

POLICY
FOR THE AMENDMENT OF THE
MOTOR VEHICLES AND ROAD
TRAFFIC ACT, CHAP. 48:50
FOR THE REGULATION OF DRIVING
SCHOOLS AND INSTRUCTORS



Ministry of Works and Transport

Legal Services Unit

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1. EXECUTIVE SUMMARY

- 1.1 The Ministry of Works and Transport (the Ministry) bears the responsibility for the continued development of modern systems and enhancement of operations of the Transport (Licensing) Division for the greater benefit of road transportation in Trinidad and Tobago. The Ministry continues to robustly support the transformation of the Licensing Division through enhanced and technologically-driven systems and processes together with legislative reform. Such transformation ensures the improvement of service delivery, customer satisfaction and transparency for the promotion of public confidence and trust in the systems and administrative processes implemented by the Licensing Division.
- 1.2 In this regard, the Licensing Division examined the issues surrounding the processes for the qualification of obtaining a driver's licence,¹ which include the role and function played by driving schools and instructors. Driving schools and instructors provide education and training services to learner drivers without legislative oversight from Licensing Division. These learner drivers would then be subject to competency assessments by Transport Offices by means of the written "Driving Regulations" examination and "Vehicle Road" test in order to become qualified holders of a driver's licence.
- 1.3 It is common knowledge in the public domain regarding the prevalence of the corrupt practices of members of the public "buying" a driver's licence whether directly or indirectly and with or without learner driver training by a driving school. Currently, there are neither standards for driving schools nor a code of conduct for driving instructors which results in the ad hoc quality of driver education and training. This also contributes to a breakdown of the transmission of values for the best driving behaviour and accumulated knowledge of road safety practices in society. Moreover, it must be highlighted that the **Motor Vehicles and Road Traffic Act, Chap. 48:50 (MVRTA)** merely makes provision for learner driver

¹ Legal Notice 120 of 2022, Motor Vehicles and Road Traffic (Amendment) Regulations, 2022 dated 8th June, 2022. This Legal Notice allowed the Minister to update the form of the driving permit to delete the words "driver's permit" and substitute it with the words "driver's licence".

education and training by any supervising driver who holds a driver's licence for the class of vehicle used by the learner driver for the purpose of learning to drive and has been the holder of such a permit for the requisite period. Therefore, in the case of the supervising driver, it is critical that such persons understand learning requirements for learner drivers in order to promote safe driving behaviour and effective driving skills. The Licensing Division considers the role and function of driving schools and instructors (including the supervising driver) as essential in the development of knowledgeable, competent, responsible and safe drivers. This is in alignment with the Licensing Division's Mission² to promote driver safety and provide an efficient and effective service related to the issuance of driver's licences.

- 1.4 The Ministry and the Licensing Division have recognised that there is need for reform with the strategic integration of modern technology in the learner driver qualification experience for both the written and practical driving test conducted by the Licensing Division. It must be noted that the overarching objective is to ensure that competent and safe drivers legitimately qualify to be holders of driver's licences in order to drive on the nation's roads. In this regard, the Ministry proposes to regulate driving schools and instructors by enacting requirements that govern their processes and procedures.

² <https://www.mowt.gov.tt/Divisions/Transport-Division/Who-We-Are>

2. INTRODUCTION

- 2.1 The United Nations Second Decade of Action for Road Safety 2021-2030 places global focus on integrated Safe System approach for road safety as a key driver of sustainable development. Each country is committed to attaining the global target of a 50% reduction in the number of road traffic deaths and serious injuries by 2030.
- 2.2 In keeping with one of the primary goals of the Ministry which is to, “Provide a safe, integrated and sustainable multi-modal transport system that contributes to the socio-economic growth and development of Trinidad and Tobago”³, the Licensing Authority is taking steps to actualize the regulation and standardization of driving schools and instructors for safer roads in Trinidad and Tobago. This initiative is aligned with the recent operationalization of road safety driven legislation namely, the **Motor Vehicle and Road Traffic (Amendment) Act, 2017 (Act No. 9 of 2017)** (“the **MVRT (Amendment) Act, 2017**”), on May 26, 2020 which sets the platform for the reform of the Fixed Penalty System and the introduction of the Demerit Point System. The legislation was aimed at engendering greater responsibility and sensitivity towards road safety by road users, primarily drivers. By improving learner driver education and revamping the qualification process for a learner driver to obtain a driver’s licence, it is envisioned that such efforts will change the driving culture, foster a greater appreciation of road safety by drivers and further mitigate against high risk driving practices and poor driving behaviour thereby reducing the number of fatal and major accidents on our nation’s roads.
- 2.3 The MVRTA provides for the qualification process for a learner driver obtaining a driver’s licence which includes the requirement for a driving test. Over the years the worrisome issue of the manipulation of the driver’s licence qualification process manifested to the point where it is widely recognized in the public domain that persons can either ‘buy and bypass’ the qualification process for a driver’s licence entirely or the learner driver ‘being guaranteed’ the driver’s licence having ‘passed’ the theoretical and practical examinations.

³ See page 24 of the Ministry of Works and Transport’s Strategic Plan 2019 – 2024:
<https://www.mowt.gov.tt/MOWT/media/General/Documents/MOWT-s-Strategic-Plan-2019-2024.pdf>

However, on 1st May, 2023, there was a development in this regard where the manual process for provisional permits ended due to the Ministry's introduction of the online provisional permit system. The new system was designed to facilitate the application process for obtaining Provisional Permits and endorsements for vehicle classes. The new system was also designed to make the application process more efficient. This change is geared towards increased and relevant checks and balances for the qualification process for a learner driver's licence.⁴

2.4 The proposed regulation and standardization of driving schools and driving instructors would allow the Licensing Authority to have greater oversight with the use of technology facilitating improved quality of driver education and training together with transparency in the qualification process for a driver's licence. Such oversight will also facilitate adherence to international best practices and ensure that driver training and education concurrently evolves with automotive technology. It must be highlighted that professional driving training from a driving school is not absolutely required. To obtain a driver's licence practical driving instruction can be received from any supervising driver. The supervising driver must hold a driver's licence for the class of vehicle used by the learner driver for the purpose of learning to drive and be the holder of such a permit for the requisite period pursuant to section 45 of the MVRTA. However, it is recognized that since the introduction of the MVRTA in the 1930s there has not been a thorough review of the qualification process. As recent as April 2023, a review of the driving test and examination was done. This review ought to be expanded to the role and function of driving schools and driving instructors in order to ensure a higher standard of driver education and training within an evolving automotive industry.

2.5 In respect of legislative reform for this initiative, consideration was given to the international best practices and the legislative frameworks of the following commonwealth jurisdictions in order to form the basis for the proposals of this policy:

- United Kingdom⁵;

⁴ [https://www.mowt.gov.tt/Divisions/Transport-Division/Services/Online-Services-\(1\)](https://www.mowt.gov.tt/Divisions/Transport-Division/Services/Online-Services-(1))

⁵ Road Traffic Act 1988 - <<https://www.legislation.gov.uk/ukpga/1988/52/part/V>>

- Australia (State of New South Wales);
- Canada (Province of Ontario)⁶;
- Jamaica⁷;
- Barbados⁸;
- St Lucia⁹; and
- Cayman Islands¹⁰.

A legislative analysis matrix of these jurisdictions is attached at Appendix I.

<https://www.gov.uk/government/publications/whats-involved-in-being-a-driving-instructor/approved-driving-instructor-adi-register-guide>

⁶ Highway Traffic Act, R.S.O. 1990, c. H.8 - <<https://www.ontario.ca/laws/statute/90h08#BK124>>

⁷ <https://japarliament.gov.jm/attachments/article/2505/Road-Traffic-Regulations-May-20--2022---complete.pdf>

<https://jamaica.loopnews.com/content/driving-instructors-must-be-certified-under-new-road-traffic-act>

⁸ Road Traffic Act CAP. 295 - <<https://www.transportboard.com/wp-content/uploads/Road-Traffic-Act-Cap295.pdf>>

⁹ Motor Vehicles and Road Traffic Act Cap 8.01 <<https://attorneygeneralchambers.com/laws-of-saint-lucia/motor-vehicles-and-road-traffic-act>>

¹⁰Traffic Act, 2021 <<https://www.dvdl.gov.ky/documents/Traffic-Act-2021-Revision-2021-05-14-11-19-59.pdf>>

3. OBJECTIVES OF THE POLICY

3.1 The objectives of this policy are to:-

- a) reform and establish a system for the registration and certification of driving schools and instructors and the management of the learner driver experience;
- b) create transparency and mitigate against corrupt practices at all levels for qualifying and obtaining of a driver's licence;
- c) ensure quality assurance in the training and assessment of learner drivers and safe practices on the nation's roads;
- d) provide a platform for the use of technology in the competency assessments for learner drivers – both in the written and practical driving examinations; and
- e) ensure observance of international best practices in driving education and training.

4. CURRENT PROBLEMS AND BENEFITS TO BE ACHIEVED BY THE REFORM AND REGULATION OF DRIVING SCHOOLS AND INSTRUCTORS ¹¹

4.1 Presently, in place within Trinidad and Tobago driver education and training for the qualification to obtain and hold a driver's licence is under **sections 45 and 46** of the **MVRTA** (as amended by **MVRT (Amendment) Act, 2017**). These provisions allow a person to be a driving instructor once he/she is the holder of a valid driver's licence for at least three years with respect to classes 2, 3, 4 or 7 of the respective class and five years with respect to classes 5 or 6. Section 100 of the MVRTA states that the Minister¹² may make Regulations in respect of matters listed at (a) to (r), which do not provide for the regulation of driving schools and instructors in Trinidad and Tobago. the issue of licences to drivers of taxis by the Licensing Authority and the conditions to be observed by the holders of such licences;

4.2 With respect to commercial operations of driving schools, there are approximately 158 companies/businesses registered in the Companies Registry made under the **Companies Act, Chap. 81:01** with operations based in learner driver education and instruction. A distinction must be made with those organizations and businesses which primarily provide defensive driving courses on the techniques, skills and attitudes required to safely operate a vehicle on roads. Such organisations ordinarily include educational institutions such as the University of the West Indies, St. Augustine Campus, University of Trinidad and Tobago (UTT) and Health, Safety, Security & Environment (HSSE) Training Institutions. Driving education in this context of the policy is related to learner drivers who are seeking to be licensed as a driver by obtaining a driver's licence from the Licensing Authority and seek formal training from a driving school and instructor in order to be licensed by assessment from the Licensing

¹¹ <https://www.ttparliament.org/wp-content/uploads/2022/01/hs19970325.pdf>
<https://www.ttparliament.org/wp-content/uploads/2022/01/hs19970513.pdf>
<https://www.ttparliament.org/wp-content/uploads/2022/01/hh19970516.pdf>
<https://www.ttparliament.org/wp-content/uploads/2022/01/hh19970808.pdf> page 11 of 69
<https://newsday.co.tt/2021/04/04/transport-commissioner-says-new-rules-coming-for-driving-schools/>

¹²

Authority. Thus to regulate driving schools and instructors, there must be an appreciation of the challenges which plague the ecosystem of learner driver licensing in Trinidad and Tobago.

4.3 Over the years there have been allegations of corrupt activities in the sector which is prominently reflected in the method of training, use of vehicles and influence on the operations of the Licensing Division as it relates to the learner drivers' regulations examination and driving test in order to obtain a driver's licence. In a recent daily newspaper editorial article¹³ it was stated that one of the most corrupt acts perpetrated by Licensing Officers and employees within the Licensing Division is bribes for driver's licences. These bribes are underpinned in the manipulation of the driver's licence qualification process where persons can either 'buy and bypass' the qualification process for a driver's licence entirely or the learner driver 'being guaranteed' the driver's licence having 'passed' the theoretical and practical examinations. Such activities are facilitated by the manual processes and ineffective checks and balances that exist for the learner driver qualification process. This informal and unregulated system further leads to exploitation of students, poor knowledge transfer, as well as possible poor driving habits with potential disruptions to safety and lives. It is critical that there should be regulations for driving schools, which will streamline the operations of the schools to a more modern and ethical way of conducting its business¹⁴.

4.4 Another challenge in the system is the absence of certification and code of conduct for driving instructors. There is no due diligence on the character and background of the instructor for criminal offences and convictions. There have been instances reported in the daily newspapers of driving instructors who contravened road traffic laws and have been convicted by the Court, which ranged from minor traffic violations¹⁵ (breaking a red light) to offences¹⁶ (death by

¹³ <https://www.guardian.co.tt/opinion/time-to-fix-licensing-division-woes-6.2.1633359.7506728adb>

¹⁴ <https://www.vanguardngr.com/2012/12/lagos-to-standardize-driving-schools/>

¹⁵ Trinidad Express Newspaper Article - "Driving instructor fined for breaking traffic lights" dated November 03, 2014

https://trinidadexpress.com/news/local/driving-instructor-fined-for-breaking-traffic-lights/article_82438b7f-d7dd-5627-b20c-3c38d0e8b275.html

¹⁶ Trinidad Express Newspaper Article - "Driving instructor charged in cop's highway death" dated January 14, 2013 https://trinidadexpress.com/news/local/driving-instructor-charged-in-cops-highway-death/article_3db0552d-dd10-5b8f-86b0-f88d2a70b126.html

dangerous driving). If there is to be quality assurance in the learner driver education there must be conditions to be observed by the driving schools and instructors.

4.5 Therefore, the fundamental benefit to be achieved by the reform and regulation of driving schools and instructors is the improvement of the quality and standards of driver education which would redound to the greater improvement of driver behavior and less road traffic accidents and deaths. Such an initiative together with the Reformed Fixed Penalty Ticketing System and Demerit Points System, would significantly contribute to Trinidad and Tobago's achievement of zero deaths in keeping with the objectives for the UN Decade for Road Safety.

5. KEY RECOMMENDATIONS FOR THE REFORM OF THE LAWS RELATING TO DRIVING SCHOOLS AND INSTRUCTORS UNDER THE MOTOR VEHICLES AND ROAD TRAFFIC ACT, CHAP. 48:50

- 5.1 **Section 100** of the **MVRTA** states that the Minister may make Regulations in respect of matters listed (a) to (r), which do not provide for the regulation of driving schools and instructors in Trinidad and Tobago. Therefore, it is proposed that an amendment be made to the **MVRTA** to make provision for the regulation of driving schools and instructors and that section 100 of the **MVRTA** be amended to include the power to make Regulations for same.
- 5.2 In order to propose key recommendations relating to driving schools and instructors under the **MVRTA** consideration must be given to the legal framework of this jurisdiction.
- 5.3 On 19th November, 2014, the **Motor Vehicles and Road Traffic Bill 2014** was first read in Parliament and published in the Trinidad and Tobago Gazette on 5th February, 2015. On 31st March, 2015, the Bill was read in the Senate and eventually lapsed on 17th June, 2015.¹⁷ The objective of the Bill was to establish a Motor Vehicles Authority to perform certain functions. The Bill intended to introduce the new requirement for driving schools to be registered with the Authority and provide that a person shall not carry on a business to teach persons to drive or operate a vehicle unless that person is registered with the Authority and issued a Driving School Registration Certificate.
- 5.4 Consideration was also given to the legal frameworks of other Commonwealth Caribbean jurisdictions. Countries such as Jamaica, St. Lucia, Barbados and the Cayman Islands have all made amendments to the operative road traffic legislation in order to introduce additional requirements to become a driving instructor and the regulation of driving schools. Hereunder is some of the other Caribbean jurisdiction requirements.

¹⁷ <https://www.ttparliament.org/publication/the-motor-vehicles-and-road-traffic-bill-2014/>

Jamaica:

5.5 Under the **Road Traffic Act, 2018**¹⁸ (as amended) the Minister is allowed to make regulations for driving instructors and driving schools. **Section 110** of the **Road Traffic Act, 2018** states:

“(1) The Minister may make regulations generally for giving effect to this Act and, without prejudice to the generality of the foregoing, may make regulations in respect to any of the following matters—

(ah) the licensing and regulation of driving instructors and driving schools;”

5.6 According to the Jamaica Observer Newspapers in an article dated 20th April, 2022, the Minister of Transport and Mining were preparing for the new regulations to come into effect “very soon.” The article highlighted that the regulations would cover areas such as certification of driving instructors and licensing of driving schools; traffic signs; speed limits and rules of the road.¹⁹

5.7 As of February 2023, the Road Traffic Regulations, 2022 came in force,²⁰ whereby driving instructors and driving schools are required to be certified and licensed by the Island Traffic Authority (ITA). According to the Jamaica Information Service, Minister of Transport and Mining, the Honourable Audley Shaw, driving schools and driving instructors have until 1st January, 2024 to meet the certification requirements of the Regulations. This will allow reasonable time for instructors to undergo an approved training programme.²¹

St Lucia:

5.8 Under the **Motor Vehicles and Road Traffic Act** driving instructors are required to apply for an instructor’s licence. **Section 34** of the **Motor Vehicles and Road Traffic Act (as amended by Act No. 6 of 2006)**²² states:

“(1) On application in the prescribed manner and on payment of the prescribed fee, the Licensing Authority may issue to an applicant, an Instructor’s Licence, if the applicant meets the prescribed requirements and is not disqualified under this Act or the regulations.

(2) A person is disqualified from holding an Instructor’s Licence if—

(a) the person is convicted of a sexual offence under the Criminal Code; or

¹⁸<https://japarliament.gov.jm/attachments/article/341/The%20Road%20Traffic%20Act,%202018%20No%2020.pdf>

¹⁹ <https://www.jamaicaobserver.com/latest-news/regulations-for-new-road-traffic-act-to-come-into-effect-soon/>

²⁰ <https://jis.gov.jm/the-new-road-traffic-regulations-2022/#:~:text=Traffic%20Act%202018-,The%20Road%20Traffic%20Regulations%2C%202022,force%20as%20of%20February%202023.>

²¹ <https://jis.gov.jm/driving-instructors-have-until-january-1-2024-to-get-certified/>

²² http://slugovprintery.com/template/files/document_for_sale/laws/1998/Act%20No.%2010%20of%202006.pdf

(b) the person falls within any of the prescribed class of persons disqualified from holding such a licence.

(3) The Licensing Authority may issue the licence subject to any conditions that it considers necessary.

(4) The Licensing Authority shall keep a record, in the prescribed form, of the Instructor's Licences issued under this section.

(5) An instructor's Licence authorizes only the person named in the licence to give driving instructions to a holder of a learner's permit, in a motor vehicle registered for such purpose.

(6) An Instructor's Licence is unless revoked, valid for one year from the date of issue and is renewable on the payment of the prescribed fee, on a date coinciding with the date on which it was first issued and the provisions of this section apply, with the necessary modifications, in respect of an application for renewal.

(7) No person shall operate as a driving instructor for reward unless that person holds a valid Instructor's Licence.

(8) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both."

Barbados:

5.9 Under the **Road Traffic Act, Cap. 295**²³ driving instructors are required to apply and be issued with an instructor's certificate of competence by the Licensing Authority. **Section 79A** of Act the states:

"79A(1) Subject to section 79C, no person shall give instructions in the driving of a motor vehicle for money or money's worth, unless he is the holder of a certificate of competence issued by the Licensing Authority under subsection (2).

(2) The Licensing Authority may on application to the Authority for a certificate of competence referred to under subsection (1) issue the certificate to the applicant on payment of such fee as the Minister of Finance prescribes, certifying that the applicant has satisfied the Authority of his competence to perform the duties of driving instructor.

²³ <https://www.transportboard.com/wp-content/uploads/Road-Traffic-Act-Cap295.pdf>

(3) Any person who applies for a certificate under subsection (2) shall be required by the Licensing Authority to undergo an instructor's test conducted by such examiners as the Licensing Authority authorises for the purpose.

(4) The nature of an instructor's test referred to under subsection (3) is at the discretion of the Licensing Authority or the examiner appointed by the Authority for the purpose but shall include:

(a) a written examination on road safety, and the technique of driving a motor vehicle correctly; and

(b) a practical test of ability and fitness to drive and instruct.

(5) Where any instructions in the driving of a motor vehicle are given in contravention of this section, the person by whom they are given and, if that person is employed by another to give the instructions, that other person, are both guilty of an offence and are liable on summary conviction to a fine of \$1000 each or to imprisonment for a term of 12 months."

5.10 Additional to **Section 79A**, **Section 79B** of the Act grants the Licensing Authority the power to prepare an Instructor's Code which will provide proper guidance of driving instructors and ensure quality in the delivery of driver education. **Section 79B** of the Act states:

(1) The Licensing Authority shall prepare a code to be known as the "Instructor's Code" containing such directions as appear to the Licensing Authority to be proper for the guidance of driving instructors.

(2) The test referred to in section 79A(4) shall include questions on the "Instructor's Code" and the Highway Code.

Cayman Islands:

5.11 Under the **Traffic Act (2021 Revision)**²⁴ driving instructors are required to be registered with the Department of Vehicle and Drivers' Licensing Agency (DVLD). The DVLD's objective and goals are to improve the working relationship and skills of driving instructors in order to enhance the driving standards of the motoring public and reduce the number of accidents within the teenage category. Similar to Barbados, there is a Code of

²⁴ Sections 2, 121 and 122 of the Traffic Act - <https://www.dvdl.gov.ky/documents/Traffic-Act-2021-Revision-2021-05-14-11-19-59.pdf>

Conduct²⁵ implemented for Instructors which addresses the responsibilities, conduct of an approved driving instructor, the advertisement of business and the test vehicle.

5.12 It should be noted that in 2011, a register of approved driving instructors was established by the DVLD as part of the Driver's Education Programme. Pursuant to DVLD *Approved Driving Instructor (ADI) Register and Exams – An Instructors Guide*²⁶, the objective of the register is to establish a Register of professional driving instructors who are able to deliver instructions to a consistently high standard to meet the needs of the programme and to offer the public a minimum standard of driver training. While the Instructors Guide does not form part of the **Traffic Act**, it contains guidelines and information for Approved Driving Instructors and candidates on all aspects of the ADI qualification and acts as a link between the Department of Vehicle and Drivers' Licensing (DVLD) and the driver training industry.

5.13 Sections 1, 121 and 122 of the Road Traffic Act state as follows:

"2. In this Act —

"Driving Instructors' Register" means the register of driving instructors established pursuant to section 122;

"registered driving instructor" means an instructor referred to in section 121;

"Driving instruction for payment to be given only by registered driving instructors

121. (1) No person except a registered driving instructor may for payment instruct in the driving of a vehicle.

(2) Where a registered driving instructor is instructing another person in the driving of a motor vehicle, that person shall ensure that there is fixed to and exhibited on that vehicle in the prescribed manner a certificate in such form as may be prescribed indicating that the name of the person giving the instruction is in the Driving Instructors' Register.

(3) For the purposes of subsections (1) and (2), instruction is paid if payment of money or money's worth is, or is to be, made by or in respect of the person to whom the instruction is given for the giving of the instruction.

(4) Where instruction is given in contravention of subsection (1) —

²⁵ <https://www.dvdl.gov.ky/licencing/code-of-conduct-the-official-register-of-approved-driving-instructors>

²⁶ <https://www.dvdl.gov.ky/documents/ADI-Information-Guide--March-2021-2021-04-21-02-38-19.pdf>

- (a) the person by whom it is given; and*
- (b) if that person is employed by another person to give that instruction, that other person, also commits an offence and liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both.*
- (5) Subsections (1) and (2) do not apply to the giving of instruction by a police instructor²⁷ under the authority of the Commissioner.*
- (6) Where instruction is given in contravention of subsection (2), the person by whom it is given commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months, or to both.*
- (7) In proceedings against a person for an offence under subsection (4)(b), it is a defence for the accused to prove that —*
 - (a) at the time of engaging the person who was giving the instruction, that person was registered; and*
 - (b) since then took reasonable steps from time to time to ensure that the instructor continued to be registered.*

The Driving Instructors' Register

- “122. (1) The Director shall establish and keep a register to be known as the Driving Instructors' Register in which shall be entered —*
- (a) the name of every person whose application for registration under section 123 has been approved by the Director; and*
 - (b) the name of every person who immediately before the date of commencement of this Act was carrying on the business of giving paid instruction in the driving of a vehicle.*
- (2) Each entry in the Driving Instructors' Register shall contain the following particulars in relation to each person registered —*
- (a) his business address;*
 - (b) the date on which that person's application was approved by the Director; and*

²⁷ Police instructor referenced in section 121 (5) of the Traffic Act 2021 is defined in section 2 of the Traffic Act 2021 as:

a person who is —

- (a) a member of the Royal Cayman Islands Police Service and whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of vehicles to persons being members of the Police Force; or*
- (b) a civilian from time to time employed in the Police Force for the purpose of giving such instruction to such persons;*

(c) such other relevant particulars as the Director may determine.

(3) The Director shall —

(a) make such alterations to the particulars of persons registered as are notified to that Director in writing;

(b) remove from the Driving Instructors Register the name of a registered driving instructor who —

(i) is deceased;

(ii) otherwise ceases to be eligible for registration; or

(iii) ceases to carry on the business of giving paid instruction in the driving of vehicles; and

(c) where a registered driving instructor is disqualified by a court from driving, remove from the Driving Instructors' Register the name of that instructor during the period of disqualification.

(4) Where the business address provided under subsection (2)(a) has changed, the registered driving instructor shall inform the Director in writing within fourteen days of the change.

(5) The Director shall supply to the Commissioner a list of all persons registered in the Driving Instructors Register and any other information from the Driving Instructors' Register as the Commissioner may require, and shall keep the Commissioner currently informed of all new registrations.

(6) The Director shall, upon payment of the prescribed fee, supply to any person applying for a copy of the entries on the Driving Instructors' Register relating to any specified person a copy of those entries.

(7) In proceedings in a court —

(a) the contents of the Driving Instructors' Register; or

(b) extracts from the Driving Instructors' Register purporting to be certified as such by the Director,

shall be proof of the details concerned, unless the contrary is proved.

Key Recommendations:

5.14 It is proposed that Trinidad and Tobago adopt a similar legislative framework to that of the Cayman Islands. As it regards the proposed legislative amendments, the repeal and/or amendments of **sections 45 and 46** of the MVRTA would be required since those sections

are the only requirement for any person (whether professional or as a supervising driver) to instruct a learner to drive a motor vehicle. All that is required under the **MVRTA** is that such a person be the holder of a valid Class 2, 3, 4 and 7 driver's licence for not less than three years and not less than five years for Class 6 and 7.

5.15 It is proposed that there be amendments to the **MVRTA** in order for the Licensing Authority to have the responsibility for the registration and licensing of driving schools and instructors. According to section 2 and 4 of the **MVRTA**, the Transport Commissioner as the Licensing Authority is the Licensing Authority and shall be charged with responsibility for the registration and inspection of all motor vehicles and issue of driver's licences and such other matters as are assigned to him by the **MVRTA**. These "other matters" can be inclusive of the oversight of driving tests as part of the prequalification process for a driver's licence.

5.16 In light of the above, the following recommendations are made for inclusion into the proposed amendments to the legislation:

- *Registration of driving schools and instructors*

5.17 A person who is desirous of becoming a registered driving instructor or an organization which wishes to be registered as a driving school must make an application to the Licensing Authority to be registered in the Driving Instructors' Register and Driving Schools' Register respectively. The application must be made in the form so approved by the Licensing Authority and on payment of the prescribed registration fee. It is recommended that specific conditions must be satisfied by applicants in order to be registered by the Licensing Authority.

In the case of a driving school, such conditions may include:

- (a) valid business certification documents in order to be lawfully rendering services such as, Certificates of Incorporation and Registration, National Insurance Certification, Value Added Tax (VAT) Certification and Income Tax Certification;
- (b) Valid Certificate of General Liability Insurance;

- (c) Certified Copy of Vehicle Registration Certificates (required for all instructional vehicles used for its driving school program);
- (d) proposed learner driver course curriculum; and
- (e) other such conditions/specifications as the Licensing Authority may require.

5.18 Such conditions to be an approved Driving Instructor may include:

- (a) certification evidencing ability to give instruction in the driving of vehicles (consisting of a written examination, a practical test of ability and fitness to drive, and a practical test of ability and fitness to instruct) as may be prescribed;
- (b) a valid driver's licence authorizing that person to drive a vehicle for the class of vehicle being utilized to give the learner driving instruction/education;
- (c) any previous convictions or offences/traffic violations committed by the Applicant in breach of the **MVRTA**.
- (d) any previous convictions for offences which may affect that person's suitability for registration which include:
 - an offence connected with illegal drugs;
 - an offence involving dishonesty and fraud;
 - an offence against the person, including violence and sexual offences;
 - an offence involving firearms; and
 - conviction of DUI for more than one instance.
- (e) other such conditions/specifications as the Licensing Authority may require.

5.19 It follows that in the decision making process, the Licensing Authority must consider each application on its own merits and notice must be given in writing of the decision to the applicant which, in the case of a decision to refuse the application, the notice shall state the grounds for refusal. Provision must also be made for the appeal of the decision of the Licensing Authority to the Trinidad Transport Board as it regards the refusal to register the applicant whether as a first time applicant or not.

5.20 Provision must be made for the removal of the name from the register and surrender of certificates with due process recognized particularly as it relates to provision for the service of any notices by the Licensing Authority. A provision for the appeal of the Licensing Authority's decision to deregister the school or instructor should be addressed in the proposed laws²⁸.

- ***Duration of registration***

5.21 Validity of registration is proposed for a period of two years and upon expiration of the timeframe would result in the removal or striking off of the school or instructor's name from the Register. However, the application process for retention of the driving school or instructor's name in the Driving Instructors' Register for another period of two years must be made one month before the end of validity period.

- ***Extension of duration of registration***

5.22 It is proposed that upon the removal or striking off of a driving school or instructor's name from the Driving Schools' Register or Driving Instructors' Register respectively, a new application and payment of the prescribed fees have to be entered again in the said Registers.

- ***Examinations and tests of ability to give driving instruction for Instructors***

5.23 Provision should be made for Driving Instructor examination and certification in the ability to give driving instruction.

5.24 According to Cayman Island's Model – "*The ADI Register and Exams-An Instructors Guide*" exams comprise of three components and the candidate must achieve an overall of at least 80%, (20 out of 25 in each section) in order to pass:

Part 1- Written test;

Part 2- An eyesight test and a practical test of driving ability;

Part 3- A practical test of the applicant's ability to instruct.

²⁸ Martin David Harris v The Registrar of Approved Driving Instructors (2010) EWCA CIV 808
<https://www.bailii.org/ew/cases/EWCA/Civ/2010/808.html>

Part 1 is further compartmentalized into four categories, all comprising of 25 question each:

Section A- Traffic management;

Section B- Traffic signs, signals, road markings;

Section C- Driving test, Traffic Act, vehicle control, basic mechanical knowledge;

Section D- Instructional techniques.

Form of certificate of registration and prohibition of operating unregistered

5.25 It is proposed that a form of certificate be approved by the Licensing Authority to be issued to persons/schools whose names are in the Registers. It is also recommended that there be the prohibition of persons who wish to advertise or mislead the public if unregistered by the imposition of a fine upon conviction. Further provision in the law must be made in recognition of the oversight by the Licensing Authority, particularly as it relates to the requirement for the production of the certificate on demand from Transport Officer or Constable similar to the framework for Authorised Examination Centres for inspection of motor vehicles.

- *Code of Conduct:*

5.26 Similar to other Caribbean Commonwealth jurisdictions, it is proposed that inclusion be made for a Code of Conduct for Driving Instructors to be prepared by the Licensing Authority. This Code would guide instructors in the proper conduct and delivery of learner driver education. Similar to the Highway Code under the MVRTA, it is proposed that this Code can be revised through revocation, variation, amendment or additions as the Licensing Authority sees fit. It is also proposed that where there is a failure on the part of an instructor to observe any provisions of the Code, complaints should be made to the Licensing Authority towards the deregistration/removal of the Instructor from the Driving Instructors' Register in keeping with the procedures set out above. The required notice should also be sent to the school/driver to ensure that due process is followed.

- **Stakeholder Consultation:**

5.27 It is recognized that consultations must be had with driving schools and instructors who are already registered as a business or company and/or currently in operation who are in most instances operational for many years. This consultation process is necessary since any new laws that requires driving schools to be certified and instructors to undergo examinations and registration requirements can significantly impact their business operations and by extension the business model. Therefore it is proposed that the Ministry engage in a consultation process over a two week period with the current/operational driving schools and instructors and the other stakeholders likely to be impacted by the requirements of this initiative.

- **Ancillary Considerations:**

- The Revision of the Highway Code made under **section 111** of the **MVRTA**.
- The Revision of the Learner Driver Regulations and the conduct of the examination
- Improvements to practical driving test and use of technologically supported instructional vehicles used for testing learner drivers.

6. CONCLUSION

The Ministry of Works and Transport is committed to promoting road safety and positively changing driving behaviour towards the reduction of the road traffic accidents and deaths in keeping with the United Nations Second Decade of Action for Road Safety 2021-2030. The regulation of driving schools and instructors through legislative amendments to the **MVRTA** will seek to address the critical role these businesses and individuals play in the learner driver ecosystem and experience. Further it will seek to alleviate the major issues of perceived corruption within this area of driver licensing for greater public confidence in the operations of the Licensing Division.