



BERMUDA

MOTOR-CYCLES AND AUXILIARY BICYCLES (SPECIAL MEASURES OF CONTROL) ACT 1953

1953 : 26

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8	<i>[repealed]</i>

*[preamble and words of enactment omitted]*

Interpretation

- 1 In this Act—
- “motor-cycle” and “auxiliary bicycle” have the meanings respectively assigned to them by the Motor Car Act;
- “the Auxiliary Bicycles Act” means the Auxiliary Bicycles Act 1954 *[title 21 item 7]*; and any reference to the Auxiliary Bicycles Act shall be construed as including a reference, where the context allows, to any statutory instrument for the time being in force thereunder;
- “driver’s licence” means a driver’s licence within the meaning of the Motor Car Act, and any reference to a driver’s licence shall be construed as including, where

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the context allows, a reference to a learner's permit within the meaning of that Act;

"the Minister" means the Minister responsible for transport;

"the Motor Car Act" means the Motor Car Act 1951 [*title 21 item 4*]; and any reference to the Motor Car Act shall be construed as including a reference, where the context allows, to any statutory instrument for the time being in force thereunder.

"guided tour vehicle" has the meaning provided in section 101E of the Motor Car Act 1951;

*[Section 1 definition "the Minister" amended by BR 5 / 2011 para. 5 effective 25 February 2011; Section 1 definition "tour quadricycle" inserted by 2018 : 43 s. 6 effective 30 July 2018; Section 1 definition "tour quadricycle" substituted by "guided tour vehicle" by 2022 : 17 s. 13 effective 17 June 2022]*

### Savings for other Acts

2 Except as otherwise expressly provided, nothing in this Act shall be construed so as to derogate from or abridge any provision of the Motor Car Act or of the Auxiliary Bicycles Act, or of the Motor Car Insurance (Third Party Risks) Act 1943 [*title 21 item 5*], or of the Road Traffic Act 1947 [*title 21 item 3*].

### Minister may declare certain auxiliary bicycles to be motor-cycles

3 (1) Subject to this section and notwithstanding anything in the Motor Car Act, or in the Auxiliary Bicycles Act, the Minister may declare all auxiliary bicycles of any particular class, make or model to be motor-cycles; and, as from the day on which any such declaration becomes effective as hereinafter provided, such bicycles shall for the purposes of any Act or statutory instrument be treated, subject to this Act, as motor-cycles.

(2) The Minister shall not exercise the power conferred upon him by subsection (1) unless he is satisfied that, as respects the auxiliary bicycles of the class, make or model in question, it is expedient to exercise such power in the interests of road safety or of the maintenance of the amenities of Bermuda.

(3) Any such declaration as is mentioned in subsection (1) shall be published in the Gazette, and shall become effective on a day six weeks after such publication, or on such later day as may be specified in the declaration:

Provided that as from the date that any such declaration is published in the Gazette the Minister may refuse to register for the first time, under the Auxiliary Bicycles Act, any auxiliary bicycle of the class, make or model affected by the declaration, where the applicant has acquired the auxiliary bicycle (whether by purchase or otherwise) since the date of publication of the declaration.

(4) The negative resolution procedure shall apply to a declaration made under this section.

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Minister may approve particular class, make or model

4 (1) Without prejudice to section 3, the Minister may declare by notice published in the Gazette that motor-cycles or auxiliary bicycles of a particular class, make or model are approved motor-cycles or auxiliary bicycles for use in Bermuda.

(2) Any person who imports into Bermuda any motorcycle or auxiliary bicycle which is not an approved motor-cycle or auxiliary bicycle commits an offence against this Act:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$3,360; and in addition to any punishment which may be imposed, the court shall order that the motor-cycle or auxiliary bicycle concerned in the offence shall be impounded for a period of not less than one month and not exceeding six months.

(3) Subsection (2) shall not apply to a person who is a dealer in motor-cycles or auxiliary bicycles and who imports a motor-cycle or auxiliary bicycle into Bermuda for the sole purpose of demonstration to the Minister.

(4) The negative resolution procedure shall apply to a declaration made under this section.

Restriction on importation of motor cycle over 100cc

5 (1) Subject to subsection (2), the importation—

(a) of any four-stroke motor-cycle which has—

(i) an engine capacity greater than 150 cubic centimetres; or

(ii) a horsepower rating greater than 15 horsepower or 11.25 kilowatts; or

(b) of any two-stroke motor-cycle which has an engine capacity greater than 100 cubic centimetres, or after 31 December, 2004, of any two-stroke motor-cycle,

is prohibited.

(2) Subsection (1) shall not apply to any motor cycle which is imported under the authority of a permit issued by the Minister and in accordance with any conditions specified in the permit.

(3) Any person who imports a motor-cycle in contravention of subsection (1) commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$3,500.

*[Section 5 subsection (1) substituted by 2002:24 s.2 effective 15 August 2002]*

Importation and sale of engine upgrade kits

5A (1) In this section “upgrade kit” means a kit consisting of a cylinder block or piston, or both, which, when fitted to the motor of a motor-cycle, guided tour vehicle or auxiliary bicycle, increases the cubic capacity of the motor.

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(2) Subject to subsection (3), the importation of an upgrade kit that enables the cubic capacity or horsepower rating of the motor of—

- (a) a four-stroke motor-cycle to exceed 150 cubic centimetres or 15 horsepower (11.25 kilowatts); or
- (b) a two-stroke motor-cycle or auxiliary bicycle to exceed 100 cubic centimetres or, after 31 December, 2004, to exceed 50 cubic centimetres,
- (c) a guided tour vehicle to exceed 150 cubic centimetres or 20 horsepower (15 kilowatts),

is prohibited.

(3) Subsection (2) does not apply to an upgrade kit which is imported under the authority of a permit issued by the Minister and in accordance with the conditions of the permit.

(4) Where a person sells an unused upgrade kit to a purchaser, he shall require the purchaser to provide the following information—

- (a) his name, address and date of birth; and
- (b) the frame and engine numbers of the motor-cycle or auxiliary bicycle to which the upgrade kit is to be fitted,

and shall send the information to the Director of Transport Control in such form as the Director may approve.

(5) The following—

- (a) a person who imports an upgrade kit in contravention of subsection (2);
- (b) a person who contravenes subsection (4); and
- (c) a purchaser who fails or refuses to provide the information required by subsection (4),

are guilty of an offence and liable on summary conviction to a fine of \$3500 or imprisonment for 6 months.

*[Section 5A inserted by 2001:17 s.2 effective 7 December 2001; subsection (2) substituted by 2002:24 s.3 effective 15 August 2002; Section 5A amended by 2018 : 43 s. 6 effective 30 July 2018; Section 5A amended by 2022 : 17 s. 13 effective 17 June 2022]*

Protective headgear must be worn

6 (1) Every person driving or riding on a motor-cycle on any highway shall wear protective headgear.

(2) Any person who drives or rides on a motor-cycle in contravention of subsection (1) or who drives a motor-cycle on a highway when any passenger riding thereon does not wear protective headgear as required by that subsection commits an offence:

Punishment on summary conviction: the penalty specified in Schedule 1 to the Traffic Offences (Penalties) Act 1976 [*title 21 item 13*].

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(3) In this section—

“estate road” has the same meaning as in section 2(1) of the Motor Car Act;

“highway” means any street, road or place over which the general public have a right of way and includes an estate road;

“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.

(4) A person who sells or offers for sale any protective headgear other than a headgear conforming with the standard of protective headgear specified in subsection (3) commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$3,500.

(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 (3).

(6) An order under subsection (5) shall be subject to the negative resolution procedure.

*[Section 6 subsection (3) “protective headgear” substituted, subsection (4) amended, and (5)-(6) inserted, by 2003:18 s.2 effective 2 December 2003]*

Issue of drivers’ licences for auxiliary bicycles declared by Minister to be motor cycles

7 (1) Notwithstanding anything in the Motor Car Act, where the auxiliary bicycles of any particular class, make or model are declared by the Minister in exercise of the powers conferred upon him by section 3 to be motor-cycles, the succeeding provisions of this section shall have effect with respect to drivers’ licences for the driving of such motor-cycles.

(2) Any person of or above the age of sixteen years who was, immediately before any declaration of the Minister made under section 3 became effective, registered as the owner of an auxiliary bicycle affected by such declaration, may, subject to compliance with the other conditions relating to the issue of a driver’s licence under the Motor Car Act, be entitled to be issued with a driver’s licence valid for the driving of that particular bicycle subsequent to its being declared to be a motor-cycle, notwithstanding that he has not attained the age of eighteen years; and any such licence may be re-issued, subject to compliance with such conditions as aforesaid, from time to time:

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Provided that any such driver's licence shall for so long as the holder thereof is under eighteen years of age be endorsed with the registration number of the motor-cycle of which the holder of the licence was, immediately before the declaration became effective, the registered owner under the Auxiliary Bicycles Act; and any such driver's licence shall not be valid for the riding of any other motor-cycle until such time as the holder of the driver's licence attains the age of eighteen years.

*[Section 7 subsection (2) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]*

8        *[Repealed]*

[Assent Date: 15 May 1953]

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*[Amended by:*

1953 : 72  
1954 : 62  
1965 : 12  
1968 : 222  
1969 : 373  
1973 : 49  
1974 : 10  
1975 : 38  
1976 : 30  
1977 : 35  
1981 : 25  
2001 : 17  
2001 : 20  
2002 : 24  
2003 : 18  
BR 5 / 2011  
2018 : 43  
2022 : 17]