

49AA. Circumstances in which person taken to be instructor or in charge of motor vehicle

- (1) For the purposes of this Part, unless the contrary is shown, a person is to be taken to be an instructor providing driving instruction to a learner driver if the person is —
 - (a) seated beside the learner driver in a motor vehicle driven by the learner driver; or
 - (b) if there is no seat directly beside the learner driver —
 - (i) seated in the seat nearest the learner driver that faces forward in a motor vehicle driven by the learner driver; or
 - (ii) standing near the learner driver in a motor vehicle driven by the learner driver;

or

 - (c) riding in a side car attached, or on a pillion seat fitted, to a motor cycle driven by the learner driver.
- (2) Without limiting the circumstances in which a person is in charge of a motor vehicle, an instructor providing driving instruction to a learner driver is, for the purposes of this Part (other than sections 49AB and 66A), to be taken to be in charge of the motor vehicle driven by the learner driver.
- (3) Subsection (2) does not affect any liability of a learner driver for any offence committed by that person while driving or being in charge of a vehicle.