

CAYMAN ISLANDS



Traffic Law, 2011

TRAFFIC (DRIVING INSTRUCTION) REGULATIONS, 2012

(SL 37 of 2012)

Supplement No. 4 published with Extraordinary Gazette No. 90 dated 17th September, 2012.

PUBLISHING DETAILS



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(SL 37 of 2012)

In exercise of the powers conferred by sections 128, 129 and 142 of the Traffic Law, 2011 the Governor in Cabinet makes the following Regulations —

Citation and commencement

1. These Regulations may be cited as the Traffic (Driving Instruction) Regulations, 2012 and come into force on the date on which the *Traffic Law, 2011* [Law 26 of 2011] comes into force.

Interpretation

2. (1) In these Regulations —

“**Approved Driving Instructor**” means a driving instructor whose name is entered in the Driving Instructors’ Register referred to in section 122 of the Law;

“**continued ability and fitness test**” means the test of continued ability and fitness to give instruction in the driving of vehicles referred to in section 123(4) of the Law and the nature of which is prescribed in regulation 8;

“**driving ability and fitness test**” means the practical test of ability and fitness to drive referred to in section 123(2)(a) of the Law and the nature of which is prescribed in regulation 5;

“**Driving Instructors’ Register**” has the meaning referred to in section 122(1) of the Law;

“**examination**” means the examination of ability to give instruction in the driving of vehicles referred to in section 123(2)(a) of the Law;

“**examiner**”, in relation to part of the examination or the continued ability and fitness test, means a driving examiner;

“**instructional ability and fitness test**” means the practical test of ability and fitness to give instruction in the driving of vehicles referred to in section 123(2)(a) and the nature of which is prescribed in regulation 6; and

“**written examination**” means the written examination referred to in section 123(2)(a) of the Law and the nature of which is prescribed in regulation 4.

- (2) In these Regulations a reference to a part of the examination is a reference to one of the three parts of the examination set out in regulation 3(2).

Examination of ability to give instruction

3. (1) A person who desires to submit himself for any part of the examination shall supply the Director with —
- (a) his business address; and
 - (b) such other relevant particulars as the Director may determine.
- (2) The examination shall consist of —
- (a) the written examination;
 - (b) the driving ability and fitness test; and
 - (c) the instructional ability and fitness test.
- (3) An Approved Driving Instructor shall, in order to continue to be approved, be required to sit and pass the written examination every two years.
- (4) A person passes an examination only if he passes the three parts of the examination in the order set out in paragraph (2) but where a person has commenced the driving ability and fitness test or the instructional ability and fitness test but does not complete the test, the person shall be treated as having failed the test in question unless subsection (5) applies.
- (5) Where a person does not complete the test due to a medical reason or an Act of God, he shall not be treated as having failed the test and the Director shall reschedule the test.
- (6) If a person takes the written examination on an occasion when, due to his having made a material misrepresentation or otherwise lacking a legal prerequisite, he is not eligible to take it, he shall not be regarded as having passed on that occasion.



- (7) A person makes an application on the date that the application and the prescribed fee are received by the Director.

Written examination

4. (1) The written examination shall consist of a theoretical examination, in which the candidate is required to answer without any aid, questions in respect of the following matters —
- (a) the principles of road safety generally and their application in particular circumstances;
 - (b) the techniques of driving a motor vehicle correctly, courteously and safely, including —
 - (i) control of the vehicle;
 - (ii) road procedure;
 - (iii) recognising hazards;
 - (iv) taking proper action with respect to hazards;
 - (v) dealing properly with pedestrians and other road users; and
 - (vi) the use of safety equipment;
 - (c) the knowledge required to instruct a student on the matters set out in subparagraph (b), the correction of the student's errors, the manner of the instructor, the relationship between instructor and student, and simple vehicle adaptation for disabled drivers;
 - (d) the theory of learning, and the theory and practice of teaching and assessment;
 - (e) sections 67 and 68;
 - (f) acts constituting offences referred to in section 123(3) of the Law;
 - (g) the Traffic Regulations (2002 Revision);
 - (h) the Traffic Control Regulations (1999 Revision);
 - (i) the Traffic (Seat Belts) Regulations (1999 Revision);
 - (j) the road code;
 - (k) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor vehicle; and
 - (l) such other driving manuals as may be approved by the Director.
- (2) The candidate shall be required to answer correctly not less than eighty per cent of the questions in the written examination.

Driving ability and fitness test

5. (1) The driving ability and fitness test shall consist of tests of eyesight referred to in paragraph (2) and driving technique referred to in paragraph (3) and the candidate shall be required to reach the qualifying standard, as defined in those paragraphs, in both tests on the same occasion.
- (2) The test of eyesight shall be a test of the candidate's ability to read in good daylight (with or without the aid of glasses or contact lenses) a registration plate number fixed to a vehicle at a distance of sixty feet.
- (3) The test of driving technique shall be a test in which the candidate is required to satisfy the examiner that he has in general an adequate knowledge of the principles of good driving and road safety and that he can apply them in practice.
- (4) A candidate taking the test of driving technique shall be required to satisfy the examiner on —
- (a) his professional handling of controls;
 - (b) his use of correct road procedure;
 - (c) his anticipation of the actions of other road users and taking of appropriate action;
 - (d) his sound judgment of distance, speed and timing; and
 - (e) his consideration for the convenience and safety of other road users.
- (5) The candidate taking the test of driving technique shall be required to demonstrate his ability to perform the following manoeuvres —
- (a) moving off on an accurate course or at an angle, on gradients or level;
 - (b) overtaking, meeting or crossing the path of other vehicles and taking an appropriate course;
 - (c) making turns to the right and left with accuracy and without endangering other road users;
 - (d) stopping the vehicle smoothly and efficiently at various speeds and making emergency stops;
 - (e) driving the vehicle backwards and whilst so doing entering limited openings to the right and to the left;
 - (f) if the vehicle is capable of being reversed, driving and turning it in reverse accurately and smoothly; and
 - (g) turning the vehicle completely about by the use of forward and reverse gears within a reasonable compass.



Instructional ability and fitness test

6. (1) The instructional ability and fitness test shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were —
- (a) a novice or partly-trained student; and
 - (b) a student who is at about driving test standard.
- (2) The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct, with the examiner posing as a hypothetical student, in such of the following subjects as the examiner shall specify as the basis of the instruction, depending on whether the person is being examined under subsection (1)(a) or (1)(b) —
- (a) explaining the controls of the vehicle;
 - (b) moving off;
 - (c) making normal stops;
 - (d) reversing and, while doing so, entering limited openings to the right or to the left;
 - (e) turning the vehicle completely about by the use of forward and reverse gears within a reasonable compass;
 - (f) parking close to the kerb, using forward and reverse gears;
 - (g) using mirrors and explaining how to make an emergency stop;
 - (h) approaching and turning corners;
 - (i) judging speed and making normal progress;
 - (j) lane positioning;
 - (k) dealing with road junctions;
 - (l) dealing with cross roads;
 - (m) dealing with pedestrian crossings;
 - (n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users; and
 - (o) giving correct signals.
- (3) The candidate's knowledge and ability shall be assessed on —
- (a) the method, clarity, adequacy and correctness of his instruction;
 - (b) the observation and correction of the examiner's driving errors; and
 - (c) his manner generally.

Vehicle to be provided for practical part of examination

7. (1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a vehicle for the purposes of that test, in respect of which the requirements set out in paragraphs (2), (3) and (4) are satisfied.
- (2) The vehicle shall —
- (a) have four wheels;
 - (b) be constructed solely for the carriage of passengers and their effects; and
 - (c) be fitted with a rigid roof, with or without a sliding panel.
- (3) The vehicle shall —
- (a) have a readily adjustable driving seat and a seat for a forward-facing front passenger;
 - (b) comply with the requirements of regulations 12 to 19 and 24 of the Traffic Regulations (2002 Revision); and
 - (c) be otherwise suitable and in a roadworthy condition for the purposes of the test.
- (4) In the case of a motor vehicle provided for the purposes of an instructional ability and fitness test, there shall be in force a policy of insurance that complies with the requirements of the *Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision)* and any regulations made thereunder.

Test of continued ability and fitness to give instruction

8. (1) This regulation applies to a person who is required to undergo the continued ability and fitness test.
- (2) The test shall consist of the attendance of the examiner, while the person is giving instruction to a student or students.
- (3) Unless the examiner directs that the examination be conducted by simulator, the test shall be carried out in a vehicle on a road while the examiner is in the vehicle and a student is under instruction.
- (4) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities —
- (a) his method, clarity, adequacy and correctness of instruction;
 - (b) his observation and proper correction of the student's errors;
 - (c) his manner, patience and tact in dealing with the student; and
 - (d) his ability to inspire confidence.
- (5) Where the test is to be conducted in a vehicle, the candidate shall provide, at his own expense, a vehicle which has four wheels, is constructed solely for the



carriage of passengers and their effects, is fitted with a rigid roof, with or without a sliding panel and which is roadworthy and suitable for such a test.

- (6) In the case of a vehicle provided for the purposes of a continued ability and fitness test, there shall be in force a policy of insurance that complies with the requirements of the *Motor Vehicle Insurance (Third Party Risks) Law (2007 Revision)* and any regulations made thereunder.

Official title of Approved Driving Instructor

9. (1) The official title for use by persons whose names are in the driving instructors register shall be “Approved Driving Instructor”.
- (2) The Director shall, upon entering a person’s name in the Driving Instructors’ Register, issue to him a certificate in the form set out in Schedule 1 and the certificate shall be evidence that the person to whom it relates is entered in the Register unless the contrary is proved.

Form of badge

10. The Director shall, upon entering a person’s name in the Driving Instructors’ Register, issue to him a badge in the form set out in Schedule 2 and the badge shall be evidence that the person to whom it relates is entered in the Register unless the contrary is proved.

Exhibition of certificate of registration

11. The certificate of registration to give instruction shall be —
 - (a) affixed to and immediately behind the front windscreen of the vehicle on its nearside edge; and
 - (b) exhibited so that the particulars on the back of the certificate are clearly visible in daylight from outside the vehicle and the particulars on the front of the certificate are clearly visible from the front nearside seat of the vehicle, where fitted.

Fees

12. Schedule 3 applies in relation to fees, all of which shall be paid into the general revenues of the Islands.

SCHEDULE 1

(Regulation 9(2))

FORM OF CERTIFICATE OF REGISTRATION

Certificate Number.	
THE TRAFFIC LAW, 2011	
APPROVED DRIVING INSTRUCTOR REGISTRATION CERTIFICATE	
Photograph	I certify that _____ — is included in the Driving Instructors' Register as qualified to give paid instruction in the driving of vehicles for groups Date of issue ____/____/____ — Valid Until ____/____/____ —
_____ _____	Signed Director of Licensing

SCHEDULE 2

(Regulation 10)

THE TRAFFIC LAW, 2011**FORM OF BADGE**

**DEPARTMENT OF VEHICLE AND
DRIVERS' LICENSING**

**APPROVED
DRIVING INSTRUCTOR**

Expires On: / /

ADI



Certificate No.

SCHEDULE 3

(Regulation 12)

FEES

Matter in respect of which application is made	Fee
Submission to written examination	\$100
Submission to driving ability and fitness test	\$100
Submission to instructional ability and fitness test	\$100
Retention of name in the Driving Instructors' Register (annual)	\$100
Entry in the Driving Instructors Register without passing the examination, by virtue of section 122 (1) (b) of the Law	\$150

Made in Cabinet the 29th day of August, 2012.

Kim Bullings
Clerk of the Cabinet.