



PARLIAMENT OF THE COOK ISLANDS

PARLIAMENT PAPER NO. 118

Rarotonga.

Mr Speaker,

Pursuant to section 24A of the Transport Act 1966, the Regulations Act 1971-72 and the Legislative Service Act 1968-69, I have the honour to submit the Transport (Motor Driver Licensing) Amendment Regulations 2021, Serial No. 2021/13

I have the honour to be,

Sir

James Keenan
Police Commissioner

The HON. MARK BROWN, Minister Responsible for Police



Transport (Motor Driver Licensing) Amendment Regulations 2021

Sir Tom J. Marsters, KBE

Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this 7th day of December 2021

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to section 24A of the Transport Act 1966, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Regulations

- 1 **Title**
These regulations are the Transport (Motor Driver Licensing) Amendment Regulations 2021.
- 2 **Commencement**
These regulations come into force on the day after the date on which they are made.

3 Principal regulations

These regulations amend the Transport (Motor Driver Licensing) Regulations 2016.

4 Regulation 8 amended (Visitor licences)

After subclause (2), insert:

“(3) To avoid doubt, this regulation is subject to regulation 17(1) and (3).”

5 Regulation 9 replaced (Period of validity of licences)

Replace regulation 9 with:

“9 Period of validity of licences

“(1) Except as otherwise provided in these regulations,—

“(a) a licence issued to a person who is aged 75 years or over is valid for 1 year; and

“(b) a learner licence under regulation 6 is valid for 2 years; and

“(c) a visitor licence is valid for the period specified in regulation 8(2); and

“(d) in any other case, a licence may be issued for—

“(i) 1 year; or

“(ii) 5 years; or

“(iii) 10 years; and

“(e) if an expiry date is shown on a licence, the licence expires at the close of that day; and

“(f) if an expiry date of a licence for a fixed-yearly term is not shown on the licence, the licence expires immediately before the relevant anniversary date (so, for example, a licence issued on 1 March in 1 year expires at the close of the last day of February in the next year).

“(2) Subclause (1) is subject to the following exceptions:

“(a) a person who is aged 65 years or over may not be issued a licence under subclause (1)(d) that is valid for a period of 10 years, but may be issued a licence that expires the day before the person turns 75:

“(b) a person who is aged 70 years or over may not be issued a licence under subclause (1)(d) that is valid for 5 years or 10 years but may be issued a licence that expires the day before the person turns 75.”

6 Regulation 17 replaced (Medical examinations)

Replace regulation 17 with:

“17 Medical examinations

“(1) Every applicant for a licence who is aged 75 years or over must undergo a medical examination and produce a medical certificate as to the applicant’s fitness to drive a vehicle of the relevant class.

“(2) The Commissioner may require any applicant for a licence, or for renewal of a licence, to undergo a medical examination and produce a medical certificate as to the applicant’s fitness to drive a vehicle of the relevant class if the Commissioner considers that there are reasonable grounds to require the person to undergo a medical examination in the interest of public safety.

“(3) A medical certificate produced under this regulation is valid only if it is issued within 60 days before the date on which it is produced.”

7 Regulation 18 amended (Requirements of medical examination)

After regulation 18(2), insert:

“(3) A medical examination required for an applicant for a visitor’s licence to whom regulation 17(1) applies may be carried out by a health professional referred to in subclause (1) who is entitled to practise in a jurisdiction outside the Cook Islands.”

8 Regulation 19 amended (Medical certificates)

In regulation 19, insert as subclause (2):

“(2) A medical certificate required for an applicant for a visitor’s licence to whom regulation 17(1) applies may be provided by a health professional referred to in subclause (1) who is entitled to practise in a jurisdiction outside the Cook Islands.”

9 Transitional provisions

(1) Every driver licence that was in force under the Act immediately before the commencement of these regulations continues in force—

- (a) subject to the conditions, restrictions, and limitations (if any) that applied in respect of the licence at that time; and
- (b) until the licence expires under subclause (2).

(2) The licence continues in force until the earlier of the following dates:

- (a) the date of expiry as shown on, or determined in accordance with, the licence;
- (b) the date on which the licence is replaced by a licence of the same or a corresponding class issued under these regulations;
- (c) the close of the day before the day on which the licence holder turns 75 years old.

JJ Browne

Clerk of the Executive Council

These regulations are administered by the Cook Islands Police Service.

These regulations were made on the _____ day of _____ 2021.