



BERMUDA

AUXILIARY BICYCLES ACT 1954

1954 : 62

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SCHEDULE AUXILIARY CYCLES

[preamble and words of enactment omitted]

Interpretation

- 1 (1) In this Act, unless the context otherwise requires—
- “auxiliary bicycle” means an auxiliary cycle;
- “auxiliary bicycle licence” means a licence issued under this Act to use a particular auxiliary bicycle on the roads of Bermuda;
- “auxiliary bicycle livery” means a person or body of persons by whom auxiliary bicycles are commonly let on hire for use by other persons;

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“auxiliary cycle” means a vehicle with two or three wheels intended or adapted for use on roads and the vehicle—

- (a) is electrically propelled; or
- (b) is mechanically propelled and has a motor with a cubic capacity not exceeding 50 cubic centimetres;

“Bermuda youth licence” means a licence issued under section 9A;

“the Department” means the Transport Control Department established under the Motor Car Act;

“driver’s licence” means a driver’s licence issued under section 9;

“examiner”, “inspector” and “traffic officer” have the meanings respectively assigned to them in the Motor Car Act;

“highway”, “naval or military road” and “estate road” have the meanings respectively assigned to them in the Motor Car Act;

“livery auxiliary bicycle” means an auxiliary bicycle owned by and ordinarily hired or available for hire from an auxiliary bicycle livery;

“Minister” means the Minister responsible for Transport;

“the Motor Car Act” means the Motor Car Act 1951 [*title 21 item 4*];

“owner”, in relation to an auxiliary bicycle, includes part owner; and cognate expressions shall be construed accordingly;

“prescribed”, in relation to any fee, means prescribed by regulations made under the Government Fees Act 1965 [*title 15 item 18*]; and, in relation to any other matter or thing, means prescribed by regulations made under this Act;

“private auxiliary bicycle” means an auxiliary bicycle which is not a livery auxiliary bicycle;

“road” means a highway, a naval or military road and an estate road.

[Section 1 amended by 1995:41 effective 21 December 1995; amended by 2008:44 s.13 effective 23 December 2008; amended by BR 11/2009 reg. 2 effective 6 February 2009; “Bermuda youth licence” inserted by 2009 : 22 s. 2 effective 1 April 2010]

Application of Act

2 (1) Nothing in the succeeding provisions of this Act shall apply or have effect in relation to an auxiliary bicycle which is, by reason of a declaration made by the Minister in pursuance of the Motor-Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 [*title 21 item 6*], to be treated as a motor-cycle; and accordingly any reference to an auxiliary bicycle in such succeeding provisions shall be construed accordingly.

(2) Except where otherwise expressly provided, nothing in this Act or in any regulations made thereunder shall apply in relation to the use or driving of an auxiliary bicycle elsewhere than on a road.

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Savings for other Acts

3 Nothing in this Act shall be construed so as to derogate from or abridge any provision of the Road Traffic Act 1947 [*title 21 item 3*], or of the Motor Car Act 1951 [*title 21 item 4*], or of the Motor-Bicycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 [*title 21 item 6*].

Functions of Minister

4 (1) The Minister shall exercise a general supervision and control over matters concerning or connected with the use of auxiliary bicycles in Bermuda.

(2) Without prejudice to the generality of the provisions of subsection (1)—

- (a) the Minister shall cause to be made such inquiries as he thinks expedient in respect of any matters concerning or connected with the use of auxiliary bicycles, or in relation to any matters in respect of which their sanction, approval or consent, or the sanction, approval or consent of any officer of the Department, is required by or under this Act;
- (b) the Minister, in respect of matters connected with the use of auxiliary bicycles, shall cause such statistical data to be obtained and recorded, and such records or reports to be published, as he may think expedient.

Functions of examiners, inspectors and traffic officers

5 An examiner, inspector or traffic officer shall have the powers and shall discharge the duties respectively conferred or imposed upon an examiner or traffic officer by or under this Act.

[Section 5 amended by 2008:44 s.13 effective 23 December 2008]

Delegation

6 Any power or duty exercisable or to be performed by the Minister by virtue of those provisions of this Act which relate to the licensing and registration of auxiliary bicycles may be exercised on behalf of the Minister by an officer of the Department authorized by the Minister in that regard:

Provided that if any person is aggrieved by anything done or omitted to be done by any officer so authorized he may appeal to the Minister.

Assistance from police

7 Every police officer shall aid and assist the Minister in carrying out the provisions and objects of this Act.

Electrical propulsion

8 (1) Where the Minister is satisfied that any auxiliary bicycle of a particular class, make or model, which is propelled solely by electrical power, is incapable of exceeding 30 miles per hour when driven on a level surface, he may declare by notice published in the Gazette, auxiliary bicycles of that class, make or model to be approved electrical auxiliary bicycles.

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(2) Where an auxiliary bicycle is declared under subsection (1) to be an approved electrical auxiliary bicycle, the rate of import duty payable under Division 73 of the First Schedule to the Customs Tariff Act 1970 [*title 14 item 12*] in respect of the importation of any such auxiliary bicycle shall be reduced by one half.

Driver's licence

9 (1) No person who resides in Bermuda shall drive a private auxiliary bicycle or a livery auxiliary bicycle unless he holds a valid driver's licence or Bermuda youth licence.

(2) No person shall cause or allow any other person who resides in Bermuda to drive a private auxiliary bicycle or a livery auxiliary bicycle unless that other person holds a valid driver's licence or Bermuda youth licence.

(3) For the purposes of this section a driver's licence valid for the driving of a private auxiliary bicycle or a livery auxiliary bicycle shall be issued to any person over the age of eighteen years who—

- (a) makes application to the Minister therefor;
- (b) produces a certificate of physical fitness;
- (c) passes the driving examination referred to in subsection (3A); and
- (d) pays the fee prescribed in respect of such examination and driver's licence.

(3A) For the purposes of subsection (3)(c) an examination by an examiner or other person approved, in writing, by the Minister to assess the competence of a person to drive a private auxiliary bicycle or a livery auxiliary bicycle shall include such tests as may be prescribed, or, if tests are not prescribed, such test as the examiner, or other person, with the approval of the Minister, may think desirable.

(4) A driver's licence issued under this section—

- (a) shall bear on the face thereof a photograph of the holder of the licence;
- (b) shall be in such form as the Minister may determine;
- (c) shall, subject to any provision of law relating to the cancellation or suspension of licences, remain in force, subject to subsection (5), for a maximum period of ten years from the actual date of issue and shall be renewable every ten years.

(5) For the purposes of determining the date of expiration of a driver's licence the date of the issue of a driver's licence shall be deemed to be the day following the anniversary of the birth of the driver immediately preceding the actual date of issue.

(6) In calculating the fee payable for a driver's licence issued under this section a proportionate allowance shall be made to the driver in respect of any period before the actual date of issue by reason of the operation of subsection (5), a part of a month being treated as a whole month for the purpose of making such calculation.

(7) [*Repealed*]

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(8) If any alteration occurs in respect of the name or address of the holder of a driver's licence issued under subsection (3) the holder thereof shall inform the Minister in writing and shall deliver up the licence to the Minister for amendment accordingly.

[Section 9 amended by 1994:13 effective 23 March 1994; and by 1995:41 effective 21 December 1995; Section 9 amended by 2009 : 22 s. 3 effective 1 April 2010; subsection (7) repealed by 2013 : 19 s. 2 effective 1 January 2015]

Bermuda youth licence

9A (1) A Bermuda youth licence valid for driving a private auxiliary bicycle or a livery auxiliary bicycle shall be issued to any person over the age of sixteen years and under the age of eighteen years who—

- (a) makes an application to the Minister;
- (b) produces a certificate that demonstrates successful completion of Project Ride;
- (c) produces a certificate of physical fitness; and
- (d) pays the fee prescribed in respect of a Bermuda youth licence.

(2) A Bermuda youth licence issued under this section—

- (a) shall bear on the face of it a photograph of the holder of the licence;
- (b) shall be in such form as determined by the Minister;
- (c) shall, subject to any provision of law relating to the cancellation or suspension of licences, expire three months after the holder's eighteenth birthday; and
- (d) shall not be renewable.

(3) If any alteration occurs in respect of the name or address of the holder of a Bermuda youth licence issued under subsection (1) the holder shall inform the Minister and shall deliver up the licence to the Minister for amendment accordingly.

(4) In this section "Project Ride" means a program established by the Minister for the purpose of educating young persons in the safe and responsible use of auxiliary bicycles and road safety in general.

[Section 9A inserted by 2009 : 22 s. 4 effective 1 April 2010]

Prohibition from carrying passenger

9B (1) No person under the age of eighteen years shall drive an auxiliary bicycle with a passenger.

(2) No person shall cause or allow a person under the age of eighteen years to drive an auxiliary bicycle with a passenger.

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(3) No person shall be a passenger on an auxiliary bicycle driven by a person under the age of eighteen years.

[Section 9B inserted by 2009 : 22 s. 4 effective 1 April 2010]

Restricted driving hours

9C (1) No person under the age of eighteen years shall drive an auxiliary bicycle between the hours of 1:00 a.m. and 5:00 a.m.

(2) No person shall cause or allow a person under the age of eighteen years to drive an auxiliary bicycle between the hours of 1:00 a.m. and 5:00 a.m.

[Section 9C inserted by 2009 : 22 s. 4 effective 1 April 2010]

Prohibition of driving by non-residents

9D No person under the age of eighteen years who is not a resident of Bermuda shall drive an auxiliary bicycle.

[Section 9D inserted by 2009 : 22 s. 4 effective 1 April 2010]

Production of driver's licence or Bermuda youth licence

10 (1) A person who resides in Bermuda and who is driving, or for the time being is in charge of, a private auxiliary bicycle or a livery auxiliary bicycle, on any road shall carry with him his driver's licence or Bermuda youth licence and shall produce his driver's licence or Bermuda youth licence for inspection when so required by a police officer or by a traffic officer.

(2) Any person who fails or refuses to produce his driver's licence or Bermuda youth licence when so required under subsection (1) commits an offence.

(3) It shall be a defence to a charge of an offence under subsection (2) if the person on whom the requirement is imposed under subsection (1) proves that he produced his driver's licence or Bermuda youth licence at a police station within twenty-four hours after the time of the requirement.

[Section 10 amended by 1995:41 effective 21 December 1995; amended by 2008:22 s.5 effective 26 June 2008; Section 10 amended by 2009 : 22 s. 5 effective 1 April 2010]

Protective headgear

10A (1) Every person driving or riding on an auxiliary bicycle on any highway shall wear protective headgear.

(2) Any person who—

- (a) drives or rides on an auxiliary bicycle in contravention of subsection (1); or
- (b) drives an auxiliary bicycle on any highway when any passenger riding thereon does not wear protective headgear as required by that subsection,

commits an offence.

(3) Without prejudice to sections 16 and 30, the Minister may make regulations—

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- (a) requiring auxiliary bicycle liveries to issue protective headgear to persons hiring auxiliary bicycles;
 - (b) providing for measures to be taken by such liveries to ensure that protective headgear issued is maintained in clean and sanitary condition; and
 - (c) with respect to the conditions (including conditions as to the amount of deposits) under which protective headgear is issued to such persons.
- (4) In this section “protective headgear” means headgear which—
- (a) bears a marking indicating that it complies with any of the following standards for the time being in force—
 - (i) British standard BS 6658:1985,
 - (ii) United States Department of Transport standard FMVSS 218 (DOT sticker) and certified to the satisfaction of the Minister to comply with that standard,
 - (iii) Snell standard M-95, M2000 or L-98 (Snell serialized label),
 - (iv) United Nations standard ECE Regulation 22.05 (UN “E” mark); and
 - (b) is securely fastened to the head of the wearer by means of straps or other fastening provided on the headgear for that purpose.
- (5) The Minister may by order published in the Gazette add to the list of standards specified in paragraph (a) of the definition of “protective headgear” in subsection (4).
- (6) An order under subsection (5) shall be subject to the negative resolution procedure.

[Section 10A subsection (4) “protective headgear” substituted, and subsections (5)-(6) inserted, by 2003:14 s.2 effective 2 December 2003]

Equipment; use; regulations

- 11 (1) No person shall use or cause or allow any other person to use an auxiliary bicycle on a road—
- (a) unless the auxiliary bicycle is equipped in accordance with regulations made under this Act; and
 - (b) unless the equipment so prescribed for the auxiliary bicycle is in good working order.
- (2) Provision may be made by regulations made under this Act for prescribing the equipment of auxiliary bicycles, the manner in which such equipment is to be fitted, and the manner in which such equipment is to be used.

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Unsafe condition

12 No person shall use, or cause or allow any other such person to use, an auxiliary bicycle on a road while it is in such a condition that it is unsafe to ride or, when being used, is likely to cause injury or damage to persons or property.

Unnecessary noise

13 (1) No person shall use, or cause or allow any other person to use, an auxiliary bicycle on a road while it is in such a condition as to cause undue noise.

(2) No person shall use, or cause or allow any other person to use, an auxiliary bicycle on a road in such a manner as to cause unnecessary noise.

(3) Provision may be made by regulations made under this Act for prescribing standards respecting the volume, intensity and pitch of sound which is permitted to be made by auxiliary bicycles generally, or by any specified class, make or category of auxiliary bicycle, when the engine of any such auxiliary bicycle is running at various specified speeds; and, without prejudice to the generality of the provisions of subsections (1) and (2), any person who uses, or causes or allows any other person to, use, an auxiliary bicycle on a road while it is in such a condition as to make, when in use, a noise in excess, either as to volume, intensity or pitch, of any standard relating to that auxiliary bicycle prescribed as aforesaid shall be deemed to contravene subsection (1).

Restriction on use by persons suffering from disability

14 (1) If at any time it is made to appear to the Minister that a person has any physical or mental disability which is likely to prevent him from using an auxiliary bicycle in a safe or proper manner, the Minister may by order (hereinafter called a "prohibition order") prohibit that person from using an auxiliary bicycle on any road, and shall in such case inform the person concerned of the reason therefor.

(2) A prohibition order shall remain in force until such time as it is revoked by the Minister in accordance with this section.

(3) Any person who uses an auxiliary bicycle on any road while there is in force in respect of him a prohibition order commits an offence against this Act.

(4) Any person in respect of whom there is in force a prohibition order may produce to the Minister a certificate, in such form as the Minister may require, given by a registered medical practitioner that he has since the date of the order examined that person and has found that he has neither a disability as aforesaid nor any other disability which is likely to prevent him from using an auxiliary bicycle in a safe and proper manner.

(5) Upon receipt of the certificate mentioned in subsection (4), the Minister may either—

- (i) revoke the prohibition order; or
- (ii) invite the person concerned to submit himself at such time and place as the Minister may determine, to a medical examination by the medical reference committee established under section 85 of the Motor Car Act 1951 [*title 21 item 4*].

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(6) If, after carrying out the examination mentioned in subsection (5), the medical reference committee report to the Minister that the person concerned is not suffering from any disability which is likely to prevent him from using an auxiliary bicycle in a safe and proper manner, the Minister shall revoke the prohibition order made in respect of that person, without prejudice, however, to any power of the Minister to issue a new prohibition order in respect of that person.

Restriction on use by young persons

15 (1) No person under the age of sixteen years shall use an auxiliary bicycle on a road.

(2) No person shall cause or allow any other person, being a person under the age of sixteen years, to use an auxiliary bicycle on a road:

Provided that it shall be a defence to a person charged with an offence under this subsection to prove that, after making reasonable enquiries, he had reasonable grounds for believing, and did in fact believe, that the person in respect of whom the charge was brought was of or over the age of sixteen years.

Restriction relating to design

15A No person shall use or cause or allow any other person to use an auxiliary bicycle on a road if the auxiliary bicycle by virtue of its design or the build of its body is prohibited for use by regulations made under this Act.

Restriction on operation of liveries

16 (1) No person shall operate an auxiliary bicycle livery (hereinafter in this section called a "livery") except under the authority of a licence issued by the Minister.

(2) Any person wishing to operate a livery may apply to the Minister for a licence for this purpose.

(3) In considering any such application, the Minister shall have regard to the suitability of the premises in which it is intended to operate the livery, the suitability of the equipment in such premises and the qualifications of the staff which it is proposed to employ in the operation of the livery.

(4) The Minister may grant or refuse a licence to operate a livery or may grant a licence subject to such conditions as he may think appropriate and the Minister may at any time add to, expunge or vary the conditions attached to a licence;

(5) The Minister shall have power to revoke any licence granted under this section if it appears to him—

- (a) that there has been a material change in the suitability of the premises, equipment or staff connected with the livery since the licence was granted; or
- (b) that the licensee has not complied with any conditions attached by the Minister to a licence.

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(6) Any officer of the Department or any person duly authorized by the Minister may enter any premises which are being used for the operation of a livery for the purpose of inspecting and examining the premises, equipment and staff connected with the livery.

(7) The Minister shall make regulations to provide for the granting, variation and revocation of licences issued under this section, the inspection and examination of any premises, equipment and staff connected with a livery, and for the payment of fees in respect of any of the matters aforesaid.

(8) No auxiliary bicycle livery shall hire or have available for hire any auxiliary bicycle other than—

- (a) an auxiliary bicycle equipped with a single gear only; or
- (b) an auxiliary bicycle equipped with two gears or more gears, and so designed and constructed that all the gears engage automatically,

and of such class, make or model as the Minister may approve by notice published in the Gazette.

(8A) No auxiliary bicycle livery shall hire an auxiliary bicycle to any person under the age of eighteen years who does not hold—

- (a) a valid Bermuda youth licence; or
- (b) a driver's licence issued to that person before the coming into operation of this subsection.

(9) A licence issued for the purposes of this section shall expire one calendar year after the date of the issue thereof.

(10) Any person who contravenes any provision of this section commits an offence:

Punishment on summary conviction: imprisonment for 3 months or a fine of \$2,100 or both such imprisonment and fine or, in the case of a continuing offence a fine of \$350 for each day on which the offence continues.

[Section 16 subsection (8A) inserted by 2009 : 22 s. 6 effective 1 April 2010]

Auxiliary bicycle licence

17 (1) Subject to this Act, the Minister shall be the authority for the issue of auxiliary bicycle licences for the use of auxiliary bicycle on the roads of Bermuda.

(2) No person—

- (a) shall use or cause or allow any other person to use an auxiliary bicycle on the roads of Bermuda; or
- (b) shall keep or cause or allow any other person to keep an auxiliary bicycle in a public place,

unless an auxiliary bicycle licence has been issued by the Minister and is in force in respect of that auxiliary bicycle.

[Section 17 amended by 1997:32 effective 16 December 1997]

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Satisfaction of emissions standards in connection with auxiliary bicycle licences

17A (1) Without prejudice to section 18, an auxiliary bicycle licence shall not be issued in respect of an auxiliary bicycle imported into Bermuda after the coming into operation of this section unless the auxiliary bicycle complies with approved emissions standards.

(2) The Minister may by order subject to the negative resolution procedure—

- (a) approve emissions standards for the purposes of subsection (1);
- (b) exempt any class of auxiliary bicycle from the requirements of subsection (1).

(3) In this section “approved emissions standards” means such standards as are approved by the Minister under subsection (2)(a).

[Section 17A inserted by 2001:25 s.2 effective 1 April 2002]

Licensing during a national emergency

17B (1) Where there is a national emergency, the Minister may, by order published in the Gazette, defer the examination of auxiliary bicycles and allow the auxiliary bicycles to be licensed for a period specified in the order.

(2) Prior to the expiration of the period specified in an order under subsection (1), the Minister shall publish an order to appoint the period within which an auxiliary bicycle shall be examined in accordance with section 18.

(3) A subsequent order may be published by the Minister, prior to the expiration of an order under subsection (1) or (2), to extend the period specified in the order.

(4) Section 6 of the Statutory Instruments Act 1977 (which provides for parliamentary scrutiny) shall not apply to an order under this section.

(5) In this section—

“national emergency” means—

- (a) a natural disaster such as a hurricane, flood, earthquake or similar natural disaster or force majeure event;
- (b) a public health emergency declared by the Minister responsible for health under section 107A of the Public Health Act 1949;
- (c) a proclamation of emergency made by the Governor under section 14 of the Bermuda Constitution Order 1968.

[Section 17B inserted by 2021 : 14 s. 4 effective 31 March 2021]

Examination of auxiliary bicycle

18 (1) Subject to subsections (6) and (7), an auxiliary bicycle licence shall not be issued in respect of an auxiliary bicycle unless the auxiliary bicycle, at a date within four months before the date on which the licence is to come into force, has been examined by an examiner or inspector and has been certified by the examiner or inspector to be fit for use on the roads of Bermuda.

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(2) The Minister may before issuing an auxiliary bicycle licence in respect of any auxiliary bicycle require the auxiliary bicycle to be measured at a specified time and place.

(3) If the Minister has reason to suspect that a licensed auxiliary bicycle has ceased to be fit for use on the roads of Bermuda, then the Minister may order the owner or the person in charge of the auxiliary bicycle to produce it for examination by an examiner or inspector at a specified time and place, and thereupon—

- (a) if the order is not obeyed, then, without prejudice to any proceedings that may be taken in respect of the disobedience, the Minister may in his discretion order that the auxiliary bicycle shall not be used until the order is obeyed;
- (b) if on examination the auxiliary bicycle is found by an examiner or inspector to be unfit for use on the roads of Bermuda the Minister shall order that the auxiliary bicycle shall not be used until the examiner or inspector is satisfied that all necessary repairs, adjustments or alterations have been made.

(4) Where there has been a change of ownership of an auxiliary bicycle, otherwise than by reason of the death of the owner, the Minister before issuing or reissuing an auxiliary licence in respect of the auxiliary bicycle, may require the new owner to produce the auxiliary bicycle for examination by an examiner or inspector at a specified time and place; and if on examination the auxiliary bicycle is found by the examiner or inspector to be unfit for use on the roads of Bermuda the Minister shall refuse to issue or reissue an auxiliary bicycle licence in respect of the auxiliary bicycle until the examiner or inspector certifies that the auxiliary bicycle is fit for use as aforesaid.

(5) In determining whether an auxiliary bicycle is fit or unfit for use on the roads of Bermuda, the appearance and general condition of the auxiliary bicycle, as well as matters affecting its mechanical fitness or safety, shall be taken into consideration, and an auxiliary bicycle shall be deemed to be unfit for such purpose as aforesaid if its paintwork, fittings and other parts are not in reasonably good order and condition.

(6) The Minister may, in the case of a new auxiliary bicycle, other than an auxiliary bicycle purchased otherwise than through a dealer, authorize a dealer to examine the auxiliary bicycle.

(7) Where, pursuant to subsection (6), a dealer examines an auxiliary bicycle and the dealer certifies—

- (a) that the auxiliary bicycle is not an auxiliary bicycle purchased otherwise than through a dealer;
- (b) that the auxiliary bicycle is new;
- (c) that the auxiliary bicycle has been examined by him; and
- (d) that the auxiliary bicycle is fit for use on the roads of Bermuda,

that auxiliary bicycle shall be deemed to have been examined pursuant to subsection (1).

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(8) In this section “dealer” means a dealer in auxiliary bicycles.

[Section 18 amended by 1995:30 effective 30 June 1995; amended by 2008:44 s.13 effective 23 December 2008]

Duty to produce auxiliary bicycle for examination

19 (1) Notwithstanding anything in section 18(1), every livery auxiliary bicycle shall be examined by an officer of the Department at such intervals and upon such dates as the Minister may determine by notice to the owner or person in charge of the livery auxiliary bicycle.

(2) An examination carried out in pursuance of section 18(1) shall be regarded as an examination for the purposes of this section.

(3) For the purposes of this section the owner or person in charge of a livery auxiliary bicycle shall produce it for examination at such time and place as may be ordered by an officer of the Department.

(4) Section 18(3)(a) and (b), and section 18(5), shall apply in relation to an examination or order made or given under this section as they apply in relation to an examination or order made or given under section 18.

No auxiliary bicycle licence issued if traffic fine is unpaid

19A (1) An auxiliary bicycle licence shall not be issued or reissued if the owner of the auxiliary bicycle owes a fine imposed for —

- (a) a traffic offence within the meaning of the Traffic Offences (Penalties) Act 1976;
- (b) a traffic offence within the meaning of the Traffic Offences Procedure Act 1974; or
- (c) a parking offence within the meaning of the Traffic Offences Procedure Act 1974.

(2) Subsection (1) applies with respect to a fine even if the fine was imposed before that subsection came into operation.

[Section 19A inserted by 2005:28 s.2 effective 1 April 2006; subsection (1) amended by 2015 : 55 s. 11 effective 1 June 2017]

Licence duties

20 (1) Subject to this section, licence duties in respect of auxiliary bicycle licences shall be payable annually at the rate specified in the Schedule:

Provided that the first licence period instituted under this Act may at the discretion of the Minister be extended to cover a period not exceeding eighteen months, the licence duty payable being increased by one-twelfth part for each complete calendar month for which the licence period is so extended.

(2) Where an auxiliary bicycle licence is issued in respect of any auxiliary bicycle after the first day of the licence period, then the licence duty shall be reduced by one-twelfth

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part for each complete calendar month which has elapsed between the first day of the licence period and the date of the issue of the licence.

(2A) When an auxiliary bicycle licence is first issued in respect of a new auxiliary bicycle, the licence duty shall be calculated by reference to the number of days between the date on which the licence is issued and the date of expiry.

(3) The holder of any auxiliary bicycle licence issued under this Act shall, on surrendering it for cancellation to the Minister be entitled to a refund to be paid out of the Consolidated Fund of one-twelfth part of the annual duty payable on the licence for each complete calendar month of the licence period still to run:

Provided that the sum of seventy-two cents shall be deducted from the total amount so computed and shall not be refunded.

(4) In this section "licence period" means, in relation to an auxiliary bicycle licence issued in respect of an auxiliary bicycle of any particular class, or, as the case may be, an auxiliary bicycle having allotted to it any one of any particular series of identification numbers, the period of twelve months immediately preceding the date prescribed for the expiration of auxiliary bicycle licences issued in respect of auxiliary bicycles of that class or having allotted to them any of the numbers assigned to that particular series of identification numbers.

[Section 20 subsection (2A) inserted by 2003:12 s.2 effective 9 June 2003]

Auxiliary bicycle register

21 (1) The Minister shall keep a register (hereinafter in this Act referred to as "the auxiliary bicycle register") of all auxiliary bicycles in respect of which auxiliary bicycle licences have been issued, and of the owners of all such auxiliary bicycles; and the register shall contain such other particulars as may be prescribed.

(2) Any person, on payment of the prescribed fee—

- (a) may inspect the auxiliary bicycle register;
- (b) may require to be furnished with a certificate of the registration in the auxiliary bicycle register of any auxiliary bicycle or individual or with a certified copy of an entry in the auxiliary bicycle register.

(3) A certificate of registration or a certified copy of an entry in the auxiliary bicycle register furnished under this section shall be certified under the hand of an officer of the Department duly authorized by the Minister in that behalf and, if it purports to be so certified, shall in all legal proceedings, whether civil or criminal, be prima facie, evidence of the facts certified therein.

Identification numbers

22 The Minister shall assign a separate identification number to every auxiliary bicycle registered in the auxiliary bicycle register and shall enter in the auxiliary bicycle register and in each auxiliary bicycle licence the number so assigned.

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Use of unregistered auxiliary bicycle on road prohibited

23 No person shall use or cause or allow any other person to use an auxiliary bicycle on a road unless the auxiliary bicycle and its owner are duly registered in the auxiliary bicycle register and unless the identification number assigned to the auxiliary bicycle is fixed on the auxiliary bicycle in the prescribed manner.

Cancellation of registration

24 The Minister may cancel the registration in the auxiliary bicycle register of any auxiliary bicycle if the Minister is satisfied that the auxiliary bicycle—

- (a) has been destroyed;
- (b) has been rendered permanently unserviceable;
- (c) has been permanently removed from Bermuda; or
- (d) has not been licensed for one year.

Change of ownership

25 (1) On any change of ownership of an auxiliary bicycle otherwise than by reason of the death of the owner—

- (a) the auxiliary bicycle shall not be used on a road until the new owner is registered in the auxiliary bicycle register as the owner thereof; and
- (b) the former owner or his authorized agent shall within seven days deliver the auxiliary bicycle licence to the Minister and shall inform the Minister in writing and in such form as the Minister may require of the name and address of the new owner and of the date of the change of possession of the auxiliary bicycle.

(2) Application for the registration of a new owner of an auxiliary bicycle may be made before the actual transfer of the auxiliary bicycle but the registration of a new owner shall not be effective until the auxiliary bicycle licence has been surrendered to and reissued by the Minister.

(3) On the death of the registered owner of an auxiliary bicycle—

- (a) the auxiliary bicycle shall not be used until the registration of the new owner; and
- (b) the person into whose custody the auxiliary bicycle licence comes, shall within one month of the death deliver it to the Minister:

Provided that for one month after the death of the registered owner of the auxiliary bicycle it may be used without registration by a member of the household of the deceased owner, or, if the deceased owner was a part owner, by any other part owner or member of his household.

(4) On the registration of a new owner of an auxiliary bicycle the Minister shall make the necessary alterations in the auxiliary bicycle licence if it is still in force, and shall deliver the licence as altered to the new owner.

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(5) Nothing in the foregoing provisions of this section shall be construed so as to derogate from or abridge the provisions of section 17(4).

(6) In this section “member of his household” means in relation to the deceased owner or to the part owner of an auxiliary bicycle, a member of the same household as the deceased owner at the time of his death or a member of the same household as the part owner.

Minister may require information

26 (1) The Minister or any other person to whom application is made for anything to be done under those provisions of this Act which relate to the licensing and registration of auxiliary bicycles may require any statements made in the application to be verified.

(2) The registered owner of an auxiliary bicycle—

- (a) shall, whenever so required by the Minister, furnish the Minister in writing, and in such form as the Minister may direct, with any information which the Minister may consider necessary for the purpose of verifying the entries in the auxiliary bicycle register relating to the auxiliary bicycle;
- (b) shall immediately inform the Minister of any circumstance or event which affects the accuracy of any entry in the auxiliary bicycle register relating to the auxiliary bicycle.

Lost licences

27 The Minister, on proof to his satisfaction that an auxiliary bicycle licence, Bermuda youth licence or driver’s licence has been lost or destroyed, and on payment of the prescribed fee, shall issue a duplicate of the lost licence to the person entitled thereto:

Provided that if any such licence as aforesaid has been lost and is subsequently found, the holder of the duplicate shall forthwith deliver up to the Minister the duplicate; and any person knowingly retaining or having in his possession both an original and duplicate of any such licence as aforesaid commits an offence against this Act.

[Section 27 amended by 2009 : 22 s. 7 effective 1 April 2010]

Record of licences

28 The Minister shall keep a record of all auxiliary bicycle licences, Bermuda youth licences and driver’s licences issued by him.

[Section 28 amended by 2009 : 22 s. 8 effective 1 April 2010]

Regulations; licensing and registration

29 Provision may be made by regulations made under this Act—

- (a) with respect to the licensing and registration of auxiliary bicycles;
- (b) for prescribing identification numbers and plates and their position and dimensions, and for prescribing the charges that may be made by the Minister for the issue and replacement of plates.

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Minister may make regulations generally

30 (1) Subject to the succeeding provisions of this Act, the Minister may make regulations generally—

- (a) for administering this Act and for giving effect to its objects and intentions;
- (b) for the control and regulation of the use of auxiliary bicycles or any class of auxiliary bicycle;
- (c) for prescribing the conditions under which auxiliary bicycles may be used;
- (d) for regulating and controlling the design or the build of the body of auxiliary bicycles

(2) *[omitted][covered by Interpretation Act 1951 section 35]*

(3) Regulations made under any provision of this Act shall not, except as expressly provided in this Act, prescribe any charge or fee to be made or received in respect of any service performed, or duty executed, or power exercised, or permit granted, by or on behalf of the Minister.

Minister may make regulations for particular matters

31 Without prejudice to the generality of the power conferred on the Minister by section 30(1), and subject as therein mentioned, and without prejudice to the powers conferred by any of the foregoing provisions of this Act, the Minister may make regulations—

- (a) with respect to the forms to be used and the particulars to be given for any of the purposes of this Act;
- (b) for regulating the procedure to be observed in connection with appeals to the Minister against decisions of officers of the Department exercising functions delegated to them by the Minister under section 6;
- (c) with respect to any matter or thing which by or under this Act may be or is to be prescribed by regulations.

Parliamentary scrutiny of regulations

32 (1) Regulations made under this Act shall be published in the Gazette and, subject to this section, shall come into operation on the date of such publication or on such later date as may be provided in the regulations.

(2) The negative resolution procedure shall apply to regulations made under this Act.

Notices to be in writing

33 All notices, orders and other documents authorized or required by or under this Act or by or under regulations made thereunder to be given, made or issued by the Minister, and all notices and applications authorized or required by or under this Act or by or under any such regulations to be given or made to, the Minister, or to any officer of the Department shall be in writing.

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Authentication of documents

34 (1) Any notice, order or other document which the Minister is authorized or required by or under this Act, or by or under any regulations made thereunder, to give, make or issue may be signed on behalf of the Minister by any officer of the Department authorized by the Minister in writing to sign documents of the particular kind or, as the case may be, the particular document.

(2) Any document purporting to bear the signature of an officer expressed to be duly authorized by the Minister to sign such a document or that particular document, shall, for the purposes of this Act, and of any regulations made thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by or under the authority of the Minister.

Service of notices

35 Any notice, order or other document which is required or authorized by or under this Act to be given to or served upon any person may be given or served—

- (a) by delivering it to that person;
- (b) by leaving it, or by sending it in a prepaid letter addressed to that person, at that person's usual or last known residence;
- (c) in the case of a corporate body or other body of persons, by delivering it to the secretary or clerk thereof at their registered or principal office, or by sending it in a prepaid letter addressed to the secretary or clerk at that office.

When orders of Minister take effect

36 Except as otherwise provided by this Act, any prohibition, restriction or condition made or imposed by way of a notice, order or other document given to any person shall not be effective until the notice, order or other document is given to or served upon that person in the appropriate manner provided in section 35.

Driver must stop on request of police officer

37 (1) The driver of an auxiliary bicycle on any road shall, when requested to do so by a police officer in uniform or by a traffic officer in uniform or when a police officer in uniform or a traffic officer in uniform signals him to do so, immediately bring the auxiliary bicycle to a stop and keep it stationary until the police officer, or, as the case may be, the traffic officer, allows him to proceed.

(2) A police officer or a traffic officer may give a signal to stop an auxiliary bicycle by raising his hand, or by waving from side to side a red light.

Driver must give name and address and produce licence

38 (1) A person driving an auxiliary bicycle on any road, or for the time being in charge of an auxiliary bicycle on any road, shall give his name and address when so required by a police officer or a traffic officer.

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(2) A person driving an auxiliary bicycle on any road or for the time being in charge of an auxiliary bicycle on any road shall produce the auxiliary bicycle licence issued in respect of the auxiliary bicycle, when so required by a police officer or by a traffic officer:

Provided that it shall be a sufficient compliance with any requirement by a police officer or a traffic officer under this subsection if the person on whom the requirement is imposed produces the auxiliary bicycle licence at a police station within seven days after the time of the requirement.

Defective equipment

39 (1) If a police officer or a traffic officer has reasonable cause to believe that any auxiliary bicycle which is being used on a road, or any equipment or any part thereof required to be fitted to or carried on the auxiliary bicycle, is unfit for the purpose for which it is being used, he may order the rider to stop the auxiliary bicycle and may thereupon inspect the auxiliary bicycle and its equipment.

(2) Where, as a result of an inspection under subsection (1), it appears to the police officer or traffic officer that the use of the auxiliary bicycle on a road—

- (a) is likely to cause injury or damage to persons or property; or
- (b) is likely to be objectionable to road users or to persons in its vicinity by reason of noise, vibration, smoke or smell,

by reason of the condition of the auxiliary bicycle or of the condition of any of the equipment or parts thereof, then in either case, if he is a police officer, he may forthwith cause the auxiliary bicycle to be taken in the condition in which he found it to an examiner, inspector or traffic officer, or may cause the auxiliary bicycle to be detained in that condition until it can be examined by the examiner, inspector or traffic officer or if he is a traffic officer, he may forthwith cause the auxiliary bicycle to be detained in that condition until he or an examiner, inspector or another traffic officer, can examine the auxiliary bicycle.

(3) Where an auxiliary bicycle is to be examined by an examiner, inspector or traffic officer under subsection (2) the examination shall take place as soon as practicable; and if as a result of the examination the auxiliary bicycle is found by the examiner, inspector or traffic officer to be in good working order it shall forthwith be made available at the place where the examination took place to its owner or to a person appointed by him; but if the auxiliary bicycle is found not to be in good working order then it shall be dealt with according to law.

[Section 39 amended by 2008:44 s.13 effective 23 December 2008]

Owner must give information as to rider and passengers

40 Where a police officer or a traffic officer has reason to suspect that an offence in connection with the use of an auxiliary bicycle on any road has been committed, that or any other police officer or traffic officer may require the owner of the auxiliary bicycle to give all information in his possession as to the name, address, description, antecedents and whereabouts of the driver and of any passenger on the auxiliary bicycle at the time of the alleged offence and also any information in his possession which may lead to the identification or apprehension of the offender.

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Arrest

41 Without prejudice to any provision of any Act authorizing arrest without warrant, a police officer or traffic officer may arrest without warrant the driver of an auxiliary bicycle whom the police officer or traffic officer has reason to suspect of having committed an offence against this Act if the driver, on being requested to do so by the police officer or traffic officer, refuses to give his name and address.

Prosecution of offences

42 Offences against this Act or against any regulations made thereunder shall be prosecuted before a court of summary jurisdiction.

Registered owner deemed to be the owner

43 For the purposes of any proceedings under this Act the person who is registered as the owner of an auxiliary bicycle shall be deemed to be the owner of that auxiliary bicycle.

Responsibility of rider and owner for offences

44 (1) If with respect to the use of an auxiliary bicycle on any road, there is proved to be a contravention of any provision of this Act or any regulation made thereunder, or any order, demand, requirement or direction lawfully issued, made or given under this Act or any such regulation, then—

(a) the driver of the auxiliary bicycle shall be deemed to be guilty of the contravention:

Provided that it shall be a defence for the driver to prove that the contravention was not due to any act, omission, neglect or default on his part;

(b) the owner of the auxiliary bicycle shall also be deemed to be guilty of the contravention:

Provided that it shall be a defence for the owner to prove that the contravention occurred without his consent and was not due to any act or omission on his part.

(2) In this section, “contravention”, in relation to any provision, order, demand, requirement or direction, includes a failure to comply with that provision, order, demand, requirement or direction.

Contraventions

45 Any person who contravenes or fails to comply with any provision of this Act or of any regulation made thereunder, or who fails to comply with any order, demand, requirement or direction lawfully issued, made or given under this Act or under any such regulation, commits an offence against this Act:

Provided that where a person engaged or employed in the administration of this Act omits to perform any duty imposed upon him as such, the omission shall not constitute an offence against this Act.

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General punishment

46 A person guilty of an offence against this Act for which no special punishment is provided shall be liable in respect of each offence to the punishment specified in Schedule 1 to the Traffic Offences (Penalties) Act 1976 [*title 21 item 13*].

Fraud

47 (1) Any person—

- (a) who, in or in connection with an application for the issue of an auxiliary bicycle licence, or any change or correction in any such licence, or the registration of an auxiliary bicycle, or in connection with the issue of any permit or certificate, makes any statement which to his knowledge is in any material respect false or misleading; or
- (b) who fraudulently imitates, alters or uses, or fraudulently lends or allows to be used by any other person any identification plate, auxiliary bicycle licence, or certificate of registration issued or deemed to have been issued under this Act,

commits an offence against this Act:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,680 or both such imprisonment and fine; and any licence or certificate wrongfully obtained or dealt with by him as aforesaid shall have no effect.

(2) Any person who, in giving any information lawfully demanded or required under this Act or under any regulations made thereunder (otherwise than in connection with the matters set out in the foregoing subsection) makes any statement which to his knowledge is in any material respect false or misleading commits an offence against this Act:

Punishment on summary conviction: imprisonment for 3 months or a fine of \$840 or both such imprisonment and fine.

(3) Nothing in the foregoing provisions of this section shall be construed so as to derogate from or abridge any provision of the Criminal Code [*title 8 item 31*].

Evidence; examiner's or inspector's certificate

48 If in any proceedings taken before a court under this Act any question arises whether an auxiliary bicycle or any part of its equipment is or is not in compliance with any provision of this Act or of any regulation made thereunder, or of any order or requirement lawfully made or imposed under this Act or any such regulation, then the certificate of an examiner or inspector that he has examined the auxiliary bicycle or its equipment and as to the result of his examination shall be admissible in evidence and shall be, prima facie, evidence of any fact or opinion stated therein relating to the matter in question; and the court shall not permit the examiner or inspector to be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be of such a

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nature as to necessitate the cross-examination of the examiner or inspector or unless for any reason the court considers cross-examination to be necessary in the interests of justice.

[Section 48 amended by 2008:44 s.13 effective 23 December 2008]

Conflict with other laws

49 Except as otherwise expressly provided, wherever the provisions of this Act or of any regulations made thereunder are in conflict with the provisions of any other law, the provisions of this Act and of regulations made thereunder shall prevail.

Savings; liability under other Acts or at common law

50 Subject to section 49, 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.

Commencement and transitional

51 *[omitted]*

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SCHEDULE

(Section 20(1))

AUXILIARY CYCLES

Privately owned	\$61.32
Livery	\$88.20

[Schedule amended by 1992:22 effective 1 April 1992; by 1994:11 effective 1 April 1994; by 1995:19 effective 1 April 1995; by 1997:11 effective 1 April 1997; repealed and replaced by 1999:7 s.2 effective 1 April 1999; by 2001:9 s.2 effective 1 April 2001; by 2004:11 s.2 effective 1 April 2004; by 2006:7 s.2 effective 1 April 2006; by 2008:1 s.2 effective 1 April 2008; Schedule amended by 2010 : 26 s. 2 effective 1 April 2010; Schedule repealed and replaced by 2018 : 10 s. 2 effective 1 April 2018]

[Assent Date: 7 July 1954]

[This Act was brought into operation on 1 October 1955]

[Amended by:

1955 : 67
1956 : 142
1964 : 243
1967 : 127
1968 : 48
1968 : 222
1969 : 369
1971 : 83
1973 : 45
1974 : 7
1975 : 38
1976 : 29
1976 : 30
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1985 : 4
1988 : 26
1989 : 3
1990 : 25
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1994 : 11
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2003 : 12
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2005 : 28
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2008 : 1
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BR 11 / 2009
2009 : 22
2010 : 26
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2018 : 10
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