



BERMUDA

MOTOR CAR (DRIVERS' LICENCES) REGULATIONS 1952

SR&O 13 / 1952

[made under sections 96, 102 and 103 of the Motor Car Act 1951 and brought into operation on 23 February 1952]

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SCHEDULE 1

Tests of Competence to Drive a Motor Car

SCHEDULE 2

Offences under the Road Traffic Act 1947

Citation

1 These Regulations may be cited as the Motor Car (Drivers' Licences) Regulations, 1952.

Interpretation

2 In these Regulations—

“driver's licence” means a licence to drive a motor car issued under section 76 or 76A of the Motor Car Act 1951;

“learner's permit” means a permit to drive a motor car issued under section 79 of the Motor Car Act 1951 [*title 21 item 4*] to a person for the purpose of his being taught to drive.

[Regulation 2 amended by BR 47/2007 effective 8 June 2007]

HM Forces and United States Forces

3 Nothing in these Regulations shall apply in relation to a driver's licence or learner's permit issued to a member of Her Majesty's Forces or the United States Forces in respect of the driving of any motor car in the service of Her Majesty's Forces or the United States Forces and being the property of Her Majesty or of the Government of the United States of America, as the case may be.

Appointment for test

4 Any person desiring to submit himself to a test of competence to drive may apply to the Minister, who will arrange a time and place for the examination by an examiner.

Examinee to provide suitable motor car

5 A person who submits himself to the tests of driving skill set out in Schedule 1 shall provide at his own expense at the time and place appointed by the Minister a motor car in proper condition, and shall pay the appropriate fee to the Minister.

[Regulation 5 amended by BR 47/2007 effective 8 June 2007]

Waiting period after failure

6 The period during which a person, having submitted himself for a test of competence to drive and having failed to pass the test, shall be ineligible to submit himself to another test shall be—

(a) in respect of failure in his first test, a period of two weeks;

(b) in respect of failure in his second test, a period of one month;

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- (c) in respect of failure in his third or subsequent test, a period of three months.

[Regulation 6 amended by BR 81 / 2022 reg. 2 effective 18 July 2022]

Matters in which examiner must be satisfied

7 (1) A person who undergoes a test of competence to drive shall be deemed to be competent to drive a motor car of a class specified in section 76(2) of the Motor Car Act 1951 [title 21 item 4] if he is tested on a motor car of that class and otherwise as the examiner may direct and if the examiner conducting the test is satisfied—

- (a) that he is sufficiently conversant with the contents of the Road Traffic Act 1947 [title 21 item 3] and of the Traffic Code set out in the Schedule thereto;
- (b) that he has satisfactorily completed the test specified in Schedule 1 to these regulations which are applicable to that class of motor car; and
- (c) generally, that he is competent to drive without danger and with due consideration to other users of the road, a motor car of the same class as that on which he is tested.

(2) Where it appears to an examiner that a person who undergoes a test of competence to drive may be suffering from any defect or impairment of vision the examiner may require such person to produce to him such evidence as he may specify concerning the vision of such person before making a determination under sub-regulation (1).

(3) Sub-regulation (1) does not apply in the case of a person who undergoes only the test referred to in paragraph (i) of Schedule 1 for the purposes of applying for a provisional driver's licence under section 76A of the Motor Car Act 1951.

[Regulation 7 para (1)(b) amended, and (3) inserted, by BR 47/2007 effective 8 June 2007]

Pass certificate

8 (1) Any person who has satisfactorily passed a test of competence to drive or who has satisfactorily passed the tests set out in Schedule 1 shall be furnished free of charge with a certificate in such form as the Minister may from time to time determine.

(2) An applicant for a driver's licence, or a learner's permit shall, on the issue to him of a licence or permit, deliver the certificate of competence for retention by the Minister, who shall, if so required by the applicant, issue to him a copy of the certificate on payment of a fee of twelve cents.

[Regulation 8 para (1) amended by BR 47/2007 effective 8 June 2007]

Learner's permit

9 (1) Application for a learner's permit shall be made to the Minister in such form as the Minister may from time to time determine.

(2) No learner's permit shall be issued unless—

- (a) the form of application is completed and signed by the applicant, and the certificate of physical fitness appended thereto has been duly completed

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and signed by a registered medical practitioner not more than one month before the date of application;

- (b) the application is accompanied, where so required by the Minister,
 - (i) by satisfactory proof of the age of the applicant; and
 - (ii) by satisfactory proof that the applicant understands the English language and can read and write English.
- (c) the application is accompanied by a certificate of competence certifying that the applicant has satisfactorily completed the tests set out in Schedule 1; and
- (d) the issue of a learner's permit to the applicant is in conformity with the Motor Car Act 1951 [*title 21 item 4*] and of the Road Traffic Act 1947 [*title 21 item 3*].

(3) A learner's permit shall be in such form as the Minister may from time to time determine.

(4) No person who is driving a motor car under the authority of a learner's permit shall cause or allow any person other than—

- (a) a person who, being a person who holds a valid driver's licence, is teaching him to drive; or
- (b) an examiner,

to be in or on the motor car.

(5) In this regulation "valid driver's licence" has the meaning assigned to it in section 74 of the Motor Car Act 1951.

[Regulation 9 para (2)(c) and (5) amended by BR 47/2007 effective 8 June 2007]

Application for driver's licence

10 (1) Application for a driver's licence shall be made to the Minister in such form as the Minister may from time to time determine.

(2) An application for a driver's licence valid to drive a public service vehicle shall be accompanied by a further application in such form as the Minister may from time to time determine duly completed and signed.

Issue of licence

11 In the case of a motor car which is not a public service vehicle no driver's licence, other than a provisional driver's licence under section 76A of the Motor Car Act 1951, shall be issued to, or renewed under section 76 of the Motor Car Act 1951 [*title 21 item 4*] in respect of, an applicant therefor unless—

- (a) the form of application is completed and signed by the applicant and the certificate of physical fitness appended thereto has been duly completed and signed where so required by the Motor Car Act 1951 by a registered

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medical practitioner not more than three months before the date of application;

- (b) the application is made within three months of the date from which the licence is required to run;
- (c) the application is accompanied, where so required by the Motor Car Act 1951 [*title 21 item 4*] by a certificate of competence to drive, duly completed and signed by an examiner;
- (d) the application is accompanied, where so required by the Minister,
 - (i) by satisfactory proof of the age of the applicant; and
 - (ii) by satisfactory proof that the applicant understands the English language and can read and write English;
- (e) the application is accompanied, in the case of a renewal of the licence under section 86 of the Motor Car Act 1951 [*title 21 item 4*] by the original licence;
- (f) the issue or renewal of a licence to the applicant is in conformity with the Motor Car Act 1951 [*title 21 item 4*] and the Road Traffic Act 1947 [*title 21 item 3*];
- (g) the appropriate fee is paid to the Minister; and
- (h) where the application is in respect of the driving of a private motor car which is owned by a person other than the applicant, the application is accompanied by a declaration in such form as the Minister may from time to time determine duly completed and signed by the owner of the motor car.

[Regulation 11 amended by BR 46/2000 effective 2 June 2000; and by BR 47/2000 effective 8 June 2007]

Issue of provisional driver's licence

11A A provisional driver's licence under section 76A of the Motor Car Act 1951 shall not be issued to an applicant unless—

- (a) the form of application is completed and signed by the applicant;
- (b) the application is accompanied by a certificate from a registered medical practitioner in accordance with section 76A(1)(e) of the Motor Car Act 1951;
- (c) the application is accompanied by a certificate, duly completed and signed by an examiner, certifying that the applicant has passed the written test referred to in section 76A(1)(c) of the Motor Car Act 1951 and the test of ability to drive referred to in section 76A(1)(d) of that Act;
- (d) the application is accompanied, where so required by the Minister—
 - (i) by satisfactory proof of the age of the applicant; and

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- (ii) by satisfactory proof that the applicant understands the English language and can read and write English;
- (e) the issue or renewal of a licence to the applicant is in conformity with the Motor Car Act 1951 and the Road Traffic Act 1947;
- (f) the appropriate fee is paid to the Minister; and
- (g) where the application is in respect of the driving of a private motor car that is owned by a person other than the applicant, the application is accompanied by a declaration in the form, determined by the Minister from time to time, duly completed and signed by the owner of the motor car.

[Regulation 11A inserted by BR 47/2007 effective 8 June 2007]

Prescribed offences

11B The offences listed in Schedule 2 are prescribed as offences for the purposes of section 76A(4) of the Motor Car Act 1951.

[Regulation 11B inserted by BR 47/2007 effective 8 June 2007]

Issue of licence to drive public service vehicle

12 In the case of a public service vehicle no driver's licence shall be issued to, or renewed under section 86 of the Motor Car Act 1951 [*title 21 item 4*] in respect of an applicant therefor unless—

- (a) the conditions specified in regulation 11(a), (b), (d), (e), (f) and (g) are fulfilled;
- (b) the application is accompanied by a further application in such form as the Minister may from time to time determine completed as far as applicable, and signed by the applicant;
- (c) a certificate of competence, if so required by the Minister in accordance with section 86(3) of the Motor Car Act 1951 [*title 21 item 4*] in such form as the Minister may from time to time determine is completed and signed by an examiner; and
- (d) in the case of an application for a licence to drive a motor taxi, a certificate of knowledge of local topography in such form as the Minister may from time to time determine is completed and signed by a person authorized by the Minister in that behalf.

[Regulation 12 amended by BR 47/2007 effective 8 June 2007]

Form of licence

13 (1) A driver's licence shall be in such form as the Minister may from time to time determine.

(2) Where a licence is limited to the driving of motor cars of a particular class, or of a particular construction or design, or to the driving of a particular motor car or motor cars, particulars of the limitation shall be entered on the licence.

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No defacement or alteration of licence

14 No person other than a person authorized by the Minister in that behalf shall deface or mutilate any driver's licence or alter or obliterate any entry made therein or make any entry in or addition to such licence.

Amendment for additional class

15 If any person, being the holder of a licence valid to drive a particular class or classes of motor car, wishes to drive a motor car of another class, he shall—

- (a) make application to the Minister in such form as the Minister may require;
- (b) undergo such additional tests of competence to drive as the Minister may require; and
- (c) deliver up his driver's licence to the Minister to be amended accordingly.

[Regulation 15 amended by BR 46/2000 effective 2 June 2000]

Change of name or address

16 If any alteration occurs in respect of the name or address of the holder of a driver's licence he shall forthwith inform the Minister in writing and shall deliver up the licence to the Minister for amendment accordingly.

Holder of licence ceasing to be member of household of owner of motor car

17 Where a person who, by virtue of being a member of a particular household, holds a driver's licence permitting him without restriction to drive a motor car which is owned by another member of that household, ceases to be a member of that household, he shall, within seven days of so ceasing to be a member, return the licence to the Minister for amendment accordingly.

Renewal

18 A driver's licence renewed under section 86 of the Motor Car Act 1951 [*title 21 item 4*] shall before renewal, be surrendered to the Minister for the particulars contained therein to be amended accordingly.

[Regulation 18 inserted by BR 47/2007 effective 8 June 2007]

Disabled driver

19 Notwithstanding any other provision of these Regulations, where it appears to the Minister—

- (a) that an applicant for a driver's licence or for a learner's permit suffers from a disability which impairs his capacity to control safely a motor car of ordinary design and construction; and
- (b) that such disability will not substantially impair his capacity to control safely a motor car specially constructed, adapted or equipped so as to meet the case,

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the Minister may, if such a motor car is available, allow him to be tested by an examiner to determine his competency to drive or control that motor car, and may issue to him a driving licence or learner's permit, subject, however, to a condition that the driver's licence or learner's permit shall not be valid in respect of any motor car other than the motor car specified therein and shall be valid only while the specified motor car is specially adapted or equipped to the satisfaction of the Minister.

Duty of disabled driver

20 Where any person who has a disability which impairs his control of a motor car is able, by means of glasses, artificial limbs or other devices, as the case may be, to correct that disability to such an extent that a driver's licence or a learner's permit is issued under these Regulations, it shall be deemed to be a condition of the licence or permit, as the case may be, that the holder thereof, when driving a motor car, wears such glasses, artificial limb or other device as may be necessary to correct his disability; and if while driving a motor car he fails to do so, the licence or permit shall be deemed to be invalid during the period he so drives the motor car.

21 *[Section 21 deleted by 1976:58]*

Action if disability becomes more severe

22 Where a person who is the holder of a valid driver's licence or learner's permit, has reason to believe or suspects upon reasonable grounds—

- (a) that he is suffering from a disability which impairs, or is liable to impair, his ability to control a motor car, and that disability has not been disclosed to the Minister in connection with the issue or renewal of the licence or permit as aforesaid; or
- (b) that he is suffering from a disability which impairs, or is liable to impair, his ability to control a motor car, and that the disability, although disclosed to the Minister in connection with the issue or renewal of the licence or permit as aforesaid, has become more acute,

he shall forthwith inform the Minister in writing, and the Minister may, in pursuance of section 89 of the Motor Car Act 1951 [*title 21 item 4*] require the holder of the licence to submit himself to examination by a registered medical practitioner.

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SCHEDULE 1

TESTS OF COMPETENCE TO DRIVE A MOTOR CAR

- (a) test of ability to start the engine of the motor car;
- (b) test of ability to move away straight ahead or at an angle;
- (c) test of ability to turn left- and right-hand corners correctly;
- (d) test of ability to drive the motor car through narrow openings;
- (e) test of ability to stop the vehicle satisfactorily both in emergency and normally;
- (f) test of ability to judge the relation of the front and back of the motor car to obstacles in its path;
- (g) test of ability to park the motor car satisfactorily in relation to a curb;
- (h) test of ability to stop the motor car on a steep incline facing uphill and start again without allowing the motor car to move backwards;
- (i) in the case of a motor car other than a motor cycle, test of ability to drive the motor car backwards and, whilst doing so, to enter a limited opening either to the right or the left;
- (j) in the case of a motor car other than a motor cycle, test of ability to cause the vehicle to face in the opposite direction by the use of forward and reverse gears.

[Schedule renamed "Schedule 1" by BR 47/2007 effective 8 June 2007]

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SCHEDULE 2

OFFENCES UNDER THE ROAD TRAFFIC ACT 1947

Section 7(4) - exceeding speed limit

Section 12 - neglecting traffic directions or signs

Section 17(2) - failing to stop at intersection

Section 27(4) - failing to stop or allow free passage at pedestrian crossing

Section 27(5) - remaining on pedestrian crossing or failing to comply with signal of police officer

Section 30(3) - failing to stop when requested by a police officer

Section 32(2) - owner failing to give information to police officer as to driver and occupants of vehicle

Section 34(1) - causing death by reckless or dangerous driving

Section 34(2) - causing injury by reckless or dangerous driving

Section 35(1) - driving or attempting to drive, or having the care or control of a motor car or an auxiliary bicycle while the ability to do so is impaired by alcohol or a drug

Section 35(2) - driving or attempting to drive or having the care or control of a cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug

Section 35A(2) - failing to comply with the demand of a police officer

Section 35A - driving or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car, having consumed alcohol in such a quantity that the proportion of alcohol exceeds 100 milligrammes in 100 millilitres of blood

Section 36(1) - dangerous driving

Sections 37(1) and (2) - driving without due care and attention or reasonable consideration

Section 38 - opening door of vehicle in a dangerous manner

Section 42(2) - failing to stop after accident, to give name and address or to report accident

Offences under the Motor Car Act 1951

Section 52(2)(a)(i) - using or allowing use of unlicensed motor car

Section 53(2) - using motor car in contravention of conditions of licence

Section 65 - using unregistered motor car or motor car not bearing identification plate

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Section 74(1) - driving motor car without driver's licence or permitting unlicensed person to drive

Section 85(2) - failing to produce driver's licence when required by police officer

Section 111(1) - failing to stop motor car when requested or signalled by police officer

Section 112(1) - driver failing to give name and address when required by police officer

Section 112(2) - driver failing to produce motor car licence when required by police officer

Section 114 - owner failing to give information to police officer as to driver and occupant of motor car

Section 120 - contravention of Act or regulations or order, demand, requirement or direction made thereunder

Section 123 - driving motor car while disqualified.

[Schedule 2 inserted by BR 47/2007 effective 8 June 2007]

[Amended by:

1968 : 222

SR&O 22 / 1969

SR&O 35 / 1973

1974 : 42

1976 : 58

BR 46 / 2000

BR 47 / 2007

BR 81 / 2022]