



BERMUDA

ROAD TRAFFIC ACT 1947

1947 : 27

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SCHEDULE THE TRAFFIC CODE

APPENDIX

[preamble and words of enactment omitted]

Interpretation

1 In this Act, and in the Traffic Code set forth in the Schedule, unless the context otherwise requires—

“analyst” means a person designated by the Minister as an analyst for the purposes of sections 35C to 35H;

“appropriate authority” means, in relation to a naval or military road, or to a United States road, the naval or military authority, or (as the case may be) the United States authority, having control of the road;

“approved alcohol screening device” means a device of a kind that is designed to ascertain the presence of alcohol in the blood of a person and is approved as suitable for the purposes of section 35C(4)(a) by order of the Minister;

“approved breath testing device” means a device of a kind that is designed to ascertain the presence of alcohol in the body of a person and is approved by order of the Minister as suitable for the purposes of section 35BA;

“approved container” means—

- (a) in respect of breath samples, a container of a kind designed to receive a sample of the breath of a person for analysis and that is approved as suitable for the purposes of sections 35C to 35H by order of the Minister;
- (b) in respect of samples of blood, urine or other bodily substance, a container of a kind that is designed to receive such a sample from a person for analysis and that is approved as suitable for the purposes of sections 35C to 35H by order of the Minister;

“approved drug screening device” means a device of a kind that is designed to ascertain the presence of a dangerous drug in the body of a person and is approved as suitable for the purposes of section 35D by order of the Minister;

“approved breath analyzing instrument” means an instrument of a kind that is designed to receive and make an analysis of sample of the breath of a person in order to measure the proportion of alcohol in the blood of that person and

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that is approved as suitable for the purposes of sections 35C to 35H by order of the Minister;

“auxiliary-bicycle” has the meaning given in the Auxiliary Bicycles Act 1954 [*title 21 item 7*];

“carriage way” means that part of a road which is designed for the passage of vehicles;

“curb” means any boundary of a carriage way, whether marked by curbstones or not;

“cycle” includes—

- (i) a pedal bicycle, a tricycle or similar vehicle which is not motor-propelled; and
- (ii) an auxiliary-bicycle;

“dangerous drug” has the meaning assigned to that expression by section 35B;

“driver” means any person driving or propelling any vehicle; and “drives” and other cognate expressions shall be construed accordingly;

“driver’s licence” means a licence to drive a motor car issued under the Motor Car Act 1951 [*title 21 item 4*];

“drug” includes any intoxicant other than alcohol;

“emergency vehicle” means any fire engine or auxiliary tender with fire fighting apparatus conveying members of a Fire Brigade when going to or returning from a fire or an alarm; any ambulance engaged in carrying sick or injured persons to a hospital or other place for relief or treatment, or going to pick up any such persons for such purpose; and any police motor car;

“estate road” means any road which, not being a highway, or a military or naval road, gives access to 3 or more dwelling houses and over which the occupants of the dwelling houses have a right of way, or which gives access to any hotel or guest house which has accommodation for more than 25 guests;

“grievous bodily harm” has the meaning assigned to that expression by section 3 of the Criminal Code 1907;

“highway” means any street, road or place over which the general public have a right of way, and any place where for the time being vehicular traffic is being controlled by a police officer;

“left or near side” means, as respects a road, the left hand side of the road in relation to the direction in which a vehicle on the road is facing or moving, and, as respects a vehicle, its left hand side;

“the Minister” means the Minister of Transport;

“motor car” means any vehicle, of whatsoever description, which is propelled by mechanical power except—

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(i) a vehicle used exclusively on rails;

(ii) an auxiliary-bicycle;

“motor-cycle” means a motor-cycle within the meaning of the Motor Car Act 1951 [title 21 item 4];

“naval or military road” means a road which is under the control of the Admiralty or of Her Majesty’s Secretary of State for Defence;

“parking” means the standing on a road of a vehicle, whether occupied or not, except—

(i) while the vehicle is being loaded or unloaded;

(ii) while passengers are entering or leaving the vehicle;

(iii) when in compliance with the directions of a police officer or of a traffic sign or traffic signal;

(iv) while temporarily stopped by reason of traffic conditions; or

(v) while stopped owing to mechanical breakdown or lack of fuel;

and “park” and other cognate expressions shall be construed accordingly;

“pedestrian” means any person using a road on foot for the purpose of passage, but does not include a person propelling a vehicle;

“prescribe” means prescribe by regulations made under section 47;

“prescribed limit” means 80 milligrammes of alcohol in 100 millilitres of blood or such other proportion as the Minister, after consultation with the Minister responsible for health, shall prescribe;

“qualified medical practitioner” means a medical practitioner registered under the Medical Practitioners Act 1950 and includes an exempted medical practitioner within the meaning of that Act; and

“qualified technician” means—

(a) a person designated by the Commissioner of Police as being qualified to operate—

(i) an approved breath analyzing instrument; or

(ii) an approved breath testing device;

(b) any person or class of persons approved by order of the Minister as being qualified, in respect of samples of blood, urine or other bodily substances, to take samples from a person for the purposes of sections 35C to 35H;

“right or off side” means, as respects a road, the right hand side of the road in relation to the direction in which a vehicle on the road is facing or moving, and, as respects a vehicle, its right hand side;

“road” includes a highway, an estate road and a naval or military road;

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“sidewalk” means any part of a road designed and set aside for the exclusive passage of pedestrians;

“traffic” means vehicles of every description and pedestrians and animals while using a road;

“traffic sign” means a sign for regulating the movement of traffic which under this Act is erected, placed or marked on or near a road; and “traffic signal” means a traffic sign which, for the purpose of regulating the movement of traffic, gives varying signals from time to time;

“trailer” means a vehicle which has no independent motive power, and which is attached by a draw bar or rigid shaft to another vehicle for the purpose of being towed thereby;

“United States Forces” means any of the military or naval forces of the United States of America;

“vehicle” includes any motor car, wagon, carriage, cart, trailer, motor-cycle, cycle or other conveyance (except a baby carriage or perambulator) which is used for the transportation of passengers, animals, goods or other loads; and “vehicular” shall be construed accordingly;

“yellow lane marker” means a yellow line which is painted or otherwise delineated under the authority of this Act on the surface of a road and which divides the road longitudinally into 2 parts.

[Section 1 amended by 1997:28 effective 16 January 1998; “estate road” and “road” amended, and “US road” deleted by 2002:6 s.4 & Sch 3 effective 18 June 2002; definition “prescribed limit” inserted by 2012 : 18 s. 2 effective 5 October 2012; definitions “approved breath testing device” inserted, “approved instrument” deleted and substituted, and “qualified technician” deleted and substituted by 2018 : 37 s. 2 effective 31 July 2018]

Orders made under section 1

1A The negative resolution procedure shall apply, and shall be deemed always to have applied, to any order made by the Minister under section 1.

[Section 1A inserted by 2018 : 56 s. 2 effective 20 August 2018]

Effect of Act on Municipal ordinances; common law liability preserved

2 (1) Except as hereinafter in this Act provided, this Act shall have effect throughout Bermuda and no ordinance made under the Municipalities Act 1923 [*title 4 item 1*], whether made before or after 23 April 1947, shall have any effect in so far as the ordinance is at variance with this Act.

(2) Nothing in this Act shall absolve any person from any liability that he may incur by virtue of any other Act or at common law.

Directions to Municipalities

3 Where a Municipality exercises any power conferred upon it by this Act or omits to exercise any such power, and the Minister responsible for works and engineering is satisfied

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that the exercise of the power or the manner in which the power is exercised or the omission to exercise the power results or is likely to result in the causing of danger or grave inconvenience to the public, the Minister responsible for works and engineering may give to the Municipality such general or special directions as may seem to him proper in the circumstances, and the Municipality shall comply with any such directions.

[Section 3 amended by 2012 : 18 s. 18 effective 5 October 2012]

Power to restrict use of vehicles on specified roads

4 (1) The Minister responsible for works and engineering or, as respects its municipal area, a Municipality—

- (a) may by order prohibit or restrict, subject to such exceptions or conditions as to occasional use or otherwise as may be specified in the order, the driving of vehicles, or of vehicles of any specified class or description, on any specified highway or estate road, where—
 - (i) he is satisfied that such vehicles cannot be used thereon or cannot without restriction be used thereon without endangering the safety of the vehicles or persons therein or of other persons using the highway or estate road; or
 - (ii) he is satisfied that the highway or estate road is unsuitable for use or for unrestricted use by such vehicles; and
- (b) may for the purpose of securing the best use of the highways make orders—
 - (i) specifying routes to be followed by vehicles;
 - (ii) prohibiting or restricting the use of specified highways by vehicles of any specified class or description, either at all times or during particular hours;
 - (iii) prohibiting the driving of vehicles on any specified highway otherwise than in a specified direction,and for any incidental or supplementary matters connected with the matters aforesaid; and
- (c) may by order revoke, vary or amend any order made under paragraph (a) or (b).

(2) A Municipality may, as respects its municipal area, by order prohibit “U” turns or right turns by any vehicle.

(3) The negative resolution procedure shall apply to an order made under this section.

(4) Any person who uses a vehicle or causes or allows a vehicle to be used in contravention of any order made under this section commits an offence against this Act.

[Section 4 subsection (1) amended by 2012 : 18 s. 18 effective 5 October 2012]

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Power to prohibit or restrict traffic on highways

5 (1) Subject to this section, if the Minister responsible for works and engineering or, as respects its municipal area, a Municipality, is satisfied that vehicular traffic on any highway should, by reason of works of repair or reconstruction being required or being in progress on the highway, be restricted or prohibited, he may restrict or prohibit the use of that highway or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as he may consider necessary.

(2) Subject to this section, the Minister responsible for works and engineering or a Municipality or any person authorized by him to do so may erect notices at convenient places on or near the highway notifying the restriction or prohibition and adding, if he thinks fit, information regarding alternative routes available for traffic.

(3) Any person who uses a vehicle or allows or causes a vehicle to be used in contravention of any restriction or prohibition imposed under this section commits an offence against this Act.

[Section 5 subsections (1) and (2) amended by 2012 : 18 s. 18 effective 5 October 2012]

Interruption of traffic

6 Any person who, if assembled with other persons in such manner as to cause or to be likely to cause an interruption of traffic, does not, on being required to do so by a police officer, move on or disperse in such manner as to cease to cause or to be likely to cause an interruption of traffic commits an offence against this Act:

Provided that no person shall be convicted of an offence under this section if he is in possession of or acting under the authority of a permit—

- (a) issued by a Municipality, in respect of the roads within its municipal area; or
 - (b) issued by the Commissioner of Police, in respect of other roads,
- and the Municipality or the Commissioner of Police respectively may attach such conditions to the issuing of such permit as they may consider necessary.

Speed limits

7 (1) In this section “special speed limit” means, in relation to the driving of any vehicle or a vehicle of any specified class on a highway, estate road or naval or military road, a speed limit specifying a speed less than the speed which would be applicable in respect of that road under subsection (2)(a) or (b), as the case may be, and which is imposed and indicated by a traffic sign with respect to that road by the Minister responsible for works and engineering or by a Municipality or by the appropriate authority, as the case may be.

(2) Subject as hereinafter provided, no vehicle shall be driven on any highway, estate road or naval or military road—

- (a) outside the municipal area of the Town of St. George at a speed greater than 35 kilometres per hour;

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- (b) within the municipal area of the Town of St. George at a speed greater than 25 kilometres per hour;
- (c) being a highway (whether outside or within a municipal area), estate road, or naval or military road in respect of which there is a special speed limit, at a speed exceeding that speed limit:

Provided that the speed limits referred to in this subsection shall not apply in relation to the driving of any emergency vehicle.

(2A) The Minister responsible for works and engineering or, as respects its municipal area, a Municipality may by order which is subject to the negative resolution procedure—

- (a) vary the speed limits fixed by subsection (2)(a) and (b) for any road or part thereof specified in the order either generally or during the periods and in respect of any activity specified in the order;
- (b) declare that any road or part thereof specified in the order is liable to be subject at different times to different speed limits.

(2B) Where an order under subsection (2A)(b) declaring any road or part thereof to be subject to different speed limits—

- (a) the different speed limits which may be brought into effect on the road or part thereof shall be specified in the order;
 - (b) any change in the speed limits in accordance with the order may be put into effect from time to time by the Minister responsible for works and engineering or by a Municipality, as the case may be, causing traffic signs to be so erected, replaced, removed or altered as to ensure that adequate guidance is given to drivers of vehicles as to what speed limit is currently to be observed on the road.
- (3) (a) The Minister responsible for works and engineering may impose and indicate by a traffic sign a special speed limit with respect to any highway outside a municipal area or on any estate road or any part of such highway or estate road or in relation to any class of vehicle;
- (b) a Municipality may impose and indicate by a traffic sign a special speed limit with respect to any highway within a municipal area, or any part of such highway, or in relation to any class of vehicle;
- (c) the appropriate authority may impose and indicate by a traffic sign a special speed limit with respect to any naval or military road or any part of such road, or in relation to any class of vehicle.

(4) Any person who drives a vehicle on any road in contravention of this section commits an offence against this Act:

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Provided that it shall be a defence for a person charged with an offence under this section to prove that it was necessary for him to exceed the speed limit in order to avoid serious danger to any person or property.

[Section 7 amended by 2012 : 18 s. 18 effective 5 October 2012]

Traffic signs

8 (1) Traffic signs may be placed, erected or marked on or near a road for the control of traffic under the following circumstances—

- (a) in relation to traffic on any highway outside a municipal area or on any estate road, the Minister responsible for works and engineering may cause, or, subject to such conditions as he may think fit to impose, may allow, traffic signs to be placed, erected or marked on or near the highway or estate road;
- (b) in relation to traffic on any highway within its municipal area, a Municipality may cause traffic signs to be placed, erected or marked on or near the highway;
- (c) in relation to traffic on any naval or military road the appropriate authority may cause traffic signs to be placed, erected or marked on or near the road.

(2) Traffic signs placed, erected or marked under the authority of subsection (1) shall be of such size, colour and type as the Minister responsible for works and engineering may from time to time prescribe.

(3) Any person, other than a person authorized to do so by the Minister responsible for works and engineering or by a Municipality or by the appropriate authority, as the case may be, who removes, defaces, damages, obscures or otherwise interferes with any traffic sign lawfully placed, erected or marked under the authority of this section commits an offence against this Act.

[Section 8 amended by 2012 : 18 s. 18 effective 5 October 2012]

Removal of signs resembling traffic signs

9 The Minister responsible for works and engineering or, as respects its municipal area, a Municipality, where there is on any land near a highway or estate road a traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, may by notice in writing require the owner or occupier of the land to remove the traffic sign or such object; and any person who fails to comply with such a notice commits an offence against this Act:

Punishment; a fine of \$168.

[Section 9 amended by 2012 : 18 s. 18 effective 5 October 2012]

Cutting of branches

10 The Minister responsible for works and engineering or, as respects its municipal area, a Municipality, may on any land near or adjoining a highway or estate road, cut

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branches of trees or other vegetation, or remove any other thing, which obscures or is likely to cause damage to a traffic sign:

Provided that, wherever practicable, the Minister responsible for works and engineering or a Municipality shall give the owner or occupier of the land not less than 3 days' notice of his intention to exercise the power conferred upon them by this section.

[Section 10 amended by 2012 : 18 s. 18 effective 5 October 2012]

Entry on land

11 The Minister responsible for works and engineering or a Municipality or any person authorized by them in that behalf may enter any land near to or adjoining a highway or estate road—

- (a) for the purpose of exercising any power conferred upon them by any of sections 9, 10 or 11;
- (b) for the purpose of maintaining traffic signs which have been removed, defaced or destroyed.

[Section 11 amended by 2012 : 18 s. 18 effective 5 October 2012]

Failure to observe traffic directions or signs

12 Where a police officer is for the time being engaged in the regulation of traffic, or where any traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed, erected or marked on or near any highway, estate road or naval or military road in accordance with section 8, any person driving any vehicle or any person riding or driving any animal—

- (a) who neglects or refuses to stop the vehicle or animal or to make the vehicle or animal proceed in or keep to a particular line of traffic when directed or signalled to do so by the police officer in the execution of his duty; or
- (b) who fails to conform to the indication given by the traffic sign,

commits an offence against this Act.

Control of parking of vehicles

13 (1) Subject as hereinafter provided, the parking on roads of vehicles or of any specified class of vehicle may be prohibited, restricted, or regulated by the following authorities—

- (a) in relation to highways outside municipal areas or in relation to estate roads by the Minister responsible for works and engineering;
- (b) in relation to highways within municipal areas, by the Municipality concerned;
- (c) in relation to a naval or military road, by the appropriate authority.

(2) The Minister responsible for works and engineering, a Municipality or the appropriate authority, as the case may be, shall, in relation to the erection, placing or

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marking of notices on or near roads prohibiting, restricting or regulating the parking of vehicles, have the like powers as are conferred upon him by section 8, 9, 10 or 11 in relation to the erection, placing or marking of traffic signs.

(3) A Municipality, as respects its municipal area, may, without prejudice to its powers under subsection (2), make orders prohibiting or regulating the parking of vehicles.

(4) Whether a notice has or has not been erected, placed or marked as provided in subsection (2), or whether an order has not been made under subsection (3), no person shall park any vehicle on or near any highway or estate road in any of the following circumstances—

- (a) in the case of any vehicle (other than a motor-cycle or cycle) where any part of the vehicle or any load carried thereon—
 - (i) is on or over a sidewalk; or
 - (ii) obstructs the entrance to any alleyway or private drive; or
 - (iii) is within 20 feet of the nearest curb of a cross road or road junction; or
 - (iv) is within 15 feet of any fire hydrant; or
 - (v) is within 20 feet of any sign indicating the position of a bus stop, being a sign placed, erected or marked under the Public Transportation Board Act 1951 [*title 21 item 1*]; or
 - (vi) is on or over any bridge or causeway; or
 - (vii) is between a yellow lane marker and the curb opposite the marker; or
 - (viii) is on or over a pedestrian crossing; or
 - (ix) obscures any traffic sign;
- (b) in the case of a motor-cycle where the motor-cycle or cycle or any load carried thereon—
 - (i) is on a sidewalk and obstructs pedestrian traffic thereon; or
 - (ii) obstructs the entrance to any alleyway or private drive; or
 - (iii) is within 5 feet of the nearest curb of a cross road or road junction; or
 - (iv) is within 15 feet of a fire hydrant; or
 - (v) is within 15 feet of any sign indicating the position of a bus stop, being a sign placed, erected or marked under the Public Transportation Board Act 1951 [*title 21 item 1*].

(5) Every vehicle parked on a highway, estate road or naval or military road shall be stopped as near as practicable to the left hand or near curb of the road, and, except where in compliance with a notice regulating parking, parallel thereto.

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(6) Without prejudice to subsection (5), no vehicle shall be parked on a highway, estate road or naval or military road in such a manner that there is any other vehicle (other than a motor-cycle or cycle) between the parked vehicle and the curb of the road.

(7) Any person who parks any vehicle—

(a) in contravention of any notice mentioned in subsection (2) or any order mentioned in subsection (3); or

(b) in contravention of subsections (4) or (5),

commits an offence against this Act.

(8) Nothing in this section—

(a) shall apply in relation to the parking of an emergency vehicle; or

(b) shall derogate from section 14, which section relates to the leaving of vehicles on roads in a dangerous position.

(9) The negative resolution procedure shall apply to an order made under subsection (3).

[Section 13 amended by 2012 : 18 s. 18 effective 5 October 2012]

Leaving vehicle in dangerous position

14 Any driver or person in charge of a vehicle who causes or allows the vehicle to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, commits an offence against this Act.

Vehicle stopped owing to mechanical breakdown

15 (1) Where a vehicle is forced to stop by reason of mechanical breakdown, lack of fuel or other cause in any place or in any manner that the stopping would, if it were voluntary, be in contravention of section 13 or 14,—

(a) the driver or person in charge of the vehicle shall take immediate steps for the speedy removal of the vehicle; and

(b) the driver or person in charge of the vehicle shall not leave the vehicle unattended for longer than is necessary to summon assistance; and

(c) where—

(i) the vehicle is stopped so that any part of it is between a yellow lane marker and the curb opposite the marker; or

(ii) the vehicle is stopped in such a position, condition or circumstances as is mentioned in section 14,

the driver or person in charge of the vehicle shall give warning to the driver of any other vehicle about to pass the stationary vehicle of the approach of any traffic in the opposite direction.

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(2) Any person who contravenes any provision of this section commits an offence against this Act.

Securing vehicle left unattended

16 (1) No person shall allow any vehicle to stand unattended on or near any highway, estate road or naval or military road unless—

- (a) the vehicle is so secured as not to be liable to move; and
- (b) in the case of a motor car or motor-cycle or auxiliary bicycle, the engine is switched off:

Provided that the condition mentioned in subsection (1)(b) shall not apply in relation to the working of the engine of an emergency vehicle for any fire fighting purpose.

(2) Any person who contravenes any provision of this section commits an offence against this Act.

Traffic entering highway from private road

17 (1) Every person driving a vehicle on a private road, estate road or alleyway, on coming to an intersection with a highway or with a naval or military road—

- (a) shall, where there is no sidewalk, stop the vehicle immediately before entering the carriageway of the highway; or
- (b) shall, where there is a sidewalk, stop the vehicle immediately before crossing the sidewalk,

whether or not there is a traffic sign (not being a traffic signal at the intersection indicating that vehicles must stop.

(2) Any person who contravenes this section commits an offence against this Act.

(3) Where traffic at an intersection such as mentioned in subsection (1) is for the time being regulated by a police officer or by a traffic signal, subsection (1) shall not apply in relation to the driver of any vehicle, who shall obey the directions or signals of the police officer or conform to the indication of the traffic signal, as the case may be.

Position of persons in or on vehicle

18 (1) No person shall be allowed to sit or stand on the right hand side of the driver of a motor car steered from the right or offside thereof, or on the left hand side of the driver of a motor car steered from the left or near side thereof.

(2) No person shall ride on the running boards, wings or fenders of a motor car nor on the roof or outside of the car except on a properly constructed seat.

(3) No person shall ride on a motor-cycle or auxiliary bicycle except on a properly constructed seat, and not more than one person shall be carried on a motor-cycle or auxiliary bicycle in addition to the driver thereof.

(4) Any person who contravenes or causes or allows a contravention of provision of this section commits an offence against this Act:

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Provided that nothing in this section shall apply in relation to any fire engine or auxiliary tender with fire fighting apparatus conveying members of a Fire Brigade or to any police motor car or to any truck in the service of the Minister responsible for health or of a Municipality while the truck is being used for the collection of garbage.

[Section 18 amended by BR 5 / 2011 para. 5 effective 25 February 2011]

Restriction; horn and radio

19 (1) No person shall, at any time, sound any horn, bell or other warning device fitted to or carried in a vehicle while the vehicle is on a highway or estate road, except where the sounding of the warning device is necessary in the interest of safety:

Provided that this subsection shall not apply in relation to the driving of any emergency vehicle.

(2) No person shall play, or cause or allow any person to play any wireless set installed or carried in a motor car—

(a) between the hours of midnight and 6 a.m.; or

(b) between the hours of 6 a.m. and midnight, in such a manner that the sound emitted from such wireless set is audible at a distance in excess of 30 feet from the motor car.

(3) Any person who contravenes subsection (1) or (2) commits an offence against this Act.

(4) Where proceedings are taken against any person under this section, the onus of proving that the sounding of the warning device was necessary in the interests of safety shall be upon that person.

Driver of motor-cycle, cycle or skater holding on to vehicle or being towed

20 Any person who—

(a) while driving a motor-cycle or cycle; or

(b) while wearing roller skates,

attaches the motor-cycle or cycle to, or, as the case may be, takes hold of, a motor car or a trailer drawn thereby or to an auxiliary bicycle, or to an animal-drawn vehicle, when such motor car, trailer, auxiliary bicycle, or vehicle is on a highway, estate road or naval or military road, for the purpose of being towed thereby, commits an offence against this Act; and, if the driver of the motor car or auxiliary bicycle or animal-drawn vehicle allows the attachment, holding or towing, the driver of the motor car or auxiliary bicycle or animal-drawn vehicle also commits an offence against this Act.

Learner-driver; "L" placard to be shown

21 (1) Where a motor car is being used on any highway, estate road or naval or military road for the purpose of teaching a person to drive there shall be exhibited both on the front and back of the motor car, in such a manner as to be clearly discernible, a white placard showing the letter "L", the letter being coloured red and its dimensions being at

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least 9 inches long (as to its vertical arm) and 6 inches long (as to its horizontal arm) and at least 1 inch in breadth.

(2) Any person who contravenes this section commits an offence against this Act.

Trailer; "T" placard to be shown

22 (1) Without prejudice to section 25(4), where a motor car is being used on a highway or estate road for the purpose of drawing a trailer there shall be exhibited both on the front of the motor car and on the back of the trailer, in such a manner as to be clearly discernible, a white placard showing the letter "T", the letter being coloured black and its dimensions being at least 9 inches long (as to its vertical arm) and 6 inches long (as to its horizontal arm) and at least 1 1/2 inches in breadth.

(2) There shall be affixed at regular intervals to the vertical arm of the letter "T" not less than 6 white reflectors and to the horizontal arm not less than 4 white reflectors.

(3) Any person who contravenes this section commits an offence against this Act.

(4) In this section "white reflector" means reflector which reflects a white light in the direction of a light shining upon it.

Trailers; towed vehicles

23 (1) No person shall drive or cause to allow to be driven on any highway or estate road any vehicle when more than one trailer is attached thereto or when more than one other vehicle is being towed thereby:

Provided that the Minister in exceptional circumstances may issue permits, subject to such conditions as he thinks fit to impose, authorizing more than one trailer or other vehicle to be drawn by another vehicle on a highway or estate road.

(2) Subject as hereinafter provided, no person shall drive or cause or allow to be driven on any highway or estate road any vehicle while the vehicle is towing any other vehicle unless—

- (a) the vehicle being towed—
 - (i) is equipped with brakes; and
 - (ii) where the vehicle is a motor car, has serviceable steering equipment; and
- (b) there is in the vehicle being towed a person who is in a position to apply the brakes and who is steering that vehicle, as the case may be; and
- (c) the tow rope or chain is so adjusted that the distance separating the nearest point of the 2 vehicles does not exceed 15 feet; and
- (d) the tow rope or chain is so marked as to be easily discernible by other users of the road:

Provided that nothing in this subsection shall apply in relation to the towing of any vehicle where the vehicle being towed is suspended by a rope or chain from a crane on the

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towing vehicle in such a manner that 2 wheels of the vehicle being towed are raised above the surface of the road.

(2A) No person shall drive or cause or allow to be driven a motor-cycle or auxiliary cycle which is towing another motor-cycle or auxiliary cycle on any highway or estate road.

(3) Any person who contravenes this section commits an offence against this Act.

[Section 23 subsection (2A) inserted by 2020 : 2 s. 2 effective 1 April 2020]

Emergency vehicle; regard for safety of others

24 Nothing in this Act shall relieve the driver of any emergency vehicle from the duty to drive with due regard for the safety of other persons.

Lights and reflectors

25 (1) Every vehicle on any road shall, during the hours of darkness (being the period between half-an-hour after sunset and half-an-hour before sunrise) carry lighted lamps or reflectors as required under this section.

(2) Every motor car (other than a motor-cycle) and every road roller on any road shall during the hours of darkness carry at least—

- (a) 2 lamps each showing to the front a white light; and
- (b) one lamp showing to the rear a red light and a red reflector showing to the rear on each side of the motor-car:

Provided that no light need be shown in respect of a motor car or road roller while parked in conformity with section 13 and in a place in respect of which there is a notice erected, placed or marked under section 13 authorizing parking without lights.

(3) Every carriage or other animal-drawn vehicle on any road shall during the hours of darkness carry at least—

- (a) 2 lamps each showing to the front a white light; and
- (b) one red reflector showing to the rear;

Provided that no light need be shown in respect of a carriage or other animal-drawn vehicle while it is parked in conformity with section 13, and in a place in respect of which there is a notice erected, placed or marked under section 13 authorizing parking without lights.

(4) Every trailer on any road during the hours of darkness—

- (a) when attached to a motor car or to an animal-drawn vehicle shall carry at least one lamp showing to the rear a red light; or
- (b) when not attached to a motor car or animal-drawn vehicle shall carry at least—
 - (i) 2 lamps each showing to the front a white light; and
 - (ii) one lamp showing to the rear a red light:

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Provided that no light need be shown in respect of a trailer while it is parked in conformity with section 13 and in a place in respect of which there is a notice erected, placed or marked under section 13 authorizing parking without lights.

(5) Every motor-cycle and auxiliary bicycle on any road shall during the hours of darkness carry at least—

- (a) one lamp showing to the front a white light; and
- (b) one lamp showing to the rear a red light:

Provided that no light need be shown in respect of a motor-cycle or auxiliary bicycle when parked in conformity with section 13.

(6) Every cycle, other than an auxiliary bicycle, on any road shall during the hours of darkness carry at least—

- (a) one lamp showing to the front a white light; and
- (b) one red reflector showing to the rear:

Provided that no light need be shown in respect of a cycle when parked in conformity with section 13.

(7) Any lamps required under subsections (2) or (3) to show a white light to the front shall be carried one on each side of the motor car or other vehicle, as the case may be, and shall be placed so that no part of the motor car or other vehicle or the equipment thereof extends laterally on the same side as either of such lamps more than twelve inches beyond the centre of the lamps.

(8) Any lamps required under subsection (2) or (4) to show a red light to the rear or any red reflector required under subsections (2) or (3) to show to the rear, shall be placed, unless otherwise expressly provided, so that the lamp or reflector, as the case may be—

- (a) is in the centre or on the right or offside of the vehicle; and
- (b) is not more than 3 feet 6 inches above the surface of the carriage way:

Provided that the Minister may, in respect of vehicles of special design, permit the placing of the lamp or reflector at a height of more than 3 feet 6 inches above the surface of the carriageway.

(9) No vehicle mentioned in this section shall show a coloured light or a coloured reflector to the front nor any other light than a red light to the rear (other than a white reversing light) nor any other reflector than a red reflector to the rear:

Provided that nothing in this subsection shall apply in relation to any fire engine or auxiliary tender with fire fighting apparatus conveying members of a Fire Brigade when going to or returning from a fire or an alarm, or to any police motor car.

(9A) For the avoidance of doubt, a “coloured light” in subsection (9) is a light of any colour other than white.

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(9B) No vehicle mentioned in this section shall have a light that shows any colour fitted to any part of its exterior if such light has not been fitted by the manufacturer.

(10) Any white light required under this section to be shown to the front shall be visible from a reasonable distance.

(11) Any red lamp or reflector required under this section to be shown to the rear shall be kept in a clean condition, and any such red lamp shall be visible from a reasonable distance.

(12) Any person who contravenes any provision of this section commits an offence against this Act.

(13) In this section “reflector” means a reflector which reflects a light in the direction of a light shining upon it.

[Section 25 amended by 2020 : 2 s. 2 effective 1 April 2020]

Loads on vehicles

26 (1) Subject to this section, no person shall carry any load in or upon any vehicle while the vehicle is on any highway or estate road—

- (a) in such a manner that the load projects laterally beyond the side of the vehicle (not being a motorcycle or cycle) or its equipment, or in the case of a motor-cycle or cycle, in such a manner that the load projects laterally more than 2 feet beyond either side; or
- (b) in such a manner that the load projects in front of or behind the vehicle with the result that—
 - (i) in the case of a private motor car or a motor taxi, it projects more than 2 feet in front of the motor car or the motor taxi or projects more than 2 feet behind the rear edge of the luggage boot or luggage grid (if any) when such boot or grid is opened to its fullest extent; or
 - (ii) in the case of an animal-drawn vehicle or a heavy or light truck, it projects in front of the vehicle or truck or projects more than 6 feet behind the rear of the vehicle, truck or trailer, as the case may be; or
 - (iii) in the case of a motor-cycle or cycle, it projects more than 2 feet in front of or more than 2 feet behind the motor-cycle or cycle;
- (c) in such a manner that the highest point of the load is more than 13 feet above the surface of the carriage way; or
- (d) where the load is of such weight or is distributed, packed, arranged or fastened in such a way that danger is caused or is likely to be caused to any person on the vehicle or trailer or to any person or property on or near the road;
- (e) where the load is of such a loose nature that it is likely to spill off the vehicle and danger is likely to be caused thereby to any person or property on or

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near the road, unless the load is securely covered by material or otherwise to prevent such spillage.

(2) Notwithstanding anything contained subsection (1), the Minister in exceptional circumstances may issue permits, subject to such conditions as he may think fit to impose, authorizing the carriage of loads otherwise than in conformity with subsection (1).

(3) Without prejudice to section 25, there shall be attached at the end of any load projecting more than 3 feet to the rear of any vehicle, including a motorcycle or cycle—

- (a) a red cloth not less than twelve inches by eighteen inches in size visible to the rear; or
- (b) during the hours of darkness a lamp showing a red light for a reasonable distance to the rear,

in such a manner that the red cloth or lamp, as the case may be, is attached as far to the right or offside of the load as is practicable.

In this subsection “hours of darkness” has the meaning given in section 25.

(4) Any person who contravenes any provision of this section commits an offence against this Act.

[Section 26 subsection (1)(b) amended by 2020 : 2 s. 2 effective 1 April 2020]

Pedestrian crossings

27 (1) In this section “pedestrian crossing” means a part of a highway established under this section as a place for pedestrians to pass from one side of the carriage way to the other, and indicated and defined by the appropriate traffic signs.

(2) Pedestrian crossings may be established on highways by the following authorities—

- (a) in the case of a highway outside a municipal area, by the Minister responsible for works and engineering; or
- (b) in the case of a highway within a municipal area, by the Municipality concerned.

(3) A person driving a vehicle shall—

- (a) when approaching a pedestrian crossing, proceed at such a speed that the vehicle can be stopped before reaching the crossing, unless there is no pedestrian on the crossing;
- (b) where the pedestrian crossing is controlled by a police officer regulating traffic or by traffic signals, allow free passage to any pedestrian who has started to cross the highway before the driver of the vehicle has received a signal to proceed;
- (c) where the pedestrian crossing is not controlled by a police officer regulating traffic or by traffic signals, allow free passage to any pedestrian;

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(d) not stop on a pedestrian crossing unless forced to do so by circumstances beyond his control or to avoid an accident.

(4) Any person who contravenes any provision of subsection (3) commits an offence against this Act.

(5) A pedestrian shall—

(a) not to remain on a pedestrian crossing longer than is necessary for the purpose of passing from one side of the highway to the other with reasonable despatch;

(b) where a pedestrian crossing is controlled by a police officer regulating traffic, comply with any signal given by the police officer,

and any pedestrian who contravenes paragraph (a) or (b) commits an offence.

[Section 27 subsection (2)(a) amended by 2012 : 18 s. 18 effective 5 October 2012]

School crossing patrolmen

28 (1) The Minister responsible for education may appoint fit and proper persons to be school crossing patrolmen.

(2) School crossing patrolmen shall assist school children to cross highways at pedestrian crossings.

(3) While acting in the execution of their duties school crossing patrolmen shall wear such uniform as the Minister responsible for education may determine and shall regulate traffic by means of “Stop” signs the letters of which shall be painted white on a red background and shall not be less than 6 inches in height.

(4) Section 27(3)(b) shall apply to pedestrian crossings controlled by a school crossing patrolman as if such crossings had been controlled by a police officer.

[Section 28 subsections (1) and (3) amended by BR 5 / 2011 para. 5 effective 25 February 2011]

Traffic wardens

29 (1) The Governor may appoint persons to discharge in aid of the police functions normally undertaken by police officers in connection with the regulation and control of traffic.

(2) Persons appointed under subsection (1) shall be known as traffic wardens and shall act under the direction of the Commissioner of Police.

(3) Traffic wardens shall wear such uniform as the Commissioner of Police may determine and shall not act as traffic wardens when not in uniform .

(4) Subject to the directions of the Commissioner of Police, traffic wardens may be employed—

(a) to enforce the law with respect to offences in connection with the parking or stopping of vehicles, including offences under the Parking of Vehicles (Designated Areas) Act 1973 [*title 21 item 11*];

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- (b) to act as school crossing patrolmen under section 28;
- (c) generally to assist the police in the regulation and control of traffic.

(5) For the purposes of this section references to a police officer in the following enactments shall include references to a traffic warden:—

- (a) sections 12, 27, 30 and 32 of this Act;
- (b) sections 85, 111, 112 and 114 of the Motor Car Act 1951 [*title 21 item 4*];
- (c) sections 10, 37, 38 and 40 of the Auxiliary Bicycles Act 1954 [*title 21 item 7*].

Obligation to stop a vehicle at request of police officer

30 (1) The driver of a vehicle on any road shall, when requested to do so by a police officer or when a police officer signals to him to do so, immediately bring the vehicle to a stop and keep it stationary until the police officer permits him to proceed.

(2) A police officer may give a signal to stop a vehicle by raising his hand or by waving from side to side a red light.

(3) Any person who fails to comply with any such request or signal as aforesaid commits an offence against this Act.

Power of police officer in case of defective equipment

31 (1) Without prejudice to anything in the Motor Car Act 1951 [*title 21 item 4*], if a police officer has reasonable cause to believe that any equipment or any part thereof belonging to a vehicle which is being used on a road is unfit for the purpose for which it is being used, he may order the driver to stop the vehicle and may inspect the equipment or part of the vehicle, and if the equipment or part is not in good working order he may order the driver to put it in good working order forthwith.

(2) Any person who fails to comply with an order given as aforesaid commits an offence against this Act.

Police officer may require owner to give information

32 (1) Where a police officer has reason to suspect that an offence in connection with the driving of a vehicle has been committed, he or any other police officer may require the owner of the vehicle to give all information in his possession as to the name, address, description, and whereabouts of the driver and the occupants of the vehicle at the time of the alleged offence and also any information in his possession which may lead to the apprehension or identification of the offender.

(2) Any person who refuses or fails to comply with any such requirements duly made as aforesaid commits an offence against this Act.

Driver refusing to give name and address; arrest

33 Without prejudice to any other provision of this Act authorizing arrest without warrant, a police officer may arrest without warrant the driver of a vehicle whom he has

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reason to suspect of having committed an offence against this Act if the driver, on being requested to do so by the police officer, refuses to give his name and address.

Causing death, or grievous bodily harm, by dangerous driving

34 A person who causes the death of, or grievous bodily harm to, another person by driving a vehicle dangerously on a road or other public place, commits an offence.

[Section 34 repealed and replaced by 2012 : 18 s. 3 effective 5 October 2012]

Causing death, or grievous bodily harm, by driving: disqualified

34A A person is guilty of an offence if he causes the death of, or grievous bodily harm to, another person by driving a vehicle on a road or other public place and, at the time when that person is driving he is committing an offence under—

- (a) section 123 of the Motor Car Act 1951 (driving motor car while disqualified); or
- (b) section 43(1) of this Act (driving auxiliary bicycle while disqualified).

[Section 34A inserted by 2012 : 18 s. 4 effective 5 October 2012]

Causing death, or grievous bodily harm, by driving: unlicensed, uninsured

34B A person is guilty of an offence if he causes the death of, or grievous bodily harm to, another person by driving a vehicle on a road or other public place and, at the time when that person is driving, he is committing an offence under—

- (a) section 74 of the Motor Car Act 1951 (not holding a valid drivers' licence);
- (b) section 9 of the Auxiliary Bicycles Act 1954 (not holding a valid driver's licence or a valid Bermuda youth licence); or
- (c) section 3 of the Motor Car Insurance (Third-Party Risks) Act 1943 (owner of motor car and auxiliary bicycle not holding insurance).

[Section 34B inserted by 2012 : 18 s. 4 effective 5 October 2012]

Causing death, or grievous bodily harm, when driving under the influence of alcohol or drugs

35 Any person who causes the death of, or grievous bodily harm to, another person when driving, or attempting to drive, or having care or control of a vehicle on a road or other public place, whether it is in motion or not, commits an offence if—

- (a) his ability to drive is impaired by alcohol or a drug;
- (b) he consumes alcohol of such quantity that the proportion of it in his blood exceeds the prescribed limit; or
- (c) there is present in his body any dangerous drug.

[Section 35 amended by 1997:28 effective 16 January 1998; Section 35 repealed and replaced by 2012 : 18 s. 9 effective 5 October 2012]

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Driving when alcohol concentration is over the prescribed limit

35A Any person who drives or attempts to drive, or who has care or control of, a vehicle on a road or other public place, whether it is in motion or not, having consumed alcohol in such quantity that the proportion of it in his blood exceeds the prescribed limit, commits an offence.

[Section 35A repealed and replaced by 2012 : 18 s. 11 effective 5 October 2012]

Driving when under the influence of alcohol or drugs

35AA Any person who drives, or attempts to drive, or has care or control of a vehicle on a road or other public place, whether it is in motion or not, when his ability to drive is impaired by alcohol or a drug, commits an offence.

[Section 35AA inserted by 2012 : 18 s. 10 effective 5 October 2012]

Driving vehicles with dangerous drug present in body

35B (1) Any person who drives or attempts to drive, or has the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car, whether it is in motion or not, while there is present in his body any dangerous drug, commits an offence.

(2) For the purposes of this Act “dangerous drug” means—

- (a) the following controlled drugs, that is to say, amphetamine, cocaine, diamorphine, lysergide and cannabinol derivatives;
- (b) any metabolite of a controlled drug specified in paragraph (a);
- (c) such other substance, including any metabolite of such substance, as the Minister may, after consultation with the Minister for the time being responsible for health, by notice published in the Gazette, declare to be a dangerous drug for the purposes of this Act.

(3) In this section “controlled drug” has the meaning assigned to that expression by section 3 of the Misuse of Drugs Act 1972.

Preliminary breath test

35BA (1) A preliminary breath test is a procedure where a person provides a sample of breath to be used for the purpose of obtaining, by an approved breath testing device, an indication of the presence of alcohol in the person’s blood.

(2) A preliminary breath test shall be administered—

- (a) at or near the place where a police officer stops a person for committing an offence under section 35, 35A or 35AA; or
- (b) at or in close proximity to a road sobriety checkpoint.

[Section 35BA inserted by 2018 : 37 s. 3 effective 31 July 2018]

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Preliminary impairment test

35BB (1) A preliminary impairment test is a procedure where the police officer administering the test—

- (a) observes a person in his performance of tasks specified by the police officer; and
 - (b) makes such other observations of the person's physical state as the police officer thinks expedient.
- (2) A preliminary impairment test may be administered—
- (a) at or near the place where a police officer stops a person for committing an offence under section 35, 35A or 35AA; or
 - (b) at or in close proximity to a road sobriety checkpoint, if required.

[Section 35BB inserted by 2018 : 37 s. 3 effective 31 July 2018]

Road sobriety checkpoint

35BC (1) This section shall have effect in relation to the conduct of road sobriety checkpoints by police officers for the purpose of ascertaining whether a person is committing an offence under section 35A or 35AA.

- (2) If a police officer of or above the rank of superintendent reasonably suspects—
- (a) that incidents involving the consumption of alcohol may take place; and
 - (b) that it is necessary to establish a road sobriety checkpoint to reduce the occurrence of persons driving under the influence of alcohol,

he may, with the written authorization of the Senior Magistrate, establish and conduct road sobriety checkpoints.

(3) An officer of or above the rank of superintendent may give written authorization for a road sobriety checkpoint if it appears to him that it is required as a matter of urgency.

- (4) A written authorization under subsection (2) or (3)—
- (a) shall specify the date, location, time and duration of the road sobriety checkpoint;
 - (b) may specify different dates (within a fourteen-day period), locations, times and durations.

(5) An officer of or above the rank of superintendent shall forward a copy of the written authorization under subsection (3) to the Senior Magistrate as soon as practicable after it is issued.

(6) For the purposes of this section, a road sobriety checkpoint consists of the exercise in a locality of the power conferred by section 30 in such a way as to stop, at the location, date, time and duration specified in a written authorization, all vehicles travelling through the road sobriety checkpoint.

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(7) Nothing in this section affects the exercise by police officers of any power for purposes other than those specified in subsection (1).

(8) For the avoidance of doubt, subject to subsection (3), a road sobriety checkpoint shall only be conducted on the written authorization of the Senior Magistrate.

[Section 35BC inserted by 2018 : 37 s. 3 effective 31 July 2018]

Road sobriety checkpoint notice

35BD (1) As soon as practicable after receiving a written authorization under section 35BC(2), an officer of or above the rank of superintendent shall cause a notice of a road sobriety checkpoint to be published in the Gazette.

(2) A road sobriety checkpoint notice—

(a) shall be published no more than fourteen days and no less than five days prior to the date provided in a written authorization given under section 35BC(2);

(b) may provide for more than one road sobriety checkpoint.

(3) A sobriety checkpoint notice shall specify the date and parish in which the road sobriety checkpoint will be conducted.

(4) A road sobriety checkpoint notice is not required for a written authorization given under section 35BC(3).

(5) Once a road sobriety checkpoint notice is published in the Gazette, an officer of or above the rank of superintendent may authorize the publication of such notice by any other medium.

(6) A notice under this section is not a statutory instrument and the Statutory Instruments Act 1977 shall not apply to it.

[Section 35BD inserted by 2018 : 37 s. 3 effective 31 July 2018]

Preliminary testing; road sobriety checkpoint

35BE (1) Where a police officer, in uniform, at a road sobriety checkpoint has reasonable and probable grounds to suspect that a person is committing an offence under section 35A or 35AA he may, by demand made to that person, immediately require him to submit to a preliminary breath test or a preliminary impairment test.

(2) A person who, without reasonable excuse, fails or refuses to submit to a preliminary test under subsection (1) is guilty of an offence.

[Section 35BE inserted by 2018 : 37 s. 3 effective 31 July 2018]

Arrest

35BF A police officer may arrest a person at a road sobriety checkpoint without a warrant if, as a result of a preliminary test conducted under section 35BA or 35BB, he reasonably suspects that the person has committed an offence under section 35A or 35AA.

[Section 35BF inserted by 2018 : 37 s. 3 effective 31 July 2018]

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Samples of breath where reasonable belief in commission of offence under section 35, 35AA or 35A

35C (1) Subject to subsection (2) where a police officer on reasonable and probable grounds believes that a person is committing, or at any time within the preceding twelve hours has committed an offence under section 35, 35AA or 35A, he may arrest him without a warrant, and by demand made to that person forthwith or as soon as practicable thereafter, require him to provide then or as soon thereafter as is practicable such samples of his breath as in the opinion of a qualified technician are necessary to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in his blood, and to accompany the police officer for the purpose of enabling such samples to be taken.

(2) Where a police officer on reasonable and probable ground believes that, by reason of any physical or mental condition, of a person referred to in subsection (1)—

- (a) that person may be incapable of providing a sample of his breath; or
- (b) it would be impracticable to obtain a sample of that person's breath,

the police officer, shall require the person to provide such samples of the person's blood, urine or other bodily substance, under the conditions referred to in subsection (6), as in the opinion of a qualified medical practitioner or qualified technician taking the samples are necessary to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in the person's blood and to accompany the police officer for the purpose of enabling such samples to be taken.

(3) Where an accident has occurred involving any vehicle and the accident has resulted in the death of or in grievous bodily harm to any person, a police officer shall arrest without a warrant—

- (a) any person whom the officer on reasonable and probable grounds, believes to have been driving or attempting to drive any vehicle which the accident involved at the time of the accident; or
- (b) any person whom the police officer on reasonable and probable grounds believes to have had the care and control of any such vehicle at that time, whether in motion or not,

and whom the police officer on reasonable and probable grounds believes has committed an offence.

(4) Subject to subsection (5), where a police officer arrests a person under subsection (3) the police officer shall require the person to provide then, or as soon thereafter as is practicable—

- (a) such a sample of breath as in the opinion of the police officer is necessary to enable a proper analysis of the breath to be made by means of an approved alcohol screening device; and
- (b) where the police officer considers it appropriate, such samples of his breath as in the opinion of a qualified technician are necessary to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in his blood,

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and to accompany the police officer for the purpose of enabling such sample or samples to be taken.

(5) Where a police officer has reasonable and probable grounds to believe that, by reason of any physical or mental condition—

- (a) a person referred to in subsection (4) may be incapable of providing a sample of his breath; or
- (b) it would be impracticable to obtain a sample of that person's breath,

the police officer shall require the person to provide such samples of the person's blood, urine or other bodily substance, under the conditions referred to in subsection (6), as in the opinion of the qualified medical practitioner or qualified technician taking the sample are necessary to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in his blood and to accompany the police officer for enabling such samples to be taken.

(6) Samples of blood, urine or other bodily substance may only be taken from a person pursuant to a demand made by a police officer under this section if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person.

(7) Any person who, without reasonable excuse, fails or refuses to comply with a demand made to him by a police officer under this section commits an offence.

[Section 35C amended by 2012 : 18 s. 16 effective 5 October 2012]

Drug screening test where reasonable belief in commission of offence under section 35 or 35B

35D (1) Where an accident has occurred involving any vehicle and the accident has resulted in the death of or in grievous bodily harm to any person, a police officer shall arrest, without a warrant and by demand made forthwith or as soon as practicable thereafter shall require—

- (a) any person whom the officer reasonably suspects was driving or attempting to drive any vehicle which the accident involved at the time of the accident; or
- (b) any person whom the officer reasonably suspects had the care or control of any such vehicle at that time, whether in motion or not,

and whom the police officer on reasonable and probable grounds, believes has committed an offence, to submit to a drug screening test by a police officer using an approved drug screening device in order to ascertain whether there is a dangerous drug present in his body and to accompany the police officer for the purpose of such test.

(2) Where a police officer on reasonable and probable grounds believes that a person is committing, or at any time within the preceding twelve hours has committed an offence under section 35B, he may arrest him without a warrant, and by demand made to that person forthwith or as soon as practicable thereafter, require him to submit to a drug

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screening test by a police officer using an approved drug screening device in order to ascertain whether there is a dangerous drug present in his body and to accompany the police officer for the purpose of such test.

(3) Any person who, without reasonable excuse, fails or refuses to comply with a demand made to him by a police officer under this section commits an offence.

[Section 35D amended by 2012 : 18 s. 16 effective 5 October 2012]

Warrant to obtain samples of blood, urine or other bodily substance for alcohol analysis

35E (1) Where a Justice of the Peace is satisfied on an information on oath that there are reasonable grounds to believe that—

- (a) within the preceding twelve hours, a person has committed an offence under section 35, 35AA or 35A and the person was involved in an accident resulting in the death of another person or in grievous bodily harm to himself or any other person; or
- (b) within the preceding twelve hours, a person was driving or attempting to drive any such vehicle as is mentioned in section 35C(3) at the time of any such accident as is described in that section; or
- (c) within the preceding twelve hours, a person had the care or control of any such vehicle at such time; and
- (d) a qualified medical practitioner is of the opinion that—
 - (i) by reason of any physical or mental condition of the person that resulted from the consumption of alcohol or the ingestion of any drug, including a dangerous drug, from the accident or from any other occurrence related to or resulting from the accident, the person is unable to consent to the taking of samples of his blood, urine or other bodily substance;
 - (ii) the taking of the samples of blood, urine or other bodily substance from the person would not endanger the life or health of the person,

the Justice of the Peace may issue a warrant authorising a police officer to require a qualified medical practitioner to take, or to cause to be taken by a qualified technician under the direction of the qualified medical practitioner, such samples of the blood, urine or other bodily substance of the person as in the opinion of the person taking the samples are necessary to enable a proper analysis to be made in order to determine the proportion, if any, of alcohol in the blood of the person from whom the samples are taken.

(2) Samples of blood, urine or other bodily substance may be taken from a person pursuant to a warrant issued under subsection (1) only during such time as a qualified medical practitioner is satisfied that the conditions referred to in subparagraph (1)(d)(i) and (ii) continue to exist in respect of that person.

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(3) When a warrant issued under subsection (1) is executed, the police officer shall, as soon as practicable thereafter, give a copy of the warrant to the person from whom the samples of blood, urine or other bodily substance were taken.

[Section 35E subsection (1)(a) amended by 2012 : 18 s. 16 effective 5 October 2012]

Samples of blood, urine or other bodily substance for dangerous drug analysis

35F (1) Where an accident has occurred involving any motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or other vehicle other than a motor car and the accident has resulted in the death of or in grievous bodily harm to any person, a police officer shall arrest without a warrant and, by demand made forthwith or as soon as practicable, shall require—

- (a) any person whom the officer reasonably suspects was driving or attempting to drive any vehicle which the accident involved at the time of the accident; or
- (b) any person whom the officer reasonably suspects had the care or control of any such vehicle at that time, whether in motion or not,

and whom the police officer on reasonable and probable grounds believes has committed an offence, to provide then or as soon thereafter as is practicable such samples of the person's blood, urine or other bodily substance, under the conditions referred to in subsection (2), as, in the opinion of the qualified medical practitioner or qualified technician taking the samples, are necessary to enable a proper analysis to be made in order to determine whether there is present in the person's body any dangerous drug, and to accompany the police officer for the purpose of enabling such samples to be taken.

(2) Samples of blood, urine or other bodily substance may only be taken from a person pursuant to a demand made by a police officer under subsection (1) if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person.

(3) Any person who, without reasonable excuse, fails or refuses to comply with a demand made to him by a police officer under this section commits an offence.

Warrant to obtain samples of blood, urine or other bodily substance for dangerous drug analysis

35G (1) Where a Justice of the Peace is satisfied on an information on oath that there are reasonable grounds to believe that—

- (a) within the preceding twelve hours, a person was driving or attempting to drive any such vehicle as is mentioned in section 35F(1) at the time of any such accident as is described in that section; or
- (b) within the preceding twelve hours, a person had the care or control of any such vehicle at such time; and
- (c) a qualified medical practitioner is of the opinion that—

- (i) by reason of any physical or mental condition of the person that resulted from the consumption of alcohol or the ingestion of any drug, including a dangerous drug, from the accident or from any other occurrence related to or resulting from the accident, the person is unable to consent to the taking of samples of his blood, urine or other bodily substance; and
- (ii) the taking of the samples of blood, urine or other bodily substance from the person would not endanger the life or health of the person,

the Justice of the Peace may issue a warrant authorising a police officer to require a qualified medical practitioner to take, or to cause to be taken by a qualified technician under the direction of the qualified medical practitioner, such samples of the blood, urine or other bodily substance of the person as in the opinion of the person taking the samples are necessary to enable a proper analysis to be made in order to determine whether there is present in the body of the person from whom the samples are taken any dangerous drug.

(2) Samples of blood, urine or other bodily substance may be taken from a person pursuant to a warrant issued under subsection (1) only during such time as a qualified medical practitioner is satisfied that the conditions referred to in subsection (1)(c)(i) and (ii) continue to exist in respect of that person.

(3) When a warrant issued under subsection (1) is executed, the police officer shall, as soon as practicable thereafter, give a copy of the warrant to the person from whom the samples of blood, urine or other bodily substance were taken.

Proceedings under sections 35, 35AA, 35A or 35B

35H (1) The provisions of this section apply to any proceedings under section 35, 35AA, 35A or 35B.

(2) In any such proceedings, where it is proved that the accused occupied the seat ordinarily occupied by the driver of a vehicle, he shall be deemed to have had the care or control of the vehicle unless he establishes by a preponderance of evidence that he did not enter or mount the vehicle for the purpose of setting it in motion.

(3) In any such proceedings, the result of an analysis of a sample of the breath or blood of the accused (other than a sample taken pursuant to a demand made under sections 35C(1) or (4) or 35F(1)) or the urine or other bodily substance of the accused may be admitted in evidence notwithstanding that, before the accused gave the sample, he was not warned that he need not give the sample or that the result of the analysis of the sample might be used in evidence.

(4) In any such proceedings, where samples of the breath of the accused have been taken pursuant to a demand made under section 35C(1), (2), (4) or (5), if—

- (a) each sample was taken as soon as practicable after the time when the offence was alleged to have been committed and, in the case of the first sample not later than twelve hours after that time, with an interval of at least five minutes between the times when the samples were taken;

- (b) each sample was received from the accused directly into an approved container or into an approved breath analyzing instrument operated by a qualified technician; and
- (c) an analysis of each sample was made by means of an approved breath analyzing instrument operated by a qualified technician,

evidence of the results of the analyses so made is, in the absence of evidence to the contrary, proof that the proportion of alcohol in the blood of the accused at the time when the offence was alleged to have been committed was, where the results of the analyses are the same, the proportion determined by such analyses and, where the results of the analyses are different, the lowest of the proportions determined by such analyses.

(5) In any such proceedings, where a sample of blood, urine or other bodily substance of the accused has been taken pursuant to a demand made under sections 35C(1) or (4) or 35F(1) or otherwise with the consent of the accused or pursuant to a warrant issued under sections 35E or 35G, if—

- (a) at the time the sample was taken, the person taking the sample took an additional sample of the blood, urine or other bodily substance of the accused and one of the samples was retained, to permit an analysis thereof to be made by or on behalf of the accused and, at the request of the accused made within three months from the taking of the samples, one of the samples was ordered to be released pursuant to subsection (4);
- (b) both samples referred to in paragraph (a) were taken as soon as practicable after the time when the offence was alleged to have been committed and in any event not later than twelve hours after that time;
- (c) both samples referred to in paragraph (a) were taken by a qualified medical practitioner or a qualified technician under the direction of a qualified medical practitioner;
- (d) both samples referred to in paragraph (a) were received from the accused directly into, or placed directly into, approved containers that were subsequently sealed; and
- (e) an analysis was made by an analyst of at least one of the samples that was contained in a sealed approved container,

evidence of the result of the analysis is, in the absence of evidence to the contrary, proof—

- (aa) in the case of an analysis relating to alcohol, that the proportion of alcohol in the blood of the accused at the time when the offence was alleged to have been committed was the proportion determined by the analysis or, where more than one sample was analyzed and the results of the analyses are the same, the proportion determined by the analyses and, where the results of the analyses are different, the lowest of the proportions determined by the analyses;
- (bb) in the case of an analysis relating to a dangerous drug, where it was determined by the analysis that there was present in the body of the

accused at the time of the analysis any such drug, that such drug was present in the body of the accused at the time the offence was alleged to have been committed;

- (cc) in the case of an analysis relating to a dangerous drug, where more than one sample was analyzed—
 - (i) and it was determined by each analysis that there was present in the body of the accused at the time of each analysis any such drug, that such drug was present in the body of the accused at the time the offence was alleged to have been committed;
 - (ii) and it was determined by any of the analyses that there was not present in the body of the accused at the time of any of the analyses any such drug, that such drug was not present in the body of the accused at the time the offence was alleged to have been committed.

(6) In any such proceedings, a certificate of an analyst stating that he has made an analysis of a sample of the blood, urine, breath or other bodily substance of the accused and stating the result of his analysis is evidence of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(7) In any such proceedings, a certificate of an analyst stating that he has made an analysis of a sample of any substance or solution intended for use in an approved breath analyzing instrument and identified in the certificate and that the sample analyzed by him was found to be suitable for use in an approved breath analyzing instrument, is evidence that the substance or solution so identified is suitable for use in an approved breath analyzing instrument, without proof of the signature or the official character of the person appearing to have signed the certificate.

(8) In any such proceedings, where samples of the breath of the accused have been taken pursuant to a demand made under section 35C(1) or (4), a certificate of a qualified technician stating—

- (a) that each analysis of the samples has been made by means of an approved breath analyzing instrument operated by him in which a substance or solution suitable for use in that approved breath analyzing instrument and identified in the certificate was used;
- (b) the results of the analysis so made; and
- (c) if the samples were taken by him—
 - (i) the time when and place where each sample was taken; and
 - (ii) that each sample was received from the accused directly into an approved container or into an approved breath analyzing instrument operated by the technician,

is evidence of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(9) In any such proceedings, where a sample of the blood, urine or other bodily substance of the accused has been taken pursuant to a demand made under sections 35C(1) or (4) or 35F(1) or otherwise with the consent of the accused or pursuant to a warrant issued under sections 35E or 35G—

- (a) a certificate of a qualified medical practitioner stating that—
 - (i) the medical practitioner took the sample and that before the sample was taken he was of the opinion that the taking of samples of blood, urine or other bodily substance from the accused would not endanger the life or health of the accused and, in the case of a demand made pursuant to sections 35E or 35G, that by reason of any physical or mental condition of the accused that resulted from the consumption of alcohol or the ingestion of any dangerous drug, the accident or any other occurrence related to or resulting from the accident, the accused was unable to consent to the taking of samples of his blood, urine or other bodily substance;
 - (ii) at the time the sample was taken, an additional sample of the blood, urine or other bodily substance of the accused was taken to permit analysis of one of the samples to be made by or on behalf of the accused;
 - (iii) the time when and place where both samples referred to in subparagraph (ii) were taken; and
 - (iv) both samples referred to in subparagraph (ii) were received from the accused directly into, or placed directly into, approved containers that were subsequently sealed and that are identified in the certificate;
- (b) a certificate of a qualified medical practitioner stating that the medical practitioner caused the sample to be taken by a qualified technician under his direction and that before the sample was taken the qualified medical practitioner was of the opinion referred to in subparagraph (a)(i); or
- (c) a certificate of a qualified technician stating that the technician took the sample and the facts referred to in paragraph (a)(ii) to (iv); and
- (d) a certificate of an analyst stating that the analyst has made an analysis of a sample of the blood, urine or other bodily substance of the accused that was contained in a sealed approved container identified in the certificate, the date on which and place where the sample was analyzed and the result of that analysis,

is evidence of the statements contained in the certificate without proof of the signature or official character of the person appearing to have signed it.

(10) In any proceedings under section 35, 35AA, 35A or 35B, evidence that the accused, without reasonable excuse, failed or refused to comply with a demand made to him by a police officer under sections 35C(1) or (4) or 35F(1) is admissible and the court may draw an inference therefrom adverse to the accused.

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(11) A Judge of the Supreme Court shall, on the application of the accused made within three months from the day on which samples of the blood, urine or other bodily substance of the accused were taken, order the release of one of the samples for the purpose of an examination or analysis thereof, subject to such terms as appear to be necessary or desirable to ensure the safeguarding of the sample and its preservation for use in any proceedings in respect of which it was retained.

(12) An accused against whom a certificate described in subsection (6), (7), (8) or (9) is produced may, with leave of the court, require the attendance of the qualified medical practitioner, analyst or qualified technician, as the case may be, for the purposes of cross-examination.

(13) No certificate shall be received in evidence pursuant to subsection (6), (7), (8) or (9) unless the party intending to produce it has, before the trial, given to the accused not less than ten days notice of his intention together with a copy of the certificate.

[Section 35H amended by 2012 : 18 s. 16 effective 5 October 2012; Section 35H amended by 2018 : 37 s. 4 & s. 5 effective 31 July 2018]

35I *[Repealed]*

[Section 35I repealed by 2008:23 s.3 effective 26 June 2008]

Protection of qualified medical practitioner or technician from criminal and civil liability

35J (1) No qualified medical practitioner or qualified technician is guilty of an offence only by reason of his refusal to take a sample of blood, urine or other bodily substance, as the case may be, from a person for the purposes of sections 35C, 35E, 35F or 35G and no qualified medical practitioner is guilty of an offence only by reason of his refusal to cause to be taken by a qualified technician under his direction such a sample of blood, urine or other bodily substance from a person for those purposes.

(2) No qualified medical practitioner by whom or under whose direction a sample of blood, urine or other bodily substance, as the case may be, is taken from a person pursuant to a demand made under sections 35C(1), (4) or (5), or 35F(1) or a warrant issued under sections 35E or 35G and no qualified technician acting under the direction of a qualified medical practitioner incurs any criminal or civil liability for anything necessarily done with reasonable care and skill in the taking of such a sample.

Educational programme for impaired driving offenders

35K (1) This section applies where—

- (a) a person is convicted of a first offence under sections 35, 35A, 35AA, 35B or 35C; and
- (b) the court makes an order under section 4 of the 1976 Act disqualifying him for a period of 18 months.

(2) Where this section applies, the court may make an order that the period of disqualification imposed under section 4 of the 1976 Act shall be reduced if, by a date

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specified in the order the offender satisfactorily completes an educational programme approved by the Minister for the purposes of this section and specified in the order.

(3) The reduction made by an order under this section in a period of disqualification imposed under section 4 of the 1976 Act shall be a period of three months and shall be specified in the order.

(4) The court shall not make an order under this section unless—

- (a) the court is satisfied that a place on the programme specified in the order will be available for the offender;
- (b) the court has explained the effect of the order to the offender in ordinary language, and has informed him of the amount of the fees for the programme and of the requirement that he must pay them before the beginning of the programme; and
- (c) the offender has agreed that the order should be made.

(5) The date specified in an order under this section as the latest date for completion of the programme must not be a date later than the last day of the period of disqualification as reduced by the order.

(6) In this section and in section 35L, “the 1976 Act” means the Traffic Offences (Penalties) Act 1976.

[Section 35K subsections (1)(a) and (1)(b) amended by 2013 : 27 s. 4 effective 6 August 2013]

Certificate of completion of programme

35L (1) An offender shall be regarded for the purposes of section 35K as having completed a programme satisfactorily if (and only if) a certificate that he has done so is received by the clerk of the court making an order under that section before the end of the period of disqualification imposed under section 4 of the 1976 Act.

(2) If the certificate referred to in subsection (1) is received by the clerk before the end of the period of disqualification imposed under section 4 of the 1976 Act but after the end of the period as it would have been reduced by the order, the order shall have effect as if the reduced period ended with the day on which the certificate is received by the clerk.

(3) The certificate referred to in subsection (1) must be in such form, contain such particulars, and be given by such person as the Minister shall determine.

(4) A programme organiser shall give the certificate referred to in subsection (1) to the offender not later than fourteen days after the date specified in the order as the latest date for completion of the programme, unless the offender fails to make due payment of the fees for the programme, fails to attend the programme in accordance with the programme organiser’s reasonable instructions, or fails to comply with any other reasonable requirements of the programme organiser.

(5) Where a programme organiser decides not to give the certificate referred to in subsection (1), he shall give written notice of his decision to the offender as soon as possible,

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and in any event not later than fourteen days after the date specified in the order as the latest date for completion of the programme.

(6) An offender to whom a notice is given under subsection (5) may, within such period as the Minister shall determine, appeal to the Minister on the ground that the programme organiser's decision not to give a certificate was contrary to subsection (4); and if the Minister upholds the appeal section 35K shall have effect as if the certificate had been duly received by the clerk of the court.

(7) If fourteen days after the date specified in the order as the latest date for completion of the programme the programme organiser has given neither the certificate referred to in subsection (1) nor a notice under subsection (5), the offender may, within such period as the Minister shall determine, apply to the Minister for a ruling that the programme organiser is in default; and if the Minister makes the ruling section 35K shall have effect as if the certificate had been duly received by the clerk of the court.

(8) A notice under subsection (5) must specify the ground on which it is given and must be given in such form as the Minister shall determine.

(9) Where the Minister upholds an appeal under subsection (6) or makes a ruling under subsection (7), the Minister shall send notice of that fact to the clerk of the court.

Provisions supplementary to sections 35K and 35L

35M (1) The Minister may issue guidance to programme organisers as to the conduct of programmes approved for the purposes of section 35K and—

- (a) programme organisers shall have regard to any guidance given to them under this subsection;
- (b) in determining for the purposes of section 35L(6) whether any instructions or requirements of an organiser were reasonable, regard must be had to any guidance given under this subsection.

(2) In sections 35K, 35L and this section—

“Minister” means the Minister responsible for health and social services;

“programme organiser”, in relation to a programme, means the person who, under section 35L(3), is responsible for giving the certificate referred to in subsection 35L(1) in relation to the completion of the programme.

[Sections 35A to 35D repealed and replaced by 1997:28 and sections 35E to 35M inserted by 1997:28 effective 16 January 1998]

Dangerous driving

36 Any person who drives a vehicle dangerously on a road or other public place commits an offence.

[Section 36 repealed and replaced by 2012 : 18 s. 5 effective 5 October 2012]

Meaning of dangerous driving

36A (1) A person is to be regarded as driving dangerously only if—

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- (a) the way he is driving is far below what would be expected of a competent and careful driver; and
- (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person shall also be regarded as driving dangerously for the purposes of sections 34 and 36 if it is obvious to a competent and careful driver that driving a vehicle in its current state, including any thing attached to or carried on or in it and the way it is attached or carried, is dangerous.

(3) In subsections (1) and (2) “dangerous” refers to danger either of injury to any person or of serious damage to property.

(4) In determining for the purposes of subsections (1) and (2) what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to circumstances of which he could be expected to be aware but also circumstances shown to have been within the knowledge of the accused.

[Section 36A inserted by 2012 : 18 s. 6 effective 5 October 2012]

Careless driving and driving without reasonable consideration

37 Any person who drives a vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or public place, commits an offence.

[Section 37 repealed and replaced by 2012 : 18 s. 7 effective 5 October 2012]

Causing death, or grievous bodily harm, by careless driving

37A Any person who causes the death of, or grievous bodily harm to, another person by driving a vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or public place, commits an offence.

[Section 37A inserted by 2012 : 18 s. 8 effective 5 October 2012]

Meaning of careless driving or driving without reasonable consideration

37B (1) A person shall be regarded as driving without due care and attention if the way he drives falls below what would be expected of a competent and careful driver.

(2) In determining for the purposes of subsection (1) what would be expected of a careful and competent driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

(3) A person shall be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.

[Section 37B inserted by 2012 : 18 s. 8 effective 5 October 2012]

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Opening of doors of vehicles

38 Any person who opens the door of a vehicle in such a manner which is dangerous to any person, animal or vehicle then on a road commits an offence against this Act.

Alternative charge on unsuccessful manslaughter prosecution

38A (1) Where a person indicted for manslaughter in connection with driving a vehicle is found not guilty of that offence, but the allegations in the indictment amount to or include any allegation of any relevant offences, he may be convicted of the relevant offence.

(2) In subsection (1), the “relevant offences” are—

- (a) an offence under section 34 (causing death, or grievous bodily harm, by dangerous driving);
- (b) an offence under section 35 (causing death, or grievous bodily harm, when driving under the influence of alcohol or drugs);
- (c) an offence under section 36 (dangerous driving); and
- (d) an offence under section 37A (causing death, or grievous bodily harm, by careless driving).

[Section 38A inserted by 2012 : 18 s. 12 effective 5 October 2012]

Alternative charges: general

39 Where—

- (a) a person charged with an offence under a section of the Act specified in the left column of the Alternative Charges is found not guilty of that offence, but
- (b) the allegations in the indictment or information amount to or include an allegation of an offence under one or more of the sections specified in the corresponding entry in the right column,

he may be convicted of that offence or of one or more of those offences.

<i>Alternative Charges</i>	
Offence charged	Alternative
Section 34 (<i>causing death, or grievous bodily harm by dangerous driving</i>)	Section 36 (<i>dangerous driving</i>) Section 37 (<i>careless driving and driving without reasonable consideration</i>)
Section 35 (<i>causing death, or grievous bodily harm, by driving under the influence of alcohol or drugs</i>)	Section 35A (<i>driving when alcohol concentration is over the prescribed limit</i>) Section 35AA (<i>driving when under the influence of alcohol or drugs</i>) Section 36 (<i>dangerous driving</i>)

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Section 36 (<i>dangerous driving</i>)	Section 37 (<i>careless driving and driving without reasonable consideration</i>)
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[Section 39 repealed and replaced by 2012 : 18 s. 13 effective 5 October 2012]

Driving vehicles in the vicinity of emergency vehicles

40 (1) Any person who on a road—

- (i) when driving a vehicle, fails to give right of way to an emergency vehicle which is responding to a fire or other emergency; or
- (ii) when driving a vehicle behind an emergency vehicle which is responding to a fire or other emergency, drives within 200 feet of such emergency vehicle; or
- (iii) parks a vehicle within 60 feet of any fire engine or auxiliary tender with fire-fighting apparatus, while such engine or tender is attending at a fire,

commits an offence against this Act.

(2) For the purposes of this section, an emergency vehicle shall not be deemed to be responding to a fire or other emergency unless while doing so it signifies its purpose by means of flashing lights, alarm signals, or turning on its headlights in day-time in such manner as to convey to any reasonable driver that it is so responding.

Driving vehicle in defective condition

41 Any person who drives a vehicle on a road when the vehicle is in such a condition—

- (a) as to be likely to cause injury or damage to persons or property; or
- (b) as to cause unnecessary noise, vibration, smoke or smell, commits an offence against this Act.

Duty in case of accident

42 (1) If, owing to the operation or presence of a vehicle on a road (including any private road) any accident occurs causing injury to any person, domestic animal or property—

- (a) the driver of the vehicle shall immediately stop the vehicle;
- (b) the driver of and every person in or on the vehicle at the time of the accident shall give his name and address if requested to do so by any person injured or by the owner of or the person in charge of any domestic animal or property injured, or by any police officer;
- (c) if injury has been caused to any person, the driver shall forthwith report the accident to the police officer in charge of the nearest police station, and every other occupant of the vehicle shall within 24 hours communicate his name and address to the police officer in charge of the police station, stating that he was in or on the vehicle at the time of the accident;

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(d) if injury has been caused to any domestic animal or property the driver shall as soon as may be report the accident to the owner or person in charge of the animal or property, or to a police officer.

(2) Any person who, without reasonable excuse, contravenes any provision of subsection (1) commits an offence against this Act.

(3) In this section, "domestic animal" means any horse, cattle, mule, goat, sheep, pig, dog, cat or poultry.

Driving auxiliary bicycle while disqualified

43 (1) Any person who drives an auxiliary bicycle while disqualified for driving an auxiliary bicycle commits an offence against this Act.

(2) Without prejudice to section 33 a police officer in uniform may arrest without warrant any person whom he has reasonable cause to suspect of committing an offence against subsection (1).

Traffic signs (presumption of compliance with legal requirements)

44 For the purposes of this Act a traffic sign, traffic signal or a notice regulating, prohibiting or restricting parking, which is erected, placed or marked on or near any road shall be deemed to have been lawfully so erected, placed or marked and to comply with the prescribed specifications unless the contrary is proved.

Prosecution and punishment of offences

45 A person who commits an offence against this Act shall be liable to prosecution in the manner specified in Schedule 1 to the Traffic Offences (Penalties) Act 1976 [*title 21 item 13*] and be liable in respect of each such offence to the punishment specified in that Schedule or, in the event that no punishment is therein specified, shall be liable on summary conviction to a fine of \$2,100.

Effect of traffic signs erected on or near United States roads

46 (1) Where a traffic sign or traffic sign for regulating the speed or movement of traffic or a notice regulating, prohibiting or restricting the parking of vehicles, is erected, placed or marked by the appropriate authority on or near any United States road, the traffic signal or notice shall, for the purposes of this Act, have effect with respect to that road.

(2) Any person who fails to comply with or conform to the indication given by any traffic sign, traffic signal or notice as is mentioned in subsection (1), commits an offence against this Act, and shall be liable to the same punishment in respect of the failure to comply or failure to conform as though such failure had been in relation to a traffic sign, traffic signal or notice erected, placed or marked on or near a highway, estate road or a naval or military road.

Regulations

47 (1) The Minister responsible for works and engineering may make such regulations as may be necessary or expedient for the purpose of carrying into effect this Act and, without prejudice to the generality of the foregoing, such regulations may prescribe the size, colour

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and type of traffic signs, the significance of any warning, information, requirement, restriction or prohibition conveyed by such signs and any other matter whatsoever relating thereto.

(2) The Minister or the Minister responsible for works and engineering may prescribe anything which is to be or may be prescribed under this Act.

(3) The negative resolution procedure shall apply to regulations made under this section.

[Section 47 repealed and replaced by 2012 : 18 s. 17 effective 5 October 2012]

Traffic Code

48 (1) The Traffic Code containing directions for the guidance of persons using roads and set forth in the Schedule shall be printed, and sold to the public.

(2) A failure on the part of any person to observe any provision of the Traffic Code shall not of itself render that person liable to criminal proceedings of any kind (unless such failure is specifically constituted an offence by any provision of this Act) but any failure to observe the provisions of the Traffic Code may in any proceedings, whether civil or criminal and including proceedings for an offence under this Act, be relied on by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.

SCHEDULE
THE TRAFFIC CODE

TO ALL USERS OF THE ROAD

- (1) All persons have a right to use the road for the purpose of passage.
- (2) As the manner in which you use the road affects a large number of others, show care and courtesy at all times and avoid unnecessary noise.
- (3) Always make due allowance for possible errors on the part of others. Sooner or later an accident will happen if you do not do this.
- (4) Before using the road be sure that your alertness or sense of caution is not affected by alcohol or fatigue. A fraction of a second may make all the difference in avoiding an accident. If you cannot give the necessary concentration you are risking not only your own life but the lives of others.
- (5) Keep your dog under proper control whether it is on the road or in a vehicle.
- (6) Learn the traffic signals used by persons regulating traffic and by drivers of vehicles.
- (7) Learn thoroughly those rules in the Code which apply to you in particular, and make yourself familiar with those which concern other classes of road users.

TO DRIVERS OF MOTOR VEHICLES
(INCLUDING AUTO-BICYCLISTS)

Rule of the Road

- (8) The rule of the road in Bermuda is to the left. Keep as near to the left as practicable, unless about to overtake or turn to the right. (This rule does not apply where there are special traffic arrangements as in one-way streets or roundabouts).

Right of Way

- (9) Always give way to traffic approaching on the left or near side of the road if any part of your vehicle is on the right or off side of the road,
- (9A) Always give way to a bus at a bus stop if the driver has signalled his intention to pull out from the bus stop.
- (10) At cross roads or road junctions where there are no stop signs, always give way to vehicles entering the intersection from your left.

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(11) If you overtake, do not cut in; in other words, do not turn sharply across the path of the vehicle you are overtaking in such a manner as to force its driver to swerve or reduce speed.

(12) If you are yourself being overtaken, do not accelerate or pull out from the left or near side in such a manner that the overtaking vehicle is unable to pass.

(13) Always give way to traffic on a major road when entering from a minor road or from a private drive, entry or alleyway,

(14) After stopping in compliance with a stop sign, always give way to traffic on the road into which you are about to enter.

Control of Vehicle

(15) Remember that the faster you are travelling, the smaller the margin of safety should an emergency arise, and the more serious must be the result of an accident.

(16) Always be able to pull up your vehicle well within the distance for which you can see the road to be clear, whether by night or by day.

(17) At night always drive well within the limits of your lights. When your headlights are dipped or extinguished be specially careful. If you are dazzled, slow down even to a standstill, especially if your windscreen is wet. Remember that cyclists and pedestrians, especially when wearing dark clothing, are often very hard to see in the dark.

(18) Take special care when it is raining, when light is bad, or when roads have a loose surface, or are wet, slippery or otherwise dangerous.

(19) Go slow in narrow or winding roads, however familiar they may be to you.

(20) Never attempt to drive a vehicle from such a position, or allow anyone to sit beside you in such a manner, that you have not full control and an unobstructed view of the road and of other traffic.

(21) If while driving a vehicle you find that drowsiness is overtaking you, stop your vehicle and do not attempt to start it again until you are wide awake.

Duties Towards Other Road Users

(22) Do not drive in a spirit of competition with other road users. If another driver shows lack of care or good manners do not attempt any form of retaliation.

(23) Remember that you cannot be certain of the movements of pedestrians. Be ready for children who may run suddenly on to the road and for people who may step from a refuge or footpath. Make allowance for the hesitation of the aged and infirm and for the blind or deaf.

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- (24) Never drive fast through large puddles where by so driving you may splash pedestrians or cyclists.
- (25) Give plenty of room to pedestrians and cyclists, especially in wet weather.
- (26) Go slow when passing animals - whether led, ridden or drawing vehicles - and give them as wide a berth as possible to avoid frightening them. Stop your vehicle (and switch off the motor) if necessary or if signalled to do so.
- (27) Be prepared to meet pedestrians and led animals coming towards you on your own side of the road.
- (28) Take special care when passing a stationary vehicle or any other form of obstruction which prevents a clear view of pedestrians or oncoming traffic.
- (29) When the traffic in front of you is held up do not encroach on the off side of the road and thereby impede other traffic.
- (30) Never open the door of a vehicle without first making sure that you will not endanger or inconvenience anyone on the road or footpath, and keep a good look out when getting in or out on the offside.
- (31) When the load carried on your vehicle projects behind the vehicle see that you comply with the law relating to marking the end of the projection by means of a red cloth by day or a red lamp by night.

Cross Roads, Corners and Bends

- (32) [revoked]
- (33) Always give way immediately to a fire engine, ambulance or police car; and if any one of these vehicles approaches you ringing a bell or sounding a siren, pull in at once to your side of the road and stop, clear of any intersection and not opposite any obstacle on the other side of the road, until the emergency vehicle has passed.
- (34) Go slow, take special care at cross roads, corners and bends.
- (35) When turning from one road into another go slow and give way to any pedestrians crossing the road out of which or into which you are turning.
- (36) Proceed very slowly and with special care when coming from a minor road into a major road, or when moving on after halting at a stop sign or after halting when entering a main road from a private road, drive or alleyway, and give way to traffic on the major road and if there is a sidewalk, to pedestrians on the sidewalk.

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When moving on after halting at a stop sign or short of a sidewalk, then unless you have a clear view of the major road in both directions stop again just before entering the carriageway of the major road.

(37) When turning to the left, keep as close as practicable to the left hand edge of the carriage way.

When turning to the right, bear to the centre of the road before making your turn, and make your turn so that the vehicle is "outside" to the left of the centre of the cross roads or of the road junction.

(38) Never cut corners; and where there is a yellow lane marker keep to the left or near side of the yellow lane marker except where compelled by an emergency or by a stationary obstruction or by approaching pedestrians to cross to the right or off side, and if you are compelled to cross to the right or off side, you must exercise the greatest care.

Overtaking

(39) Overtake only on the right, except when a driver in front has signalled his intention to turn to the right. (This rule does not apply in one-way streets.)

(40) Before overtaking a bus which is about to stop or is stationary watch carefully to see if passengers are about to board or alight. Go slow or stop as the circumstances require.

(41) Never overtake unless you can do so without forcing the overtaken or approaching vehicle to swerve or reduce speed.

(42) Never overtake—

- (a) at a corner or bend;
- (b) at or approaching the brow of a hill;
- (c) at cross roads;
- (d) at a pedestrian crossing.

(43) Do not cut in, in other words, do not turn from the left or near side sharply without giving ample warning and making sure that it is safe to do so.

(44) Be specially careful when overtaking a moving vehicle if your vehicle has a trailer attached to it or is towing another vehicle.

Reversing and Turning

(45) Never reverse your vehicle unless you have satisfied yourself that it is safe to do so. Look out specially for pedestrians and children.

(46) Never reverse your vehicle further than is absolutely necessary.

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(47) Never attempt to turn your vehicle on a road on any curve or hill where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 200 feet.

(48) Do not make a U turn if this can be avoided; if you have to make a U turn, give way to other traffic.

(49) When turning a vehicle, it is generally best to go to a side road or entrance, back into it and then come forward into the road.

Traffic Signs and Signals

(50) Keep a good look out for all traffic signals, signs and lines. (See Appendix.)

(51) Before you stop, or slow down or change direction, give the appropriate signal clearly and in good time. If you use a direction indicator, see that it is turned to neutral as soon as your movement is completed.

(52) When approaching a police officer, and where necessary for his guidance, signal the direction in which you intend to go. (See Appendix.) Do not rely on signals to proceed given by unauthorized persons.

Filtration

(53) When you are held up at a road junction by a police officer regulating traffic, do not turn to the left - that is filter - unless you are given definite indication to do so by him.

Obstruction and Parking

(54) When you stop, draw up close to the side of the road, and do not stop opposite a refuge, road repairs or any other obstacle. Never stop opposite or nearly opposite a standing vehicle if by so doing you are liable to cause inconvenience to the passage of other traffic.

(55) Always see that your headlights are turned off while your vehicle is parked.

(56) Never allow your vehicle to remain standing close to a bend or road junction, on or near the brow of a hill or a hump-backed bridge, or in any other dangerous position.

(57) Never leave your vehicle standing in such a position as to obstruct any pedestrian crossing or obscure any traffic sign.

(58) Never, if it can be avoided, leave your vehicle facing the wrong way at night on an unlit or badly lit road.

(59) Never, if it can be avoided, put questions to a police officer regulating traffic; you distract his attention and may cause obstruction or danger.

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(60) If you are a driver of one of a series of large or slow vehicles such as trucks or omnibuses travelling at a speed lower than the legal maximum for other vehicles in the circumstances, do not drive close behind the vehicle in front of you. Leave ample space so that a faster vehicle, after overtaking you, can draw in to the left, if necessary, before overtaking the next vehicle.

Pedestrian Crossings

(61) Look out for pedestrian crossings and make yourself familiar with the rules relating to them.

(62) Remember that where there is a pedestrian crossing at an intersection controlled by a police officer or a traffic sign you must halt clear of the pedestrian crossing if required to stop by the police officer or traffic sign.

Lamps

(63) Dip your headlights when meeting other vehicles on the road unless there are special circumstances which make it unsafe for you to do so.

(64) Switch off or dip your headlights when you are following another vehicle which you do not intend to overtake.

(65) Do not use your headlights unnecessarily, especially in lighted areas.

Horns and Noise

(66) (a) Make as little noise as you can. Do not race your engine when your vehicle is stationary. Sudden noise acceleration is unnecessary and disturbing.

(b) It is against the law to sound your horn except in the interest of safety, or to play your wireless set—

(i) at all, between the hours of midnight and 6.00 a.m.; or

(ii) between the hours of 6.00 a.m. and midnight in such a manner that it can be heard at a greater distance than 30 feet.

(67) Remember that the sounding of your horn does not give you the right of way or absolve you from the duty of taking every precaution to avoid an accident.

Brakes and Tyres

(68) Give regular attention to your brakes and see that they are always efficient.

(69) Always maintain your tyres in a safe condition and, in the case of pneumatic tyres, see that they are kept constantly at a proper pressure.

TO CYCLISTS

Rule of the Road

(70) The rule of the road in Bermuda is to the left. Keep as near to the left as practicable, unless about to overtake or turn to the right. (This rule does not apply where there are special traffic arrangements as in one-way streets or roundabouts.)

Right of Way

(71) Always give way to traffic approaching on the left or near side of the road if your cycle is on the right or off side of the road.

(71A) Always give way to a bus at a bus stop if the driver has signalled his intention to pull out from the bus stop.

(72) At cross roads or road junctions where there are not stop signs always give way to vehicles entering the intersection from your left.

(73) If you overtake, do not cut in, in other words, do not turn sharply across the path of the vehicle you are overtaking in such a manner as to force its driver to swerve or reduce speed.

(74) If you are yourself being overtaken, do not speed up or pull out from the left or near side in such a manner that the overtaking vehicle is unable to pass.

(75) Always give way to traffic on a major road when entering from a minor road or from a private drive, entry or alleyway.

(76) After stopping or going slow in compliance with a stop sign always give way to traffic on the road into which you are about to enter.

Control of Vehicle

(77) Always keep a good look-out, especially when riding with low handlebars.

(78) Remember that the faster you are travelling, the smaller is the margin of safety should an emergency arise, and the more serious must be the result of an accident.

(79) Always be able to pull up your cycle well within the distance for which you can see the road to be clear whether by night or by day.

(80) Take special care when light is bad, or when roads have a loose surface or are wet, slippery or otherwise dangerous.

(81) Never carry another person, or parcels or other articles, if this is likely to interfere with the control of your cycle.

(82) Do not ride a cycle which is too big for you.

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(83) [revoked]

Duties towards other Road Users

(84) Remember that you cannot be certain of the movements of pedestrians. Be ready for children who may run suddenly on to the road and for people who step from a refuge or footpath. Make allowances for the hesitation of the aged and infirm and for the blind or deaf.

(85) Give plenty of room to pedestrians.

(86) Be prepared to meet pedestrians and led animals coming towards you on your side of the road.

(87) Take special care when passing a stationary vehicle or any other form of obstruction which prevents clear view of pedestrians or oncoming traffic.

(88) When the traffic in front of you is held up do not encroach on the off side of the road and thereby impede other traffic.

(89) Do not attempt to gain a forward position in a traffic block by riding along the narrow spaces between stationary vehicles.

(90) Ride in single file whenever road or traffic conditions require it, and never more than 2 abreast.

(91) Keep a straight course and do not wobble about the road.

(92) Never ride close behind fast moving vehicles; always leave enough space for their slowing down or stopping suddenly.

(93) Never hold on to a motor vehicle or to a trailer whether moving or stationary.

(94) Never carry articles which may cause damage to other road users.

(95) Take special care at cross roads, corners and bends.

(96) When turning from one road into another go slow and give way to any pedestrians crossing the road out of which or into which you are turning.

(97) Proceed with special care when coming from a minor road, private drive or alleyway, into a major road and give way to traffic on the major road.

Overtaking

(98) Overtake only on the right, except when a driver in front has signalled his intention to turn to the right. (This rule does not apply in one-way streets.)

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- (99) Before overtaking a bus which is about to stop or is stationary watch carefully to see if passengers are about to board or alight. Go slow or stop as the circumstances require.
- (100) Never attempt to overtake if by so doing you are likely to inconvenience or endanger any other road user.
- (101) Avoid overtaking at a pedestrian crossing.
- (102) Overtake only if you can do so without forcing the person overtaken or approaching traffic to swerve or slacken speed.
- (103) Never cut out, that is, never turn out from the near side of the road sharply without giving ample warning and being satisfied that it is safe to do so.
- (104) Never overtake at a blind corner or bend, or at or approaching the brow of a steep hill.
- (105) Never overtake at cross roads.

Traffic Signs and Signals

- (106) Keep a good look out for all traffic signals, signs and lines. (See Appendix.)
- (107) Before you stop, or slow down or change direction, give the appropriate signal clearly and in good time.
- (108) When approaching a police officer, and where necessary for his guidance, signal the direction in which you intend to go. (See Appendix.) Do not rely on signals to proceed given by unauthorized persons.

Filtration

- (109) When you are held up at a road junction by a police officer regulating traffic, do not turn to the left - that is, filter unless you are given a definite indication to do so by him.

Pedestrian Crossings

- (110) Look out for pedestrian crossings and make yourself familiar with the rules relating to them.

Brakes and Tyres

- (111) Give regular attention to your brakes and see that they are always efficient.
- (112) Always maintain your tyres in a safe condition.

TO PEDESTRIANS

Rules of the Road

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(113) Never walk along the carriage way where there is a pavement or suitable sidewalk. If there is no sidewalk it is generally better to walk on the right of the carriage way so as to face oncoming traffic.

(114) On a pavement or sidewalk do not walk alongside the curb in the same direction as the nearer stream of traffic.

Crossing the Road

(115) Never start to cross the road without first looking right, then left, and keep a careful look-out until you are safely across. Be specially careful when the road is slippery and where one-way traffic is in force.

(116) Cross the road at right angles whenever possible.

(117) Take special care if you have to step out from behind or in front of a vehicle or any other form of obstruction which prevents a clear view of the road.

(118) Where there is a pedestrian crossing, or refuge, make use of it.

(119) Remember that moving vehicles require time to slow down or stop, particularly when the road is wet or slippery.

(120) Remember that at night and when it is raining it may be very difficult to see you especially if you are wearing dark clothes.

Stepping off the Sidewalk

(121) Never step off a sidewalk on to the road even momentarily without making sure that it is safe to do so.

Pedestrian Crossings

(122) At controlled crossings, i.e. wherever traffic is controlled by a police officer or by traffic signals, cross the road only when the appropriate line of traffic is held up.

(123) Never attempt to cross the road just as the traffic is about to start.

Standing at Corners

(124) Never stand in the road or congregate in groups at blind corners or other places where you may not be seen by approaching drivers or where you may obscure their line of vision.

Playing on Roads

(125) Do not yourself play games on roads and discourage your children from doing so.

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(125A) If you roller-skate on a road, take special care and keep well in to the side of the road; never turn across or into the carriage way or enter a road until you have looked to see if it is safe to do so.

(125B) Roller-skate in single file whenever road or traffic conditions require it, and never more than 2 abreast.

(125C) Avoid roller-skating at night on roads where there is much traffic; and if you do skate at night, remember that, where the light is bad, you are often practically invisible to an approaching driver until his vehicle is dangerously close.

TO DRIVERS OF HORSE-DRAWN VEHICLES

(126) Remember you are slow moving and keep well to the left of the road unless about to overtake or turn to the right.

(127) Study carefully rules 9, 10, 11, 12, 13, 14, 15, 16, 18, 22, 23, 27, 28, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 and 68 which apply to you as well as to the drivers of motor vehicles,

(128) Before you stop or slow down, or change direction, give the appropriate signal with your hand or whip clearly and in good time. (See Appendix.)

(129) Always sit on the right or off side of your vehicle or in such a position that your signals may be easily seen by other road users.

TO RIDERS AND PERSONS IN CHARGE OF LED HORSES OR OTHER ANIMALS

(130) When leading an animal always place yourself between it and the traffic and keep the animal to the edge of the road. This rule applies equally whether you are yourself walking or riding. Leave the road as clear as possible for other traffic, and make use of grass and other verges, where these are available.

(131) Never attempt to lead an animal while you are riding an auto-bicycle or cycle.

(132) When acting as a drover and there is some other person with you, send him forward so that traffic approaching from either direction can be warned, especially when near a bend or the brow of a hill or when coming out of a gateway on to a road.

(133) Before you let any animal out of a field or yard on to the road, always make sure that the road is clear.

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APPENDIX

[omitted]

[Assent Date: 23 April 1947]

Amended by:

1947 : 47
1948 : 12
1949 : 77
1951 : 78
1951 : 87
1952 : 5
1952 : 20
1953 : 19
1954 : 62
1956 : 87
1956 : 142
1960 : 166
1962 : 7
1965 : 10
1965 : 15
1968 : 222
1969 : 376
1970 : 113
1970 : 390
1972 : 89
1972 : 158
1973 : 90
1974 : 12
1974 : 53
1976 : 30
1977 : 35
1982 : 78
1984 : 3
1985 : 28
1986 : 15
1987 : 5
1988 : 19
1991 : 4
1997 : 28
2002 : 6
2008 : 23
BR 5 / 2011
2012 : 18

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2013 : 27

2018 : 37

2018 : 56

2020 : 2]