



BERMUDA

MOTOR CAR (CONSTRUCTION, EQUIPMENT AND USE) REGULATIONS 1952

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[made under sections 11, 102 and 103 of the Motor Car Act 1951 and brought into operation on 9 February 1952]

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Citation

- 1 These Regulations may be cited as the Motor Car (Construction, Equipment and Use) Regulations 1952.

Interpretation and application to use on roads

- 2 (1) In these Regulations—
 - “driver”, in relation to a motor car, means any person operating or driving the motor car;
 - “Gross Vehicle Weight (GVW)” means the maximum weight that a motor vehicle should not exceed;
 - “road” means a highway, an estate road and a naval or military road;
 - “wheel”, in relation to a motor car or a trailer, means a wheel the rim or tyre of which, when the motor car or trailer is in motion, is in contact with the ground.
- (2) Except as hereinafter otherwise expressly provided, these Regulations shall apply in relation to the use of motor cars and trailers on any road.

[Regulation 2 paragraph (1) "Gross Vehicle Weight" inserted by BR 37 / 2011 reg. 2 effective 15 July 2011]

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View ahead

3 Every motor car shall be so designed and constructed that the driver thereof, while using the motor car, can at all times have a full view of the road and of traffic ahead of the motor car.

Springs

4 (1) Every motor car and trailer when used upon a highway or estate road shall be equipped with suitable and sufficient springs between each wheel and the frame of the motor car or trailer:

Provided that this regulation shall not apply in relation to—

- (a) any motor-cycle;
- (b) any tractor of which the Gross Vehicle Weight (GVW) does not exceed one ton;
- (c) any self-propelled constructional machine;
- (d) any trailer used with a small tractor;
- (e) *[deleted by 1976:58]*
- (f) any other class of motor car or trailer which the Minister may by notice in the Gazette exempt from this Regulation.

(2) Notwithstanding anything in paragraph (1), the Minister may grant permission for the use of a motor car or trailer which is not equipped with springs in accordance with paragraph (1) for the purpose of the transportation of any load where the Minister is satisfied—

- (a) that the circumstances in which the transportation is required are exceptional; and
- (b) that transportation by other means would cause grave inconvenience,

and the Minister in granting any such permission may impose conditions or limitations with respect to the highways on which the motor car or trailer is to be used.

[Regulation 4 paragraph (1)(b) amended by BR 37 / 2011 reg. 3 effective 15 July 2011]

Brakes

5 (1) Every motor car (other than a motor cycle, a self-propelled constructional machine, or a tractor to which nothing in this regulation applies) shall be equipped with an efficient general braking system—

- (a) which is in conformity with this regulation; and
- (b) which is, as regards its design and the specifications of its various parts, of such design and of such specifications as the Minister may from time to time consider satisfactory.

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(2) Any general braking system with which a motor car is equipped shall be so designed that it incorporates two distinct methods of applying the brakes to the wheels of the motor car, and those parts of the general braking system operated by the two methods of application are referred to respectively in this regulation as “the main brake system” and “the emergency brake system”.

(3) The operation of the main brake system shall be such as to have the effect of applying brakes to all four wheels of the motor car, and the actuating device of that system shall be so designed and fitted to the motor car that it is at all times within easy reach of the driver.

(4) The operation of the emergency brake system shall be such as to have the effect of applying brakes to not less than two wheels of the motor car:

Provided that where brakes are so applied to two wheels only those wheels shall be the rear wheels of the motor car.

(5) The actuating device of the emergency brake system shall be so designed and fitted in the motor car that it can be left set in such a position that the brakes operated by that system remain applied when the motor car is not being driven or is left unattended.

(6) The actuating devices of the main brake system and the emergency brake system shall be independent one of the other.

(7) Where the main brake system is operated through the agency of any hydraulic, electric or pneumatic device the emergency brake system shall be such as to operate independently of the main brake system through the agency of rods, cables or other mechanical means of operation.

(8) No braking system shall be so constructed or fitted as to be rendered ineffective by the non-rotation of the engine of the motor car.

(9) Every part of every braking system, and of the means of operation thereof, shall, at all times while the motor car is in use, be maintained in good and efficient working order and shall be so adjusted—

- (a) that sufficient braking force can be applied to the wheels of the motor car so as to bring it to a standstill within a reasonable time from the application of the main or emergency brake system; and
- (b) that the braking force is applied to the wheels of the motor car in such manner as to reduce to a minimum the liability of the motor car to swerve or skid.

Brakes on motor cycles

6 (1) Every motor cycle shall be equipped with an efficient braking system or efficient braking systems in either case having two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted there shall still be available for application by the driver to at least one wheel

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of the motor cycle brakes sufficient under the most adverse conditions to bring the motor cycle to a standstill within a reasonable distance.

(2) The application of one means of operation shall be such as not to affect or operate the pedal or hand lever of the other means of operation.

(3) Every part of the braking system or systems and of the means of operation thereof shall at all times when the motor cycle is in use, be maintained in good and efficient working order and shall be so adjusted—

- (a) that sufficient braking force can be applied to the wheels of the motor cycle so as to bring it to a standstill within a reasonable time from the application of the brake; and
- (b) that the braking force is applied to the wheels of the motor cycle in such manner as to reduce the liability of the motor cycle to swerve or skid.

Brakes on self-propelled construction machines

7 (1) Every self-propelled constructional machine shall be equipped with an efficient general braking system which is, as regards its design and the specifications of its various parts, of such design and of such specifications as the Minister may from time to time consider satisfactory.

(2) Every part of the braking system, and of the means of operation thereof, shall, at all times while the self-propelled constructional machine is in use, be maintained in good and efficient working order and shall be so adjusted—

- (a) that sufficient braking force can be applied to the wheels or tracks of the self-propelled constructional machine so as to bring it to a standstill within a reasonable time from application of the brake; and
- (b) that the braking force is applied to the wheels or tracks of the self-propelled constructional machine in such manner as to reduce to a minimum the liability of the self-propelled constructional machine to swerve or skid.

Brakes on tractors

8 (1) Every tractor shall be equipped with an efficient general braking system—

- (a) which is in conformity with this regulation; and
- (b) which is, as regards its design and the specifications of its various parts, of such design and of such specifications as the Minister may from time to time consider satisfactory.

(2) The operation of the braking system shall be such as to have the effect of applying brakes to not less than two wheels of the tractor:

Provided that where brakes are so applied to two wheels only those wheels shall be the rear wheels of the tractor.

(3) The actuating device of the braking system shall be so designed and fitted to the tractor that it is at all times within easy reach of the driver.

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(4) The actuating device of the braking system shall be so designed and fitted in the tractor that it can be left in such a position that the brakes operated by that system remain applied when the tractor is not being driven or is left unattended.

(5) No braking system shall be so constructed or fitted as to be rendered ineffective by the non-rotation of the engine of the tractor.

(6) Every part of the braking system, and of the means of operation thereof, shall at all times when the tractor is in use, be maintained in good and efficient working order and shall be so adjusted—

(a) that sufficient braking force can be applied to the wheels of the tractor so as to bring it to a standstill within a reasonable time from the application of the brake; and

(b) that the braking force is applied to the wheels of the small tractor in such manner as to reduce the liability of the tractor to swerve or skid.

9 *[repealed by 1976:58]*

Brakes on trailers

10 (1) No trailer shall be used on a highway or estate road when the gross weight of the trailer together with the load carried thereon exceeds six tons unless the trailer is equipped with an independent braking system whose operation is such as to have the effect of applying brakes to not less than two wheels of the trailer.

(2) The actuating device of any such independent braking system-

(a) shall be so designed and fitted to the trailer and to the motor car by which it is drawn that it is at all times within easy reach of the driver of the motor car; or

(b) shall be so designed and fitted to the trailer and to the motor car by which it is drawn that the brakes on the wheels of the trailer are automatically applied whenever there is no tension in the coupling of the draw bar or shaft of the trailer with the motor car by which the trailer is drawn; or

(c) shall be so designed and fitted to the trailer that it is at all times within easy reach of the brakesman.

(3) Where a trailer is equipped with a braking system of the type mentioned in paragraph 2(c) it shall not be used on a highway or estate road in the circumstances mentioned in paragraph (1) unless a competent brakesman is carried on the trailer.

(4) Without prejudice to this regulation, no trailer shall be used on a highway or estate road when the gross weight of the trailer together with the load carried thereon exceeds twice the unladen weight of the motor car by which it is drawn,

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Coupling of trailers

11 The couplings of a draw bar or shaft of a trailer with the motor car by which it is drawn shall, as regards its design and the specifications of its parts, be of such design and of such specifications as the Minister may from time to time consider satisfactory.

Reversing

12 Every motor car, except a motor cycle, shall be capable of being so worked that it may travel either forwards or backwards.

Mudguards

13 Every motor car except a self-propelled constructional machine, or tractor shall when the motor car is used on a highway or estate road be equipped with mudguards, or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

Emissions

14 Every motor car shall be so constructed that no avoidable smoke or visible vapour is emitted therefrom.

Tyres

15 All the wheels of a motor car or trailer shall when the motor car or trailer is used on a highway or estate road be fitted with pneumatic tyres of proper dimensions:

Provided that the Minister in special cases, and subject to such conditions as to use as he may in the circumstances impose, may permit the use of a motor car or trailer of which the wheels are not fitted with pneumatic tyres.

Headlights

16 (1) With respect to the carriage of headlights on motor cars, subject as hereinafter in this regulation provided—

- (a) where headlights are carried on a motor car other than a motor cycle, two headlights shall be carried;
- (b) not more than one headlight shall be carried on a motor cycle;
- (c) *[deleted by 1976:58]*
- (d) no headlight shall be carried in such a manner that the centre of the lamp is more than four or less than two feet above a plane surface upon which the motor car is standing;
- (e) where two headlights are carried on a motor car, they shall be placed—
 - (i) at equal distance from the centre of the front of the motor car; and
 - (ii) at equal heights above the plane surface upon which the motor car is standing;
- (f) a headlight shall be affixed to a motor car in a secure manner.

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(2) Where a headlight is carried on a motor car, then with respect to the beam of light projected therefrom—

- (a) the light shall be a white light; and
- (b) the centre light of the beam shall be projected directly to the front of the motor car; and
- (c) the intensity of light shall not exceed 45 mean spherical candle power; and
- (d) the beam of light shall be properly focused; and
- (e) notwithstanding anything in the foregoing provisions of this paragraph, each headlight of a motor car shall be so adjusted that when the motor car stands upon a plane surface and the beam of light of that headlight is projected upon a vertical surface 25 feet from the lens of that headlight, the centre of the beam of light is, at the point where it falls upon the vertical surface, one foot lower than the height of the centre of the lens of that headlight, measured from the plane surface upon which the motor car stands.

(3) Every motor car on which two headlights are carried shall be provided with a dipping mechanism which can conveniently be operated by the driver of the motor car and which, when operated so as to reduce the glare of the headlights carried on the motor car, causes the beams of both headlights to be lowered simultaneously.

(4) Notwithstanding anything in the foregoing provisions of this regulation, the Minister where, having regard to all the circumstances it appears to him expedient to do so, may grant permission to any person, subject to such conditions as he may think fit to impose, to carry headlights on a motor car which by reason of their number, situation, intensity or light projected or for any other reason would not be in conformity with this regulation.

(5) No person shall use a motor car on which two headlights are carried—

- (a) when only one of the headlights is projecting a beam of light; or
- (b) when the intensity of the beam of light projected by one headlight varies substantially from the intensity of the beam of light projected by the other headlight.

(6) In this regulation—

- (a) “headlight”, in relation to a motorcar, means any lamp carried on the motor car capable of projecting a beam of light of an intensity exceeding 4 mean spherical candle power, and which is designed to illuminate objects at a distance from the motor car;
- (b) “dipping mechanism”, in relation to a motor car, means a mechanism for reducing the glare of the headlights carried thereon, and—
 - (i) which when operated to reduce the glare causes the operation specified in paragraph (3) to take effect; and

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- (ii) which can be operated so as to return the beams of the headlights to the adjustment specified in paragraph (2)(c);
- (c) "properly focussed", in relation to the beam of light of a headlight, means focussed in such a manner that the intensity of that beam of light, when projected upon a surface in accordance with paragraph (2)(e), does not exceed 5000 beam candle power in any part of the beam which is more than eight inches above its centre;
- (d) any reference to a plane surface upon which a motor car stands for the purposes of determining any question respecting the situation of any headlight on the motor car, or the direction or intensity of any beam of light projected by a headlight, shall be construed as referring to a horizontal surface; and any reference to a vertical surface shall be construed as referring to a vertical plane surface.

(7) Nothing in this regulation shall prohibit the use of double-headlights, that is to say, a pair of headlights placed close enough together to form substantially one headlight, and where a motor car is equipped with such double-headlights, then any reference in this regulation to "one headlight" shall be construed as a reference to one pair of headlights.

Speed indicators

17 (1) Every motor car, other than a self-propelled constructional machine, a tractor or a motor car which is incapable by reason of its construction of exceeding a speed of 10 m.p.h. on the level under its own power, shall be fitted with an instrument so constructed and in such position, and provided with such a lighting device, as at all times readily to indicate to the driver the speed at which the motor car is travelling when it is being driven at a speed in excess of 10 m.p.h. :

Provided that the Minister may by order allow any fire-engine to be used subject to such conditions as may be specified in the order notwithstanding that the fire-engine is not fitted with an instrument for indicating speed.

(2) Every instrument for indicating speed, and any lighting device installed in connection therewith, shall, while the motor car is in use—

- (a) be maintained in good and efficient working order; and
- (b) be kept free from any obstruction which might prevent its being easily read:

Provided that where owing to mechanical breakdown or other cause any such instrument ceases to operate or ceases to operate accurately, then if in any such case—

- (i) the circumstances are reported to the Minister; and
- (ii) the Minister is satisfied that reasonable steps are being taken to have the instrument repaired or replaced, the use of the motor car shall not be unlawful notwithstanding that the instrument is not in good and efficient working order.

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Windscreen wipers

18 (1) An efficient windscreen wiper shall be fitted to every motor car (other than a motor-cycle) which has a windscreen so installed that it is fixed or can be adjusted in such manner that, to obtain an adequate view to the front, the driver is compelled to look through the windscreen.

(2) A windscreen wiper fitted as aforesaid—

- (a) shall be of such design and of such dimensions; and
- (b) shall be fitted in such position and in such manner,

as the Minister may from time to time consider satisfactory.

(3) A windscreen wiper fitted as required by this regulation shall, while the motor car is in use, be maintained in good and efficient working order and shall be properly adjusted.

Mirrors

19 Every motor car, other than a motor cycle, shall be equipped, either internally or externally, with a mirror so constructed and fitted to the motor car as to assist the driver to become aware of traffic to the rear of the motor car.

Safety glass

20 (1) Except as authorized in these Regulations, the windscreens and all other windows of every motor car to which these Regulations apply shall comply with the requirements specified in paragraph (2).

(2) The requirements referred to in paragraph (1) are as follows:

- (a) the windscreen and all other windows shall be constructed of safety glass;
- (b) subject to sub-paragraph (c), the windscreen shall have a visual transmission for light of not less than seventy per cent when measured perpendicular to the surface by an approved instrument; and
- (c) there may be affixed to the top of the windscreen, along its width and in such a position as not to interfere with the vision of either the driver, or a passenger carried in the front seat, of the motor car, tinted film, sunshading material or other coloured material measuring no more than six inches in width, if the material is of a type that is authorized by a directive of the Minister and the visual transmission of light along the width of the material is not less than thirty-five per cent when measured perpendicular to the surface by an approved instrument; and
- (d) where a motor car is equipped with a mirror externally, on the forward passenger window, and the driver side window, all windows, other than the windscreen, may have affixed to them tinted film, sun shading material or other coloured material if the material is of a type that is authorised by a directive of the Minister and the visual transmission of light through the windows—

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- (i) in the case of the forward passenger window, and the driver side window, is not less than thirty-five percent; and
- (ii) in the case of the rear passenger windows, and the rear windscreen, is not less than twenty-four percent,

when measured perpendicular to the surface by an approved instrument.

(3) In this regulation the expression “safety glass” means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts.

[Regulation 20 amended by BR 7/1991 effective 1 May 1991; by BR 70/1996 effective 13 December 1996; para 2(d) substituted by BR 12/2003 effective 14 March 2003; para (2)(d) amended by BR 90 / 2015 reg. 2 effective 6 November 2015]

Authorizing the affixing of tinted film etc.

20A (1) Regulation 20 does not apply—

- (a) to a motor car when it is being used by or is being regularly used for the purpose of transporting a person with a medical condition that renders the person susceptible to harm or injury from exposure to sunlight;
- (b) *[deleted by BR 70/1996]*
- (c) to any class of motor car that the Minister in his discretion exempts from complying with all or any of the requirements specified in regulation 20.

(2) Where a motor car is used in the manner mentioned in paragraph (1)(a), it may have affixed to all or any of its windows tinted film, sunshading material or other coloured material if—

- (a) the tinted film, sunshading material or other coloured material is of a type that is authorized by notice of the Minister; and
- (b) the registered owner of the motor car had obtained prior permission of the Minister to so affix.

(3) Where prior permission referred to in paragraph (2)(b) is to be obtained from the Minister, the registered owner of the motor car shall apply to him for the permission which permission the Minister may or may not grant or may grant with conditions.

(4) An application made pursuant to paragraph (3) shall be accompanied by a certified statement from a physician who is a registered medical practitioner under a law in force in Bermuda or an optometrist who is registered under a law in force in Bermuda stating that in the physician's or optometrist's view the affixing to the motor car's windscreen and windows tinted film, sunshading material or other coloured material is necessary to safeguard the health of the user of or of the person being transported in the motor car.

(5) *[deleted by BR 70/1996]*

[Regulation 20A inserted by BR 7/1991 effective 1 May 1991; and amended by BR 70/1996 effective 13 December 1996]

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Audible warning

21 (1) Every motor car shall be fitted with an instrument capable of giving reasonable audible warning of its approach or position:

Provided that no such instrument shall consist of a gong, bell or siren, except in the case of a motor car used for fire brigade, ambulance or police purposes.

(2) Any such warning instrument shall be of such pattern and of such specifications as the Minister may from time to time consider satisfactory.

(3) A warning instrument fitted as required by this regulation shall, while the motor car is in use, be maintained in good and efficient working order and shall be properly adjusted.

Silencers

22 (1) Every motor car propelled by an internal combustion engine shall be fitted with a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine; and no motor car shall have as part of its equipment any cut-out, that is to say, any device for rendering ineffective a silencer, expansion chamber or other contrivance as aforesaid.

(2) Every such silencer, expansion chamber or other contrivance shall at all times, while the motor car is in use on a highway or estate road, be maintained in good and efficient working order, and shall not be altered in such a way, or replaced by such other silencer, expansion chamber or other contrivance that the noise caused by the escape of the exhaust gases is made greater by the alteration or replacement, as the case may be.

Direction indicators

23 (1) Where any direction indicator is fitted to a motor car it shall be maintained in proper working order and it shall be of such design and of such specifications as the Minister may from time to time consider satisfactory.

(2) Every direction indicator shall be so constructed and fitted to a motor car that when not in operation it will not be likely to mislead the driver of any other vehicle or any person controlling traffic.

(3) Nothing in this regulation shall be construed so as to require the fitting of a direction indicator to a motor car.

(4) In this regulation "direction indicator" means a device fitted to a motor car for the purpose of intimating the intention of the driver to change the direction of the vehicle to the right or to the left.

Stop lights

24 (1) A stop light shall be fitted to every motor car other than—

- (a) a motorcycle;
- (b) a tractor;

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(c) a self-propelled constructional machine.

(2) A stop light—

(a) shall be of such pattern;

(b) shall be of such specifications; and

(c) shall be fitted in such position on a motor car,

as the Minister may from time to time consider satisfactory.

(3) A stop light fitted as required by this regulation shall, while the motor car is in use, be maintained in good and efficient working order, and shall not be obscured.

(4) In this regulation “stop light” means, in relation to a motor car, a device for the purpose of intimating the intention of the driver to stop the motor car or to slow it down, by means of his brakes.

Reversing lights

25 (1) A reversing light fitted to a motor car—

(a) shall be of such pattern;

(b) shall be of such specifications; and

(c) shall be fitted in such position on a motor car,

as the Minister may from time to time consider satisfactory.

(2) In this regulation, “reversing light” means, in relation to a motor car, any lamp fitted to the rear of a motor car capable of projecting a beam of light for the purpose of assisting the driver when the motor car is being driven in reverse gear.

Public service vehicles to carry fire extinguishers

26 In or upon every public service vehicle there shall be carried, in such a position and so filled or charged as to be readily available for use, suitable and efficient apparatus for extinguishing fire, of such pattern and of such dimensions as the Minister may from time to time consider satisfactory.

Gross Vehicle Weight load marking; trucks and trailers

27 (1) The owner of a truck or trailer shall cause the manufacturer's Gross Vehicle Weight (GVW) rating to be painted in one straight line on a conspicuous part of the right or off-side of the truck or trailer as the Minister may in each case direct.

(2) The owner of a self-propelled constructional machine shall cause the Gross Vehicle Weight (GVW) of the self-propelled constructional machine to be painted in one straight line upon such conspicuous part of the right or off-side of the self-propelled machine as the Minister may direct.

(3) Any such painting as aforesaid—

(a) shall be in legible letters not less than 1 inch in height;

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- (b) shall be in white lettering where the background upon which the letters are painted is dark, and in black lettering where the background upon which the letters are painted is light.

(4) The owner of a trailer shall, if the Minister so requires, display such serial number on the trailer as the Minister directs; and any such number shall be painted or affixed in such manner as the Minister may direct.

[Regulation 27 amended by BR 37 / 2011 reg. 4 effective 15 July 2011]

Maximum loads; trucks and trailers

28 (1) No person shall use, cause or allow to be used on any highway or estate road any truck or trailer when the load carried therein exceeds the load the truck or trailer, as the case may be, is licensed to carry.

(2) For the purposes of this regulation every person carried in or upon a truck or trailer shall be deemed to weigh 150 pounds.

Boat-trailers; loads

28A No person shall use, cause or allow to be used on any highway or estate road any boat-trailer when the boat carried thereon exceeds 6,000 lbs in weight or 96 inches in width or when the overhang of the sides of the boat at the back of the boat-trailer exceeds 48 inches.

Tailboards on trucks

29 (1) A truck shall be fitted with such side-flaps, tail board or doors as the Minister may from time to time require.

(2) No person shall use, or cause or allow to be used, any truck unless the side flaps, tail board or doors (if any)—

- (a) are in the proper position to retain and safeguard any load (including passengers) carried on the truck; and
- (b) are securely fastened so as not to be liable to swing on their hinges during use.

Maintenance in good condition

30 Every motor car and trailer, and all parts and accessories thereof shall, at times while the motor car or trailer is in use, be maintained in such condition that no danger is caused or is likely to be caused to any person in or on the motor car or trailer, or on the road.

Maintenance of steering gear and lights

31 All steering gear and lights fitted to a motor car or trailer shall, at all times while the motor car or trailer, as the case may be, is in use, be maintained in good and efficient working order and shall be properly adjusted.

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Maintenance of wheels and tyres

32 (1) All the wheels of a motor car or trailer shall be properly fitted to their axles, and all tyres fitted to the wheels shall be maintained in such condition as to be free of any defect which might in any way cause damage to the surface of the road or danger to persons on or in the motor car or trailer or to persons using the road.

(2) The tracks on all tracked motor cars shall be maintained in such condition as to be free of any defect which might cause damage to the surface of the road or danger to persons on or in the motor car or to persons using the road.

Glass not to obscure vision

33 All glass or other transparent material fitted to a motor car shall be maintained in such condition that it does not obscure the vision of the driver while the vehicle is in use.

Articles obstructing view

34 No article, including flags or mascots, shall be carried on any motor car while the motor car is in use if the article—

- (a) is of such size; and
- (b) is carried in such a position,

as to be liable substantially to obstruct the driver's view of approaching or following traffic.

Mascots

35 No mascot or other object shall be affixed on any motor car in any position where it is likely to strike any person with whom the motor car may collide unless the mascot or other object is by reason of the materials of its construction not liable to cause injury to such person.

Emission or discharge

36 Every motor car shall be maintained in such condition, and shall be so used, that there shall not be emitted or discharged therefrom any smoke, visible vapour, water, petrol, grease or oil—

- (a) the emission or discharge of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable care; and
- (b) the emission or discharge of which might cause damage to other persons or property or endanger the safety of any other persons on the road.

Precautions when pouring petrol or other fuel

37 No person shall, on any road, pour, or cause to allow to be poured, any petrol or other fuel into any tank of a motor car or into any receptacle in or on a motor car, or shall remove the filler cap of the tank or receptacle—

- (a) while the engine of the motor car is running; or
- (b) while any person in the vicinity is smoking or is carrying a naked light.

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Explosives

38 Except for the fuel and lubricant necessary for the use of the motor car, no explosive, highly inflammable or otherwise dangerous substance shall be carried in or on a motor car upon a highway or estate road unless it is so packed or distributed that, even in the case of an accident to the motor car, it is unlikely to cause damage or injury to the motor car or to persons in the vicinity.

Excessive noise from defect or faulty packing of load

39 No person shall use or cause or allow to be used on any highway or estate road any motor car or trailer which causes any excessive noise either directly or indirectly as a result of—

- (a) any defect (including a defect in design or construction), lack of repairs or faulty adjustment in the motor car or trailer or any part or accessory of such motor car or trailer; or
- (b) the faulty packing or adjustment of the load of such motor car or trailer:

Provided that it shall be a good defence to proceedings taken under this regulation to prove that the noise or continuance of the noise in respect of which the proceedings are taken was due to some temporary or accidental cause and could not have been prevented by the exercise of due diligence and care on the part of the owner or driver of the motor car.

Excessive noise due to lack of care

40 No motor car shall be driven on a highway or estate road in such a manner as to cause excessive noise which could have been avoided by the exercise of reasonable care on the part of the driver or person in charge of the motor car.

Stopping engine when stationary

41 The driver of every motor car shall, when the motor car is stationary upon the highway or estate road otherwise than through enforced stoppage owing to the necessities of traffic, stop the action of any machinery attached to, or forming part of such motor car, so far as may be necessary for the prevention of noise:

Provided that this regulation shall not apply so as to prevent the examination or working of the machinery attached to, or forming part of, a motor car, where any such examination or working is rendered necessary by any failure or derangement of the machinery or where the machinery attached to or forming part of the motor car is required to be worked for some ancillary purpose.

Sounding horn when stationary

42 Where a motor car is stationary upon a highway or estate road no person shall, except as hereinafter in this regulation provided, use or permit to be used any audible warning instrument with which it is fitted:

Provided that this regulation shall not apply to prohibit the use of any such audible warning instrument to warn approaching traffic in an emergency.

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Instructional vehicle

43 Every instructional vehicle shall—

- (a) have permanently installed to the satisfaction of the Minister who may seal or otherwise mark the system to show that it has been approved by him, a dual control system which shall allow the person sitting in the seat next to the driver to operate effectively and at any time the steering and braking mechanism of the vehicle;
- (b) not be equipped with any seating, whether permanent or temporary, other than seating for the driver and the person sitting next to the driver;
- (c) have painted on the side or sides of the vehicle such letters indicating that the vehicle is an instructional vehicle as the Minister may direct.

Hand-held mobile telephones and other hand-held devices

44 (1) No person shall drive, or cause or allow any other person to drive, a motor car on a road if he is using—

- (a) a hand-held mobile telephone;
- (b) a hand-held device that can perform an interactive communication function by transmitting or receiving data, other than a two-way radio; or
- (c) a hand-held electronic entertainment device that can produce music or gaming systems (wireless and non-wireless).

(2) A person does not contravene a provision of this regulation if, at the time of the alleged contravention—

- (a) he is using the mobile telephone or other device to call the police, fire, ambulance or other emergency service;
- (b) he is acting in response to a genuine emergency; and
- (c) it is unsafe or impracticable for him to cease driving in order to make or receive the call.

(3) For the purposes of this regulation—

- (a) a mobile telephone or device referred to in regulation 44(1) is to be treated as hand-held if it is, or needs to be, held in the hand at some point in order to operate it;
- (b) “interactive communication function” includes the following—
 - (i) sending or receiving oral or written messages;
 - (ii) sending or receiving facsimile documents;
 - (iii) sending or receiving still or moving images; and
 - (iv) providing access to the Internet;

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- (c) “two-way radio” means any wireless telegraphy apparatus which is designed or adapted for the purpose of transmitting or receiving spoken messages;

[Section 44 inserted by BR 41 / 2010 s. 2 effective 30 June 2010]

Prohibition of display screen visible to driver

45 (1) No person shall drive, or cause or allow any other person to drive, a motor car that is equipped with a television, computer or other device with a display screen on any road if that display screen is visible to the driver of the vehicle.

(2) Paragraph (1) does not apply in respect of the following—

- (a) a global positioning system navigation device that has no other function than to deliver global positioning for navigation;
- (b) a logistical transportation tracking system device used for commercial purposes to track vehicle location, driver status or the delivery of packages or other goods;
- (c) a collision avoidance system device that has no other function than to deliver a collision avoidance system; and
- (d) an instrument display screen that is used to provide information to the driver regarding the status of various systems of the motor vehicle.

[Section 45 inserted by BR 41 / 2010 s. 2 effective 30 June 2010]

Exemption

46 Regulations 44 and 45 do not apply to the driver of an ambulance, a fire-fighting vehicle or a police vehicle.

[Section 46 inserted by BR 41 / 2010 s. 2 effective 30 June 2010]

[Amended by:

SR&O 19 / 1967
1968 : 222
SR&O 16 / 1969
1974 : 42
1976 : 58
1981 : 64
SR&O 8 / 1977
BR 7 / 1991
BR 70 / 1996
BR 12 / 2003
BR 41 / 2010
BR 37 / 2011
BR 90 / 2015]