Revised Regulation of Anguilla: V10-8

VEHICLES AND ROAD TRAFFIC ACT (R.S.A. c. V10)

DRIVING INSTRUCTORS REGULATIONS

Note: These Regulations are enabled under section 91 of the Vehicles and Road Traffic Act, R.S.A. c. V10.

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Interpretation

1. In these Regulations—

"Anguillian" means a person who is regarded as an Anguillian under section 80(2) of the Constitution of Anguilla;

(U.K. S.I. 2019 No. 852, s. 13(c))

"certificate of fitness" means a certificate of fitness for the licensing of any public service vehicle as an instructional vehicle issued under section 2;

"Examining Committee" means the committee appointed under section 4;

"permit" means a permit to give instruction in the driving of motor vehicles issued under these Regulations.

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Examination and licensing of public service vehicle as instructional vehicle

2. (1) The Vehicle Examining Officer shall not issue a certificate of fitness for the licensing of any public service vehicle as an instructional vehicle unless the following conditions, which are additional to the conditions set out in section 16 of the Vehicles and Road Traffic Regulations, are satisfied—

(a) in the case of a vehicle that is a motor car, the vehicle shall have 4 doors and shall be capable of seating at least 3 passengers in comfort in addition to the driver; and

(b) in every case, the vehicle shall be of such standard and in such condition as in the opinion of the Vehicle Examining Officer is suitable for use as an instructional vehicle.

(2) Where the Vehicle Examining Officer issues a certificate of fitness for the licensing of a public service vehicle as an instructional vehicle, he shall endorse upon the certificate of fitness the words "Fit to be licensed as an instructional vehicle", and no public service vehicle shall be licensed as an instructional vehicle without a current certificate bearing such endorsement.

(3) Every public service vehicle licensed as an instructional vehicle shall display in legible writing in some conspicuous place "Licensed Instructional Vehicle (here state the number permitted) Passengers Maximum".

(4) For the purposes of subsection (3), the number of passengers an instructional vehicle may be permitted to carry shall not exceed the number of seat belts in the vehicle, not including the seat belt to be worn by the instructor.

Qualification for permit

3. (1) To be eligible for the grant of a permit, the applicant must satisfy the Anguilla Transport Board that—

(a) he is the holder of a Class C licence issued under the Act that has not been suspended or revoked;

(b) he has held a driving licence for not less than 3 years;

(c) he has a good driving record;

(d) during the period of 2 years immediately preceding the date of his application, he has not been convicted of any offence involving reckless or dangerous driving or driving under influence of liquor or drugs;

(e) he is adequately insured against risks arising out of the use of an instructional vehicle;

(f) he has satisfied the Examining Committee that he is competent to give instruction in the driving of motor vehicles;

(g) he is an Anguillian or otherwise legally authorised to be employed in Anguilla as a driving instructor;

(U.K. S.I. 2019 No. 852, s. 13(c))

(h) he is a fit and proper person to hold a permit; and

(i) he has paid the fee set out in Schedule 1 for application for a permit in accordance with section 9(2) of the Act.

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(2) When assessing whether a person is a fit and proper person to hold a permit, the Anguilla Transport Board shall consider any matter that the Anguilla Transport Board considers should be taken into account in the interests of public safety, including—

(a) any history of serious behavioural problems;

(b) any conviction in respect of offences involving violence, sexual offences, drugs offences, arms offences, or offences involving participation in an organised criminal group;

(c) any conviction in respect of major vehicle or road traffic related offences, particularly offences relating to safety or to road use; and

(d) any persistent offending of any kind.

Examination of applicant

4. (1) The Traffic Commissioner, acting in his discretion after consultation with the Anguilla Transport Board, shall from time to time appoint a committee consisting of not less than 2 persons, to be called the Examining Committee, for the purpose of examining applicants for a permit.

(2) The Traffic Commissioner shall make available free of charge to every applicant for a permit a printed copy of the syllabus upon which the examination is based.

(3) The examination of applicants for a permit shall be held at such times and at such places as the Traffic Commissioner may, by notice in the *Gazette*, appoint.

(4) Before taking the examination, the fee set out in Schedule 1 for that examination shall be payable in accordance with section 9(2) of the Act.

(5) Upon the conclusion of the examination of an applicant for a permit, the Examining Committee shall submit a report to the Traffic Commissioner stating whether or not the applicant has satisfied the Examining Committee that he is competent to give instruction in the driving of motor vehicles.

Application for permit

5. (1) Any person who wishes to act as a driving instructor or hold himself out as a driving instructor shall apply to the Traffic Commissioner for a permit.

(2) The application for a permit shall be in such form as the Traffic Commissioner may direct.

(3) Every application for a permit shall be accompanied by—

(a) two photographs of the applicant, such photographs to be 2 inches square;

(b) proof satisfactory to the Traffic Commissioner of the matters referred to in section 3.

(4) Upon receipt of an application, the Traffic Commissioner shall, without delay—

(a) review the application to assess whether the application—

(i) complies with subsection (3), and

(ii) is accompanied by the information needed to make the required findings; and

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(b) when he is satisfied that no additional information is required, give the application and information referred to in paragraph (a)(ii) to the Anguilla Transport Board.

(5) If additional information is required, the Traffic Commissioner shall give written notice to the applicant setting out what additional information is required.

(6) If the applicant does not provide the additional information referred to in subsection (5) within 45 days of the date of the notice—

(a) the application shall be rejected;

(b) all but $50 of the fee referred to in section 3(1)(i) shall be refunded to the applicant; and

(c) if the applicant wants to apply for a permit at a later time, he shall submit a new application and pay the fee referred to in section 3(1)(i).

Withdrawal of application

6. (1) An applicant may, upon notice in writing to the Traffic Commissioner, withdraw his application at any time.

(2) Upon withdrawal of an application, all but $100 of the fee referred to in section 3(1)(i) shall be refunded to the applicant.

Grant or refusal of permit

7. (1) Subject to this section, the Anguilla Transport Board shall, without delay after receiving the application and accompanying information, decide whether to grant the permit to the applicant.

(2) Before making a decision under subsection (1), the Anguilla Transport Board shall consider the application and accompanying information.

(3) A permit granted under subsection (1) may be subject to conditions.

(4) A permit shall be in such form as the Traffic Commissioner may direct and shall have affixed thereon the photograph and signature of the holder.

(5) A permit holder shall ensure that his permit is affixed in a conspicuous place inside the instructional vehicle at all times so that it may be seen and read by any passenger.

Expiration of permit

8. (1) A permit granted by the Anguilla Transport Board shall be valid until the 31 day of December of the year in respect of which it is issued.

(2) During the month of December of every year, the Traffic Commissioner shall, subject to subsection (4), on the application of the permit holder, renew the permit for a period of one year.

(3) The application for renewal of a permit shall be in such form as the Traffic Commissioner may direct.

(4) On the renewal of a permit, the fee set out in Schedule 1 for that permit shall be payable in accordance with section 9(2) of the Act.

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Revocation of permit

9. (1) If at any time it is made to appear to the Traffic Commissioner that—

(a) the holder of the permit no longer meets the qualifications referred to in section 3; or

(b) any information provided in the application or information in support thereof is false;

the Traffic Commissioner shall give to the permit holder written notice informing him that his permit will be revoked unless, within a period of 15 days, he satisfies the Traffic Commissioner that his permit should not be revoked.

(2) The notice referred to in paragraph (1) shall specify the grounds upon which the Traffic Commissioner will rely for the revocation of the permit.

(3) As from the date of the receipt by the permit holder of the notice referred to in paragraph (1), the validity of his permit shall be deemed to have been suspended until such time as the question of the revocation or otherwise of the permit has been determined.

(4) If the permit holder fails to satisfy the Traffic Commissioner that his permit should not be revoked as provided in this regulation, the Traffic Commissioner shall revoke his permit.

(5) For the purpose of this regulation, the Traffic Commissioner may at any time require a permit holder to be medically examined by a registered medical practitioner approved by the Traffic Commissioner or to be re-examined by the Examining Committee in respect of his competence to give instruction in the driving of vehicles.

(6) A person whose permit is revoked may be entitled, in accordance with Schedule 2, to a refund of a portion of the fee paid in respect of that permit.

Notices

10. A written notice referred to in these Regulations is deemed to be sufficiently given to an individual if it is—

(a) given to an adult person at the individual's residence or in charge of the individual's place of business; or

(b) sent by prepaid registered mail addressed to the individual at his address last known to the Traffic Commissioner and receipt has been acknowledged.

Citation

11. These Regulations may be cited as the Driving Instructors Regulations, Revised Regulations of Anguilla, V10-8.

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SCHEDULE 1

(Sections 3(1)(i) and 8(4))

FEES

1.	For examination	$140
2.	For application for permit	$800
3.	For renewal of permit.....	$800.

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SCHEDULE 2

(Section 9(6))

REFUND OF FEES

Amount of refund

1. When a permit is revoked under section 9 during the period set out in Column 1 of the table below, the amount of the refund shall be the amount set out opposite in Column 2.

Column 1	Column 2
1 January to 30 March	$600
1 April to 30 June	$400
1 July to 30 September	$200

When no refund payable

2. When a permit is revoked under section 8 on or after 1 October, no refund shall be payable in respect of that permit.

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