then driving or attempting to drive a vehicle on a road, he would not be committing an offence under section 71; or
- (c) for such period as the Commissioner may, in his absolute discretion, direct,

whichever period is the longest.

Interpretation of sections 71 to 76

77. (1) In sections 71 to 76-
“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;

“drug” includes any intoxicant other than alcohol;

“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.

Obtaining licence, or driving while disqualified

78. (1) Whoever drives or attempts to drive or obtains or attempts to obtain a Caymanian licence while under a period of disqualification is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year, and also shall be disqualified from holding or obtaining a driver’s licence for a period of twenty-four months extending from the period of his previous period of disqualification or from the date of his conviction whichever is later; and the particulars of the offence shall be endorsed on his drivers record.

(2) It is an offence knowingly to cause or permit another person to commit an offence under subsection (1), and whoever is convicted of such an offence may be disqualified from holding or obtaining a driver’s licence for a period not

exceeding twelve months from the date of his conviction and shall have his drivers record endorsed with the particulars of the conviction.

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

79. (1) Whoever takes and drives away a vehicle without having the consent of the owner thereof or other lawful authority or knowingly travels in or on a vehicle so taken and driven is guilty of 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 therefor and the particulars of such conviction shall be endorsed on his driver's record.

Unlawful use of vehicles

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

80. (1) Whoever promotes or takes part in a race or trial of speed between motor vehicles on a road is guilty of an offence and any person convicted of such offence shall have the particulars of such offence endorsed on his driver's record.

Motor racing on roads

(2) Notwithstanding this section and section 81, the Commissioner may authorise 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.

81. (1) Whoever drives or procures or incites any person to drive on a road any kind of vehicle other than an emergency vehicle-

Speed limit offences

- (a) at a speed in excess of the maximum speed prescribed for the Islands generally or for the place where such vehicle is driven; or
- (b) at a speed in excess of the maximum speed prescribed for the class to which such vehicle belongs,

is guilty of an offence and punishable under section 83:

Provided that where a person is convicted of such offence was, at the time of commission of the offence, driving a vehicle at a speed in excess of twice the maximum speed prescribed either for the place where such vehicle was being driven or for the class to which such vehicle belongs, the Court shall, without prejudice to its power to order a longer period of disqualification, disqualify that person from driving for six months from the date of conviction or the expiration of any sentence of imprisonment and the particulars of the offence shall be endorsed on his driving record.

(2) Without prejudice to any other method by which the speed of a vehicle may be measured or assessed for the purpose of providing evidence thereof, any 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 any constable as to facts ascertained from the reading of a speedometer over a distance of at least three hundred yards or any single radar speed meter reading made by a constable.

(3) Whoever keeps or carries in a vehicle any device or thing, not being part of the normal equipment of that vehicle, which is capable of detecting the presence of a radar speed meter or impeding, balking or frustrating the purpose of a radar speed meter or the mechanical or running efficiency of any police equipment or vehicle, is guilty of an offence and on conviction shall have the particulars of that offence endorsed on his driver's record.

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

(5) No person shall drive any vehicle of any class 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 truck, school vehicle or special vehicle may travel 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

82. (1) Whoever-
- (a) uses without its proper registration plates any vehicle for which registration is required under this Law;
 - (b) holds on to a vehicle on a road for the purpose of being towed thereby;
 - (c) throws any object at a vehicle or a person in a vehicle;
 - (d) throws any object from a vehicle while in motion on a road;
 - (e) uses a vehicle designed to be used with a silencer, without such silencer or with such silencer 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 any person;
 - (h) uses a spotlight or flashing headlights in such away as to endanger or dazzle any 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 motor vehicle unattended with the engine running;
- (l) brings or drives a motor vehicle, other than an invalid carriage, on to any beach or other place intended for the exclusive use of pedestrians unless specially authorised by the Commissioner in that behalf;
- (m) parks any vehicle other than a bicycle by 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 any unnecessary obstruction thereof or any danger to persons using the same;
- (o) uses or keeps on a road a motor vehicle required to be licensed under this Law without there being a valid vehicle licence displayed thereon in the prescribed manner;
- (p) is in breach of any construction and use regulations;
- (q) is in breach of his duties as a driver under section 60;
- (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 upon any road in contravention of section 98; or
- (u) parks a vehicle within forty-five feet of the approach to any pedestrian crossing designated under section 100;
- (v) parks or loads a vehicle where there is a yellow line on the roadside or at the road centre;
- (w) carries an unauthorised pillion passenger on a motor cycle for which the driver has only a provisional licence or on a bicycle;
- (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 users of the road;
- (y) tows a vehicle in a manner which is likely to cause danger to other users of the road;
- (z) fails to wear a seat belt contrary to section 63;
- (aa) drives or parks a vehicle or causes an obstruction or uses a badge contrary to section 108; or
- (bb) rides a motor cycle without a crash helmet,

is guilty of an offence and punishable under section 115.

Ticket procedure

83. (1) When an offence appears to have been committed contrary to section 62(3), 63(1), 63(3), 81(1) or 82, or such other sections as may be prescribed by the Governor by regulations, a uniformed constable may serve upon the alleged offender a traffic ticket in the form prescribed. If the offender desires to plead guilty to the offence alleged, he may produce such ticket to the Clerk of the Court at the place, and on or before the date and time therein prescribed, not being more than twenty-eight days from the service of the said ticket, (which period shall be referred to in this Part as the “suspended period of enforcement”) and may pay the prescribed fine into court. If the alleged offender desires to plead not guilty to the offence alleged or to request the Court to mitigate the prescribed fine, the said ticket shall operate as a summons to the alleged offender to appear before the Court at the date and time therein prescribed so that, in default of payment of the prescribed fine or so making appearance before the Court, the alleged offender shall be liable to be arrested and brought before the Court and there charged with the offence alleged.

(2) Where a constable has reason to believe in the case of any stationary vehicle that an offence under section 82 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.

(3) Whoever removes or interferes with any ticket fixed to a vehicle under subsection (2) is guilty of 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

84. (1) This section applies where a traffic ticket relating to an offence has been fixed to a vehicle under section 83.

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

(3) A notice under this section, referred to in this Part as 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) Whoever a notice to owner is served on 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 requesting a hearing in respect of the offence given by the driver.

(5) Whoever, 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 is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

85. (1) This section applies where-

- (a) a traffic ticket relating to an offence has been fixed to a vehicle under section 83;
- (b) a notice to owner relating to the offence has been served on any 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.

Enforcement of
proceedings against
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 shall not be liable in respect of the offence under this section.

(4) Subject to subsection (5) -

- (a) for the purposes of the institution of proceedings under subsection (2), against any person on whom a notice to owner has been served; and
- (b) in any 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) shall not apply in any proceedings brought against any 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

86. (1) This section applies where-

- (a) a notice to owner has been served on a vehicle-hire firm;
- (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 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) In any case where this section applies, sections 80 and 81 shall have effect as if-

- (a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement; and
- (b) any 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 84 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, in respect of any offence which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed.

Miscellaneous offences

87. Whoever-

- (a) without the permission of the owner thereof, interferes with a vehicle or any of the controls or equipment thereof or an animal while saddled or in harness;
- (b) while using a road is in breach of his duty under section 59; or
- (c) uses, in or upon 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 in that behalf,

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

88. (1) Any offence under this Law for which no mode of trial is specifically prescribed shall be tried summarily:

Trial of offences

Provided that no summary court other than a court presided over by a magistrate shall-

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

(2) Constables may exhibit informations and conduct prosecutions in any matters arising out of this Law in any court of summary jurisdiction.

89. (1) Where a person is convicted of an offence against this Law or regulations, the maximum punishment by way of fine or imprisonment which may be imposed on him is that specified in this Law or regulations.

Fine and imprisonment

(2) Any reference to a period of years or months as a penalty for an offence in this Law is to be construed as a reference to imprisonment of that duration.

90. (1) The Director shall maintain, in respect of every person holding a Caymanian licence, a record of all endorsements and periods of disqualification ordered by any court against such person in respect of offences against this Law, and that record shall, insofar as it relates to any person, be known as that person's "driving record".

Driving record

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

(3) The contents of a person's driving record shall for the purpose of all proceedings in any court be prima facie evidence of all the information contained therein, and extracts of a person's driving record purporting to be certified as such by the Director or his delegate shall be receivable in evidence in any court.

Effect of order of disqualification

91. (1) Where a person is disqualified from driving by an order of a court, that order shall prohibit such person from-

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

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

(3) Whoever fails to surrender his licence to the Court when required to do so under subsection (2) is guilty of an offence.

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

(5) Where any court has discretionary power to disqualify a person from driving it shall have power to order that, in lieu of such disqualification, such person's driving licence shall be and remain in abeyance until such person has taken out a learner's licence and thereafter passed or re-passed a driving test.

Obligatory disqualification

92. 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 the offence, and such 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

93. (1) Every court shall when so required by this Law and in any other case, subject to section 88 and to subsection (2) hereof, may, in its discretion, in lieu of or in addition to any other punishment inflicted under this Law, order that an offender under this Part shall be disqualified from driving vehicles for such period as the Court may think fit from the date of such conviction.

(2) Subsection (1) shall not apply in the case of offences under sections 62, 63 and 64.

Power to suspend order

94. (1) Any 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 the effect thereof

95. (1) Every court shall, when so required by this Law, and subject to section 88, may at its discretion in any other case, in lieu of or in addition to any

other punishment inflicted under this Law, where the offender is the holder of a Caymanian licence, order that the offender's driving record shall 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 83 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) Upon payment of the fine stated upon 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 upon a person's driving record under subsection (3) shall be treated for all purposes as if it had been made pursuant to an order of the Court.

(5) Every holder of a Caymanian licence whose driving record has been endorsed on more than two occasions in respect of offences committed during any consecutive period of three years from the first of such endorsements shall be disqualified from driving vehicles as from the date of the third such endorsement for such period as the Court may direct and the Court causing the third such endorsement to be entered within such three year period shall cause the Clerk of the Court to forward the offender's driving licence to the Director who shall retain the same until the owner thereof ceases to be disqualified from driving by virtue of this section.

96. The Governor 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 83, and the fines payable thereunder;
- (c) the forms of notice to owner, statement of ownership and statement of facts required under section 84;
- (d) the form of statement of hiring required under section 86;
- (e) the form and manner of application for a copy of a person's driving record under section 90, and the fee payable upon such application;
- (f) the maximum amount by way of fines which may be imposed upon offenders under this Law or regulations; and
- (g) any other matters required to be prescribed by this Part.

PART VII- Control of Traffic

- Traffic Advisory Panel 97. (1) There is established the Traffic Advisory Panel (hereinafter referred to as the Panel) consisting of the Commissioner, the Chief Engineer and the Permanent Secretary of the Ministry for the time being responsible for transport.
- (2) The Panel has power to regulate its own procedure, and to meet whenever required to do so by the Governor.
- (3) The Panel shall advise the Governor on all matters appertaining to road traffic and in particular as to the matters specified in sections 98, 99, 100 and 101.
- (4) Every question or matter to be determined by the Panel shall be decided by a majority vote.
- (5) The Panel shall perform such other duties as are assigned to it by this Law and regulations.
- Parking at yellow lines 98. (1) To prevent congestion of traffic in certain areas, the Commissioner may provide for the painting of a yellow line along the edge of the carriageway, parallel to the kerb, and subject to subsection (2), no person shall park any vehicle between such a line and the road centre.
- (2) A person may park a goods vehicle along a yellow line for any period of up to fifteen minutes for the purpose of loading or unloading such vehicle.
- (3) The Commissioner 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 no person shall park any vehicle between such a line and the road centre in contravention of any waiting or loading restrictions shown on such a plate.
- (4) The Commissioner may, by notice published in the Gazette, designate parking places on roads for motor 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.
- Taxi ranks 99. The Commissioner may, after consultation with the Public Transport Board, designate certain places for the exclusive parking of taxis and certain places for the parking of omnibuses and cause such places to be marked accordingly, and no vehicles other than taxis or omnibuses, as the case may be, shall park at such places.
- Pedestrian crossings 100. The Commissioner may designate certain road crossings for use by pedestrians in priority to other road users and all driver of vehicles shall give way to pedestrians making use of such crossings and no vehicle shall be parked within forty-five feet of the approach to any such crossing.

101. The Governor may make regulations prescribing-
- (a) speed limits with reference 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 trucks 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.
- Regulations under this Part

102. The Commissioner may, on a request being made by the Chief Education Officer in that behalf, appoint persons over the age of seventeen years when wearing a prescribed uniform to be school crossing patrols empowered, by displaying a prescribed sign, to require drivers of all vehicles to come to and remain at a halt and so provide a clear path for children crossing or about to cross any road for the purpose of making their way to or from any school.

School crossing patrols

103. (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,
- Vehicle pounds

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 authorised by the Commissioner to be used as a vehicle pound 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, if appropriate, 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, pay to the Commissioner such fee as may be prescribed by the Governor 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 the Governor in respect of such driving or towing away.

(5) The Commissioner may retain at a vehicle pound any vehicle which has been involved in an accident, but without charge to the owner in respect of such 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 any court.

(6) No action shall lie against the Government or any constable for damages in any civil court in respect of damage to any vehicle or any loss or damage to any property from or in such vehicle or any loss or damage to any property from or in such vehicle caused as a result of any act bona fide done pursuant to this section involving that vehicle.

Traffic signs

104. (1) Subject to sections 98, 99, 100, 101 and 106(2), the Panel may cause or permit traffic signs to be placed, erected or otherwise marked on or near any road, and may authorise any traffic signs so placed, erected or otherwise marked before the 13th June, 1995 to be retained.

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

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

- (a) to have been lawfully so 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 98, 99, 100, 101 and 106(2), and notwithstanding anything contained in subsection (3), on or after the 13th June, 1995 no person other than the Panel or any person acting under its directions may, except with the general or special permission in writing of the Panel-

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

but, without prejudice to the operation of subsection (5), nothing in this subsection shall apply to any traffic sign-

- (i) which the owner of any 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 such 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 any authority conferred upon him by or under any other law.

(5) In subsection (4)-

“owner” in relation to any land, includes any person in lawful occupation of such land; and

“private road” means any 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 any land on which there is a traffic sign, or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it, and if any such person fails to comply with such a notice, the Panel may cause or authorise the removal, doing as little damage as may be, and may, except where the sign was erected, placed, marked or retained by the Panel, recover in a court of competent jurisdiction as a civil debt from the person so in default the expenses incurred by it in doing so.

(7) The Panel or any person authorised by it in that behalf may, on any land near to or adjoining a road, cut branches of trees, or other vegetation, or remove any other thing which obscures or is likely to cause damage to a traffic sign; but the Panel or any person authorised by it shall not exercise any powers under this section until after the expiration of three days’ notice in writing of its intention to exercise the relevant power given to the occupier of the land or posted up conspicuously thereon.

(8) The Panel or any person authorised by it in that behalf may enter any land near to or adjoining a road-

- (a) for the purpose of exercising any power conferred by this section upon the Panel; or
- (b) for the purpose of replacing, removing or maintaining traffic signs.

(9) The Panel shall do as little damage as may be in executing any work authorised by this section.

(10) Whoever-

- (a) unlawfully paces, 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, any traffic sign lawfully placed, erected, marked or retained on or near any road,

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

Erection of road blocks
or barriers

105. (1) For the purpose of enforcing this Law or regulations, it shall be lawful for any constable in uniform to erect on any road, whether by day or by night a road block or barrier, at which all vehicles shall be required to stop.

(2) The approaches to such road blocks shall be identified in the manner prescribed in regulations.

(3) Every driver shall, on approaching such road block or barrier, slow the vehicle down to walking pace and stop, and thereafter obey all direction signals, whether verbal or manual given to him by a constable in uniform, 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 any signal or directions given by a constable in uniform,

is guilty of an offence.

(5) On the conviction of any person under subsection (4), the Court may, in addition to any punishment imposed thereunder, adjudge the person convicted to pay a reasonable sum as compensation for any damage caused to any equipment used in conjunction with or in setting up a road block or barrier, and such sum may be recovered as a fine under this Law and when recovered shall be paid to the Commissioner for the public revenue.

(6) No action shall lie against the Government or any member of the Royal Cayman Islands Police Force for damages in any civil court in respect of personal injury or damage to property caused as a result of any act bona fide done under this section.

Roads works
2000 Revision

106. (1) Notwithstanding section 24 of the Roads Law (2000 Revision), no person shall carry out any works under, in, over, along or across any road which may affect the normal circulation of traffic upon that road, without having first given the Commissioner two days' notice in writing:

Provided that the Commissioner may allow-

- (a) such lesser period of notice as he thinks fit; and
- (b) verbal notice, including notice by telephone,

if he is satisfied that the case is one of genuine emergency.

(2) The Commissioner may require any 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.

Obstructions on road,
pavement, etc.

107. (1) A constable may, at any time and without previous notice to any person, remove from any road, footpath or pavement any object which obstructs

that road, footpath or pavement and which is likely to cause danger to any person lawfully using the same, and any such object may, at the discretion of the Court, be forfeited to the Crown.

(2) Whoever places on a road, footpath or pavement any object which obstructs that road, footpath or pavement and which is likely to cause danger to any person lawfully using the same is guilty of an offence.

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

Disabled person's badge

(2) A badge may be issued to a disabled person for one or more motor 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 any motor vehicle, or, for each motor 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 motor vehicle to which it relates is parked in a parking place designated for disabled persons and in such manner as may be prescribed.

(5) Whoever-

- (a) drives a motor vehicle on a road at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and is displayed in accordance with regulations made under it; or
- (b) parks a motor vehicle contrary to subsection (4), parks a bicycle or otherwise causes an obstruction in a parking place designated under section 98(4) or uses a badge in contravention of this section,

is guilty of an offence.

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

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

(9) Regulations made under this section may make provision as to the cases in which the Director may refuse to issue badges, and as to the fee, if any, which the Director may charge for the issue or reissue of a badge.

(10) Where the prescribed conditions are met in the case of any person-

- (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.

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

(12) A notice under subsection (10) may be given by post.

(13) A badge which is required to be returned to the Director shall not be displayed on any vehicle; and a badge which is required to be so returned by virtue of a notice under subsection (10) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

School zones

109. The Commissioner may, by notice published in the Gazette, designate any part of a road as a school zone; and regulations may prescribe the traffic signs or lights which shall be required to demarcate the school zone at each of its entrances and exits and the speed limit and other conditions which shall apply in a school zone.

PART VIII-Miscellaneous and General

Offences and penalties relating to documents

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

any document is guilty of an offence.

(2) Every person responsible for the issue of a driving 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, and it is an offence for any such person to pre-time or pre-date any such licence or certificate.

(3) Whoever uses or connives at the use of any document for any purpose other than that for which it is issued is guilty of an offence.

(4) Whoever makes any false declaration in any application made under this Law is guilty of an offence.

(5) Whoever is convicted of an offence under this section is liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

Powers of constables

111. (1) If a constable 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 110; or
- (b) which has expired or appears to have been unlawfully written or marked upon,

he may take possession of that document.

(2) In this Part-

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

112. Whoever obstructs or hinders a constable in the course of doing his duty in enforcing this Law or regulations is guilty of an offence, and if that offence (or an attempt to commit such an offence) involves the use of a vehicle or the attachment to or carriage in a vehicle of any device or thing, not being part of the normal equipment of that vehicle, which is capable of impeding, balking or frustrating the purpose of a radar speed meter as defined by section 81(4), or the mechanical or running efficiency 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.

Obstruction of police

113. Where a corporation is convicted of an offence under this Law or regulations, any director or officer found by reason of his negligence or otherwise to be responsible for the conduct of the corporation giving rise to the conviction shall be punishable with any punishment provided by this Law or regulations for that offence.

Vicarious responsibility

114. (1) The Director or any constable may require the driver of a motor vehicle licensed according to its maximum gross weight to drive him with the motor vehicle to the nearest weighbridge for the purpose of determining the maximum gross weight of the motor vehicle.

Power to require motor vehicle to be weighed

(2) Whoever, upon being requested under subsection (1) to proceed to the nearest weighbridge, fails to do so is guilty of an offence.

115. Whoever contravenes, fails to comply with or is in breach of this Law or any regulation for which no penalty is elsewhere prescribed is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

General penalty

116. (1) Subject to subsection (2), a constable may arrest without warrant any 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 112.

Application to the Crown

117. This Law shall apply to vehicles and people in the public service of the Crown.

Fees to be paid into Treasury

118. All fees payable to the Director under this Law shall be paid by the Director to the order of the Treasury.

Regulations-general power

119. Notwithstanding the generality of any other provisions of this Law, the Governor may make regulations prescribing anything by this Law required to be prescribed, and all regulations made under this Law shall be subject to negative resolution.

Publication in consolidated and revised form authorised by the Governor in Council this 27th day of May, 2003.

Carmena Watler
Clerk of Executive Council

Note (not forming part of the Law): By Order entitled the Traffic (Driving Test Exemption) Order, 1998 under section 27(a) of the Law, made the 14th July, 1998 and published with Gazette No. 16 dated 3rd August, 1998 as Supplement No. 5, the specified countries are those countries which are from time to time signatories to the following Conventions-

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

(Price \$ 13.60)

