BERMUDA

MOTOR CAR ACT 1951

1951 : 89

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[preamble and words of enactment omitted]

PART I

Division of Act into Parts

1 *[omitted]*

Interpretation, construction and saving

2 (1) In this Act, and in any regulations made thereunder, unless the context otherwise requires—

"airport limousine" means a passenger motor car used in connection with the operation of an airport limousine service as provided in section 36;

"ambulance" means a motor car constructed and used for carrying sick or injured persons to or from hospitals or other places for the purpose of the relief or treatment of such persons;

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

"the Board" means the Public Service Vehicles Licensing Board established under section 28;

"boat trailer" means a trailer used exclusively for the purpose of transporting boats;

"classic car" has the meaning provided in section 13A;

"community service vehicle" means a motor car having the specifications given in Schedule 1 which has seating accommodation for not less than eight and not more than fifteen passengers and which by virtue of a permit granted under section 25A(1) may be used by the grantee for the carriage of persons who are exclusively—

(i) young children entrusted to the care of the grantee; or

(ii) elderly, disabled or infirm persons and persons assisting them,

otherwise than for hire and reward;

"dealer" means a dealer in motor cars;

"despatching service" means a body corporate engaged in the business of facilitating the transportation of passengers by means of a digital network or other system approved by the Board;

"digital network" means an online application, website or other system offered or used by a despatching service that allows—

(a) a person to submit a request for transportation; and

(b) the operator of a public service vehicle to accept a request for transportation from a person;

"the Department" means the Transport Control Department established under section 6;

"driving instructor" means a person in possession of a driving instructor's licence issued pursuant to section 77;

"electric private motor car" means a private motor car that is powered by an electric motor that draws electricity from a battery system and is capable of being charged by an external source;

"driver's licence" means a driver's licence issued under section 76, and except in sections 76(1) and 86, includes a provisional driver's licence issued under section 76A;

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

"examiner" means an examiner within the meaning of section 7;

"export certificate" has the meaning given in section 58;

"farm tractor" means—

(i) any vehicle which is designated to be used for towing an agricultural implement; or

(ii) any self-propelled agricultural implement which, in the opinion of the Minister, is designed for use in agriculture for such purpose as ploughing, harrowing, sowing, harvesting or other purely agricultural purposes;

"fire-fighting vehicle" means a motor car which is used as a fire engine or fire-fighting tender or auxiliary;

"funeral home limousine" means a passenger motor car which has the specifications given in Schedule 1, has seating accommodation for not more than 8 persons including the driver, and which is operated by a funeral home for the transportation of mourners ;

"garage" means a place licensed as a dealer garage or a garage under the Garages Licensing Act 2022;

"Gross Vehicle Weight" (GVW) means the maximum weight that a motor vehicle should not exceed;

"heavy truck" has the meaning given in section 40;

"highway" means any street, road or place over which the general public have a right of way, and shall be deemed to include any place where for the time being motor traffic is being controlled by a police officer;

"hybrid private motor car" means a private motor car that is powered by two different forms of power;

"Her Majesty's Services" means any of the naval, military or air services of Her Majesty;

"inspector" means an inspector within the meaning of section 7A;

"instructional vehicle" means a motor car which is designed, constructed and used specifically for the purpose of providing instruction in driving by a driving instructor;

"invalid carriage" means a mechanically propelled vehicle capable of a speed of not more than 12 kilometres per hour which is specially designed and

constructed, and not merely adapted, for the use of persons suffering from some physical disability, and is used solely by such persons;

"learner's permit" means a permit issued under section 79 to a person who is learning to drive a motor car;

"length overall" in relation to a motor car means the length measured between the front and rear of the motor car including all appendages:

Provided that, in Schedule 2, in relation to any motor car not exceeding 162 inches in length it means the length specified by the manufacturer as being the standard length for the particular model;

"limousine" means a passenger motor car used in connection with the operation of a limousine service as provided under section 36A;

"minibus" means a motor car, being a motor car (other than an airport limousine or an omnibus) which has seating accommodation for not less than eleven passengers, and which is lawfully used for the conveyance of passengers for hire or reward, and which has the specifications set out in paragraph BB of Schedule 1;

"minicar" means a motor car owned by and ordinarily available for hire from a minicar livery;

"minicar livery" means a person or body of persons by whom minicars are let on hire for use by other persons;

"the Minister" means the Minister responsible for transport;

"motor car" means any vehicle, of whatsoever description, which is propelled by mechanical or electrical power, except—

(i) an auxiliary bicycle;

(ii) a vehicle used exclusively on rails;

"motor car licence" means a licence issued under this Act to use a particular motor car on the highways of Bermuda;

"motor car register" has the meaning given in section 63(1);

"motor-cycle" has the meaning given in section 24;

"motor taxi" means a motor car, being a motor car which has seating accommodation for not more than six passengers, which is lawfully used for the conveyance of passengers for hire or reward;

"naval or military road" means a road which is under the control of the Lords Commissioners of the Admiralty, or of Her Majesty's Secretary of State for Defence;

"omnibus" means a motor car, being a motor car (other than an airport limousine or a minibus) which has seating accommodation for not less than eleven

passengers, which is lawfully used for the conveyance of passengers for hire or reward;

"owner", in relation to a motor car, includes a person entitled to the possession thereof under a hire purchase or instalment purchase agreement, and, except where the context otherwise requires, includes a part-owner;

"passenger motor car" has the meaning given in section 12;

"passenger truck" has the meaning assigned to it in section 40(7);

"plying for hire" means plying or standing for hire by passengers whether on a highway or not; and cognate expressions shall be construed accordingly;

"police officer" means any member of the Police Service;

"prescribed" in relation to any fee, means prescribed by regulations 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 light truck" means a truck having the specifications given in Schedule 1 and which, by virtue of a permit granted under section 40(1), may be used by the grantee of the permit as a private motor car;

"private motor car" has the meaning ordinarily assigned to that expression, that is to say, a passenger motor car other than a passenger truck, a public service vehicle or a motor cycle, which is primarily used for the convenient conveyance of its owner from one place to another;

"private motor vehicle" means a motor car, which is primarily used for the convenient conveyance of its owner from one place to another and includes a purpose-built motor car;

"public garage"*[Repealed by 2022 : 30 Sch. 3]*

"public service vehicle" means an omnibus, a minibus, a motor taxi, an airport limousine, a limousine, a purpose-built public service vehicle or a ridesharing vehicle;

"purpose-built public service vehicle" means a motor car referred to in the proviso to section 10(1);

"repair and servicing", in relation to a motor car, means repairing or putting that motor car in order, installing thereon fittings and equipment, fuelling, lubricating, washing and otherwise maintaining the motor car, and examining the motor car with a view to discovering faults and defects; and cognate expressions shall be construed accordingly;

"ridesharing operator" means a person granted a licence to operate a public service vehicle who provides a ridesharing service using a ridesharing vehicle;

"ridesharing permit" means a permit granted by the Board under section 35D to provide a ridesharing service;

"ridesharing service" means the transporting of a passenger by a ridesharing operator using a ridesharing vehicle from a pre-arranged pick-up point to a pre-arranged drop-off point, beginning when the ridesharing operator accepts a request from a person via a despatching service and continuing while the ridesharing operator transports the passenger and ending when the last passenger of each journey exits the ridesharing vehicle;

"ridesharing vehicle" means a private motor vehicle approved by the Board under section 35D for use by a ridesharing operator when the ridesharing operator is—

(a) connected to a digital network; and

(b) providing a ridesharing service.

"self-propelled constructional machine" includes a road roller, a road grader, and any vehicle which, in the opinion of the Minister, is primarily a crane or a mechanical contrivance designed for use in connection with works of construction, excavation and the like;

"special school" has the meaning given in section 42 of the Education Act 1954 [*title 12 item 1*];

"specifications" and "statutory specifications" have the meanings respectively given in section 10;

"tank wagon" means a motor car constructed for the carriage of liquids in bulk;

"taxi despatching service" means the business of directing and controlling the movement of motor taxis by means of instructions issued to the drivers of such taxis as provided in section 35B;

"tractor" has the meaning given in section 43;

"traffic officer" means a person appointed as a traffic officer under section 7 of the Motor Car Act 1951 and includes—

(a) for the purpose of regulating and controlling traffic on airport roads, an airport traffic officer appointed under section 7A of the Civil Airports Act 1949;

(b) for the purpose of regulating and controlling traffic on highways or streets within the area prescribed in paragraph 1 of the Third Schedule to the Bermuda Land Management Corporation Act 1982, a corporation traffic officer appointed under section 21B of that Act;

"trailer" means a vehicle which has no independent motive power of its own, and which is attached by a draw bar or rigid shaft to a motor car;

"truck", with the exception of a passenger truck, means a motor car which is so constructed as to show that its primary purpose is the carriage of goods, substances, animals or other loads;

"the United States Services" means any of the military, naval or air services of the United States of America;

"used motor car" has the meaning given in section 15.

(2) *[deleted by 1988:27]*

(3) 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 a motor car, or in relation to the use of a trailer, elsewhere than on a highway.

(4) Nothing in this Act shall derogate from or abridge the Road Traffic Act 1947 [*title 21 item 3*].

(5) Except as provided in this section and in section 25 this Act shall not apply to an invalid carriage.

(6) Notwithstanding any other provision in this Act the purchaser of a timesharing interval in a timesharing scheme shall not be entitled to be registered as the owner of a motor car in relation to any such timesharing interval; and for the purpose of this subsection "purchaser", "timesharing interval" and "timesharing scheme" have the meanings respectively given in the Timesharing (Licensing and Control) Act 1981 [*title 26 item 33A*].

(7) Notwithstanding anything in this Act contained the Minister may exempt any motor car or class of motor car brought temporarily into Bermuda for the purpose of being used in any parade, display or similar spectacle or on any special occasion, by persons resident outside Bermuda, and the owner and driver thereof, from any provision

of this Act or any regulations made thereunder subject to such terms, conditions or limitations, as the Minister thinks fit to impose.

[Section 2 amended by 1997:31 effective 16 December 1997, by 1998:7 effective 1 April 1998; by 1997:37 effective 6 May 1999; "funeral home limousine" inserted by 1999:38 s.3 effective 14 September 1999; "estate road" amended, "US road" deleted, by 2002:6 s.4 & Sch 3 effective 18 June 2002; "dealer" inserted by 2004:8 s.2 effective 1 April 2004; "taxi despatching service" inserted by 2005:16 s.2 effective 5 February 2006; "private motor car" and "truck" amended, "passenger truck" inserted, by 2005:31 s.2 effective 1 September 2006; "limousine" inserted, "public service vehicle" substituted, by 2006:22 s.2 effective 11 June 2007; "driver's licence" amended by 2006:23 s.2 effective 11 June 2007; "minibus" and "omnibus" amended by 2006:35 s.2 effective 11 June 2007; "Schedule 1" and "Schedule 2" replaced "the First Schedule"and "the Second Schedule"respectively by 2008:10 s.2 effective 1 April 2008; "traffic officer" amended by 2008:22 s.3 effective 26 June 2008; "inspector" inserted by 2008:44 s.2 effective 23 December 2008; Section 2 subsection (1) "the Minister" amended by BR 5 / 2011 para. 5 effective 25 February 2011; "Gross Vehicle Weight" inserted by 2011 : 23 s. 2 effective 5 July 2011; subsection (1) "minicar" and "minicar livery" inserted by 2016 : 50 s. 2 effective 16 December 2016; Section 2 subsection (1) definition "traffic officer" deleted and substituted by 2019 : 54 s. 4 effective 20 March 2020; Section 2 subsection (1) "public garage" deleted and "garage" inserted by 2022 : 30 Sch. 3 effective 4 November 2022; Section 2 subsection (1) definition "classic car" inserted by 2023 : 27 s. 2 effective 9 November 2023; Section 2 subsection (1) definitions "electric private motor car" and "hybrid private motor car" inserted by 2024 : 17 s. 2 effective 15 July 2024; Section 2 subsection (1) definition "traffic officer" amended by 2024 : 22 s. 11 effective 1 September 2024; Section 2 subsection (1) definition "public service vehicle" amended, and definitions "despatching service", "digital network", "private motor vehicle", "ridesharing operator", "ridesharing permit", "ridesharing service", and "ridesharing vehicle" inserted by 2026 : 6 s. 2 effective 24 April 2026]

Declaration of general principle of Act

3 It is hereby declared that the use of motor cars in Bermuda shall be governed by the following general principle, that is to say, that the number and the kinds of motor cars used and the manner in which motor cars are used shall be subject to special control and regulation so as to preserve as far as possible the amenities of Bermuda, notwithstanding any consideration of private gain or personal convenience.

Use of motor cars in Bermuda

4 In accordance with the principle declared in section 3 the use of motor cars in Bermuda shall be lawful generally but shall be subject to the conditions, restrictions and limitations imposed by or under this Act or any regulations made thereunder.

General functions of Minister under Act

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

(2) Without prejudice to the generality 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 motor cars, or in relation to any matters for which his 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 motor cars, shall cause such statistical data to be obtained and recorded, and such records or reports to be published, as he may think expedient.

Establishment of Transport Control Department

6 (1) There shall be established a Department of Government which shall be charged with the duty of assisting the Minister in the discharge of his responsibilities under this Act and any other enactment which shall be known as the Transport Control Department.

(2) The Department shall, subject to the general direction and control of the Minister, be under the supervision of a public officer who shall be known as the Director of Transport Control and shall consist of such number of other public officers as may from time to time be authorized by the Governor.

[Section 6 amended by 1998:20 effective 18 June 1998]

Appointment and functions of examiners and traffic officers

7 (1) Any person duly appointed by the Governor to the Department, to be an Official Examiner, or an Assistant Examiner, or, as the case may be, a Traffic Officer, shall be, respectively, an examiner or a traffic officer for the purposes of this Act.

(2) An examiner 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 7 amended by 2008:44 s.3 effective 23 December 2008]

Inspectors

7A (1) The Minister may designate in writing any person to be an inspector for the purposes of this Act.

(2) An inspector shall have the powers and shall discharge the duties conferred or imposed upon an inspector by or under this Act.

[Section 7A inserted by 2008:44 s.4 effective 23 December 2008]

Delegation of powers and duties of Minister or Board

8 Any power or duty exercisable or to be performed by the Minister or the Board by virtue of Part IV and Part V may be exercised on behalf of the Minister or the Board by an officer of the Department authorized by the Minister or the Board 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 or the Board.

Duties of police officers in relation to Act

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

PART II

RESTRICTIONS ON USE OF MOTOR CARS OF CERTAIN CLASSES

Restrictions on horse-power, weight and dimensions

10 (1) Subject to this section, no person shall use, or cause or allow any other person to use, any motor car the specifications of which are not in accordance with the several specifications (hereinafter in this section referred to as "statutory specifications") set out in Schedule 1 and made applicable respectively to the several classes of motor cars therein mentioned:

Provided that—

(a) the restrictions imposed by this subsection shall not have effect—

(i) in relation to a motor car used in the service of the Governor; or

(ii) in relation to one motor car used in the service of each Consulate of a Foreign State in Bermuda as a Consulate official motor car within the meaning of section 39; or

(iii) in relation to a motor car used, with the written permission of the Minister, as a fire-fighting vehicle or as an ambulance or as a self-propelled constructional machine or for the purpose of transporting persons who attend a special school or a hospital under the jurisdiction of the Bermuda Hospitals Board; or

(iv) in so far as they limit the cubic capacity of the engine of any motor car, in relation to any motor car propelled by electrical power; or

(v) in relation to Trucks, Tank Wagons and Tractors (set out at Item D in Schedule 2) which prior to the 1st September, 1979 have been registered with statutory dimensions of length not exceeding 260 inches or width not exceeding 90 inches; or

(vi) in relation to a motor car owned by the Government for use by the Premier;

(b) the restrictions imposed by this subsection shall not have effect in relation to—

(i) a motor car owned by the Government and used in the service of the Police Service so long as the dimensions of such motor car do not exceed such limits as the Minister may in any particular case determine; and

(ii) a purpose-built motor car; and

(iii) a purpose-built motor taxi; and

(iv) a purpose-built public service vehicle.

(2) Notwithstanding anything in subsection (1), the Minister may grant permission for the use of a motor car the specifications of which are not in accordance with the statutory specifications—

(a) for the purpose of the transportation of any load where the Minister is satisfied—

(i) that the load is so heavy or so large that in the circumstances it would cause grave inconvenience to transport it by means of a motor car the specifications of which are in accordance with the statutory specifications, or by any other means; and

(ii) that the circumstances in which the transportation is required are exceptional;

(b) for the purpose of the removal of any such motor car—

(i) from the place where it has been landed to the place where it is to be kept; or

(ii) from a place where it is being kept to a place where it is to be kept; or

(iii) from any place where it is being kept to any place for the purpose of repairing it or putting it in order or for installing in it fittings or equipment;

(ba) for the purpose of maintenance of the Royal Naval Dockyard by the Bermuda Land Management Corporation within the Royal Naval Dockyard at Ireland Island only:

Provided that no permission shall be given under this paragraph for any motor car which is in length greater than 96 inches or in width greater than 48 inches;

(c) where the purpose of such use is the transportation of guests, members or players about the premises of an hotel, club, cottage colony or golf course or the transportation of any articles or equipment used in the operation of such premises and it is necessary to give effect to such purpose that the motor car should cross a highway or an estate road or use such part of a highway or an estate road as may be specified in the permission:

Provided that no permission shall be given under this paragraph for any motor car which is in length greater than 160 inches or in width greater than 54 inches;

(d) where the purpose of such use is the transportation of guests of any hotel for the time being licensed under the Hotels (Licensing and Control) Act 1969 [*title 17 item 2*] to or from the hotel premises to or from any beach commonly used for the convenience of guests and it is necessary to give effect to such purpose that the motor car should cross any estate road or highway other than a highway designated as a commuter route or tourist route for the purposes of the Development Plan 1974:

Provided that no permission shall be given under this paragraph for the use of any motor car which is greater than 180 inches in length or 71 inches in width; or

(e) where in the opinion of the Minister, after consultation with the Minister responsible for Works and Engineering, it is in the public interest that approval of specifications of larger dimensions should be given,

and the use of such a motor car in accordance with the terms of any such permission shall not be deemed to be in contravention of this section.

(3) Notwithstanding anything in subsection (1), the Minister may grant permission for the use of a motor car which has temporarily attached thereto any additions or fitments for the purpose of being used in any procession, parade, pageant or similar spectacle, and the use, in accordance with the terms of any such permission, of a motor car having attached thereto such additions or fitments shall not be deemed to be in contravention of this section.

(4) The Minister, in granting any permission under subsection (1), (2) or (3), may impose conditions or limitations concerning the time at which and the highways on which the motor car is to be used, and such other conditions or limitations (whether of the same kind as those aforementioned or not) as the Minister thinks fit to impose.

Any such permission may be granted either in respect of a particular case or in respect of cases of a class specified in the permission.

(5) In this section and in Schedule 1 "specifications" means, in relation to any motor car, the engine capacity, weight, dimensions and other special features or characteristics of the motor car.

(6) In this section and in section 62A—

(a) "purpose-built motor car" means a motor car—

(i) which is constructed or adapted to accommodate a wheelchair;

(ii) the length of which does not exceed 180 inches and the width of which does not exceed 73 inches; and

(iii) the owner of which satisfies the Minister that the motor car is intended to be used, wholly or partly, for the transportation of a person with a physical disability of such a nature and extent that it is necessary for that person to use a wheelchair; and

(b) "purpose-built public service vehicle" means a motor car—

(i) which is constructed or adapted to accommodate a wheelchair;

(ii) the length of which does not exceed 200 inches and the width of which does not exceed 76 inches; and

(iii) the owner of which satisfies the Minister that the motor car is intended to be used, for hire or reward, wholly or partly, for the transportation of persons with physical disability of such a nature

and extent that it is necessary for them to use wheelchairs, and persons having the care of such persons.

(7) in this section "purpose-built motor taxi" means a motor taxi—

(a) which is constructed or adapted by the manufacturer to accommodate a wheelchair; and

(b) the length of which does not exceed 210 inches and the width of which does not exceed 77 inches.

[Section 10 amended by 1995:31 effective 30 June 1995, by 1995:46 effective 22 December 1995, by 1997:31 effective 16 December 1997; by 1997:37 effective 6 May 1999; subsection (7)(b) substituted by 2003:19 s.2 effective 5 December 2003; section 10 amended by 2008:10 s.2 effective 1 April 2008; subsection (2)(ba) inserted by 2020 : 2 s. 3 effective 1 April 2020; Section 10 subsection (2)(ba) amended by 2024 : 22 s. 11 effective 1 September 2024]

Prohibition on the importation of modified or oversized motor cars

10A (1) No person shall import or cause to be imported a modified or oversized motor car.

(2) In this section, a "modified motor car" means a motor car the dimensions, structure, or structural integrity of which is changed, including—

(a) altering the motor car by removing any part that originally formed part of the motor car when first manufactured by the motor car's manufacturer; and

(b) altering the motor car chassis thereby causing the ratio of the weight of the vehicle to the maximum engine power output to be less 10.50 kilograms per kilowatt.

(3) In subsection (1), an "oversized motor car" means a motor car the specifications of which are not in accordance with the specifications set out in Schedule 1 and made applicable respectively to the several classes of motor cars therein mentioned but does not include any motor car that may be used under provisos (a) and (b) to section 10(1) and (b) to section 10(2).

[Section 10A inserted by 2006:38 s.2 effective 1 February 2007; amended by 2008:10 s.2 effective 1 April 2008]

Seizure and forfeiture of modified or oversized motor cars

10B (1) Any motor car imported in contravention of section 10A is liable to forfeiture and may be seized by—

(a) a police officer;

(b) a customs officer; or

(c) any person employed by the Minister for the purpose of seizure.

(2) The provisions of the Revenue Act 1898 regarding seizure and forfeiture of goods and things shall apply to motor cars seized under this Act as if they were seized under the Revenue Act for breach of that Act.

(3) For the purposes of the application of the relevant sections of the Revenue Act 1898, to the forfeiture and seizure of a motor car under this section, "Minister" and "Collector of Customs" shall be one in the same.

[Section 10B inserted by 2006:38 s.2 effective 1 February 2007]

Restrictions on design, colour and equipment

11 (1) No person shall use or to cause or allow any other person to use any motor car on a highway—

(a) if the design of the motor car; or

(b) if the colour of the motor car; or

(c) if any display of signs, letters or advertising matter on the motor car,

is prohibited by regulations made under this Act.

(2) No person shall use or to cause or allow any person to use any motor car on a highway or estate road—

(a) unless the motor car is equipped in accordance with regulations made under this Act;

(aa) unless the tinted film, sunshading material or other coloured material affixed to the windscreen or window of the motor car is of a type that complies with the requirements imposed by law; or

(b) unless the equipment so prescribed for the motor car is in good working order.

(3) Provision may be made by regulations made under this Act—

(a) for regulating the design of motor cars;

(b) for regulating or restricting the colour of motor cars and the display on motor cars of signs, letters or advertising matter;

(bb) for regulating, prohibiting or authorising the type of tinted film, sunshading material or other coloured material that may be affixed to a windscreen or window of a motor car;

(c) for prescribing the equipment of motor cars, the manner in which such equipment is to be fitted, and the manner in which such equipment is to be used.

(4) Any person who installs on the windscreen or window of a motor car a tinted film, sunshading material or other covered material which is darker than that provided for in this Act or any regulations made under this Act, commits an offence.

[Section 11 amended by 1991:14 effective 1 May 1991; subsection (4) inserted by 2002:25 s.2 effective 15 March 2003]

Restrictions on passenger motor cars

12 (1) No person shall use or cause or allow any other person to use a passenger motor car other than a private motor car, passenger truck, a funeral home limousine, a public service vehicle, a community service vehicle, a motor cycle or a self-propelled invalid chair.

(2) In this section "passenger motor car" means a motor car (other than an ambulance) so constructed as to show that its primary purpose is the conveyance of passengers.

[Section 12 subsection (1) amended by 1999:38 s.4 effective 14 September 1999; and by 2005:31 s.3 effective 1 September 2006]

Electrical motor cars

13 (1) Where the Minister is satisfied that any motor car 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 motor cars of that class, make or model to be approved electrical motor cars.

(2) Where a motor car is declared under subsection (1) to be an approved electrical motor car, 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 motor car shall be reduced by one half.

Classic cars

13A (1) The owner of a private motor car that is 25 years or older from the date of its manufacture, whether it has already been registered in Bermuda or is being imported to Bermuda, may apply to the Director to have the car classified as a classic car.

(2) An application under subsection (1) shall—

(a) be in writing and be in such form as the Director determines;

(b) be accompanied by a non-refundable fee of $500; and

(c) include such information as the Director may require.

(3) To be classified as a classic car, a private motor car shall—

(a) have specifications in accordance with a private motor car in Schedule 1;

(b) be 25 years or older from the date of its manufacture;

(c) be kept as close as possible to its original state as produced by the manufacturer.

(4) The Director shall, if satisfied with an application and any required information, classify a private motor car as a classic car and shall notify the owner of the private motor car, in writing, of the categorization as a classic car.

(5) For the avoidance of doubt, the principals and provisions of—

(a) sections 53A(1) and (2), 54 except subsection (9), 63, 66, 67, 72 and 73 shall apply to a classic car as if for the words "motor car" there were substituted the words "classic car";

(b) section 68 shall apply to a classic car as if for the words "motor vehicle" there were substituted the words "classic car" except in subsection (1).

[Section 13A inserted by 2023 : 27 s. 3 effective 9 November 2023]

Number of classic cars

13B (1) The number of classic cars which may be operated in Bermuda shall not in total exceed two hundred.

(2) The Minister may, by order published in the Gazette, vary the maximum number of classic cars provided in subsection (1).

(3) The negative resolution procedure shall apply to an order made under subsection (2).

[Section 13B inserted by 2023 : 27 s. 3 effective 9 November 2023]

Restrictions on use of classic cars

13C (1) No owner of a classic car—

(a) shall use a classic car except on Saturdays, Sundays or other public holidays as defined by the Public Holidays Act 1947;

(b) shall cause or allow more than one private motor car registered at the same residence to be used at any time.

(2) Any owner of a classic car who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $5,000.

[Section 13C inserted by 2023 : 27 s. 3 effective 9 November 2023]

Introductory provisions concerning private motor cars

14 *[omitted]*

Restrictions on use of imported used cars

15 (1) Subject to subsection (2), no person shall use, cause or allow another person to use a private motor car that, at the time it is imported into Bermuda, is a used motor car.

(2) Subsection (1) shall not apply—

(a) to a person who imports into Bermuda, for the first time, a private motor car—

(i) that is owned by such person;

(ii) that has been owned by such person for no longer than six months immediately preceding the date of import; and

(iii) that, prior to the date of import, has only been used for the purposes of—

(A) testing it;

(B) the personal use of that person; or

(C) transport to Bermuda;

(b) to a person who imports a classic car into Bermuda —

(i) that is owned by such person;

(ii) that has been owned by such person immediately preceding the date of import;

(c) where a person re-imports his private motor car or classic car into Bermuda that was owned and lawfully used by him as a private motor car or classic car immediately before it was exported from Bermuda.

(3) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $3,000.

[Section 15 repealed and replaced by 2023 : 27 s. 4 effective 9 November 2023]

Import; classic car

15A (1) The owner of a classic car may apply to the Director for a permit to import the classic car into Bermuda and the application shall—

(a) be made in writing and be in such form as the Director shall determine; and

(b) be accompanied by a non-refundable application fee of $1,000.

(2) An application for a permit under subsection (1) shall include—

(a) a notarized bill of sale in the applicant's name as proof of ownership of the classic car which includes—

(i) the make, model and model year;

(ii) the vehicle identification number (VIN) or chassis number;

(iii) the engine capacity; and

(iv) the dimensions of the car;

(b) a title document where the car is pre-owned by the applicant;

(c) the applicant's photo identification which includes—

(i) a valid driver's licence;

(ii) a valid passport; or

(iii) other valid government identification.

(3) The rate of import duty payable on a classic car shall be in accordance with Chapter 87 of the First Schedule to the Customs Tariff Act 1970 in respect of the importation of any such relevant motor car.

(4) Any owner of a classic car who imports or attempts to import into Bermuda a classic car without a permit or that is not for his sole use commits an offence and is liable on summary conviction to a fine of $3,000.

[Section 15A inserted by 2023 : 27 s. 5 effective 9 November 2023]

Restrictions relating to ownership, etc., of private cars

16 (1) The principles of this section are that, subject to the exceptions made in the following provisions of this Part,—

(a) a private motor car shall be registered under this Act in respect of the residence occupied by the owner thereof;

(b) no more than one private motor car shall be registered in respect of any residence;

(c) no person shall own or be registered as the owner of more than one private motor car;

(d) while any person is registered as the owner of a private motor car no member of the same household as that person shall be registered as the owner of another private motor car;

(e) the person entitled to register a private motor car in respect of any residence shall be the owner of that residence or, in the case of any residence which is the subject of a tenancy agreement, whether oral or in writing, the person who as between himself and the owner of the residence is entitled to exclusive possession of the premises;

(f) no private motor car shall be registered in respect of any residence in the name of any person other than a person entitled to register a private motor car in respect of that residence under paragraph (e) except on production to the Minister of a written statement signed by the person so entitled consenting to such registration; and

(g) no private motor car shall be registered in the name of any person under the age of eighteen years.

(1A) No person shall register a private motor car under subsection (1) unless, in addition to the requirements of that subsection—

(a) that person is in physical occupation of the residence in respect of which the private motor car is to be registered; and

(b) that person is the holder of a valid driver's licence.

(2) An application for the registration of a private motor car in respect of any residence shall be in such form and contain such particulars as the Minister may determine.

(3) Without prejudice to any other provision of this Act, any person who, being the registered owner of a private motor car in respect of any residence, vacates the residence in respect of which the private motor car is registered and fails to notify the Minister in writing of such vacation within twenty-one days of the date thereof commits an offence against this Act and the motor car licence issued to such person shall be void:

Provided that he may register his private motor car in respect of the residence to which he moves if—

(a) he gives written notice to the Minister of the fact that he has moved to such residence within twenty-one days of the date thereof; and

(b) he either—

(i) is the person entitled to register a private motor car in respect of that residence in accordance with subsection (1)(e); or

(ii) produces to the Minister a written statement signed by the person entitled consenting to the registration of his private motor car in accordance with subsection (1) (f),

and no fee shall be charged for any amendment of a licence effected under this proviso.

(4) Where in pursuance of subsection (1)(e) more than one person would, apart from this subsection, be entitled to register a private motor car in respect of any residence, then if all those persons who would be so entitled can agree amongst themselves which one of them shall be so entitled they may determine the matter accordingly by filing with the Minister a form of agreement approved by him, and in the absence of agreement, the Minister shall determine the matter having regard to—

(a) the duration of occupation of the residence by each of those persons;

(b) the period for which each of those persons has been registered as the owner of a private motor car; and

(c) the driving record of each of those persons.

(5) While a motor car licence issued to any person in respect of a particular private motor car remains in force, a motor car licence shall not be issued to that person in respect of another private motor car.

(6) While a person is registered as the owner of a particular private motor car he shall not be registered as the owner of another private motor car.

(7) While a person is entitled to use a particular private motor car on the highways of Bermuda, he shall not use or cause or allow any other person to use on such highways any other private motor car which, though not licensed or registered in his name, is owned by him or is ordinarily at his disposal.

(8) While a person holds a motor car licence in respect of a particular private motor car and is registered as the owner of that private motor car, no motor car licence in respect of a private motor car shall be issued to any member of the same household as that person, nor shall any member of the same household as that person be registered as the owner of a private motor car.

(9) No motor car licence shall be issued to any corporate body, company, firm or association of persons in respect of a private motor car, nor shall any corporate body, company, firm or association of persons be registered as the owner of a private motor car.

In this subsection "association of persons" means an organized body of persons such as a society or club or similar body of persons.

(10) Any motor car licence, any registration of a motor car, and any certificate of registration which is not in compliance with any of the foregoing provisions of this section, shall be void.

(11) *[Repealed by 1998:42]*

(12) *[Repealed by 1998:42]*

(13) *[Repealed by 1998:42]*

(14) For the purposes of this section, a person shall be deemed to be a member of the same household as another person if he resides in the same residence as that other person.

In this section—

"residence"means a building or part of a building occupied or capable of beneficial occupation for residential purposes which—

(a) is entered as a separate valuation unit in the valuation list maintained under the Land Valuation and Tax Act 1967 [*title 14 item 31*]; or

(b) if not so entered—

(i) forms part of an approved dormitory; or

(ii) is acknowledged by a certificate issued by or on behalf of the Minister as a separate residence for the purposes of the issue of motor car licences under this section.

The Minister may by notice published in the Gazette designate any building or complex of buildings which is occupied by hotel staff, nurses, police, or prison officers, service personnel or other persons having the same employer as an approved dormitory for the purposes of this section.

(15) Nothing in the foregoing provisions of this section shall prejudice the effect of section 74.

(16) The principles and provisions in this section shall apply—

(a) to a classic car as if for the words "private motor car" there were substituted "classic car";

(b) to a private light truck as if for the words "private motor car" there were substituted "private light truck".

(17) No private light truck shall be eligible for registration unless it is of a type approved by the Minister.

(18) Notwithstanding any other provision in this Act or any Regulations made thereunder no lettering, figure, sign, design, motif, ornamentation or advertisement of any kind shall be painted or exhibited on the interior or exterior surface of a private light truck except such as may be approved by the Minister.

(19) *[Repealed by 1998:42]*

[Section 16 amended by 1995:31 effective 30 June 1995; subsections (11)-(13), the proviso to (16), and subsection (19) repealed by 1998:42 s.2(a) effective 24 December 1998; subsection (1A) inserted by 2008:32 s.2 effective 30 July 2008; Section 16 subsection (16) repealed and replaced by 2023 : 27 s. 6 effective 9 November 2023]

Restrictions upon replacement of private motor cars

17 (1) Subject to this section and section 18, where any person who is registered as the owner of a private motor car under this Act sells or otherwise disposes of that motor car, or in the case of a part-owner his interest in that motor car, no motor car shall be registered—

(a) by him;

(b) by any member of his household; or

(c) in respect of the residence occupied by him at the date of the sale or disposal,

until after the date of the registration or the licensing of the motor car in the name of another person or of the disposal of the motor car.

(2) For the purposes of this section a motor car is treated as disposed of—

(a) where the motor car to be disposed of is certified by an examiner to be so damaged as to be beyond repair and to be permanently unserviceable and has been disposed of in such manner as the Minister may direct;

(b) where an export certificate is issued in respect of the motor car under section 58 and the Minister is satisfied that the motor car has been exported;

(c) where the motor car is disposed of and is subsequently licensed as a public service vehicle.

(3) Any motor car licence, any registration and any certificate of registration which is issued or made in contravention of this section shall be void.

(4) In this section "member of the same household" and "residence" have the same meanings as in section 16.

[Section 17 amended by 1993:3 effective 12 March 1993]

Transitional provisions governing multiple registration of private motor cars

18 *[omitted]*

Restriction on licensing of second-hand private motor cars

19 (1) A private motor car which has previously been licensed in the name of one person shall not be registered or licensed in the name of any other person unless that motor car, at a date within one month before the date of the application for such registration or licence, has been examined by an examiner or inspector and has been certified by the examiner or inspector to be fit to be licensed as a private motor car.

(2) Section 54(5) and (5A) shall apply to an examination carried out under subsection (1).

[Section 19 amended by 2008:44 s.5 effective 23 December 2008; amended by 2009:8 s.2A effective 25 March 2009]

Ownership and operation of loaner vehicles

19A (1) Notwithstanding anything in section 16, the operator of a garage ("loaner vehicle operator") may, in accordance with this section, own and operate a loaner vehicle service consisting of not more than—

(a) five private motor cars;

(b) five commercial vehicles; and

(c) two motor taxis.

(2) A loaner vehicle operator shall not operate or cause or allow any other person to operate a loaner vehicle service except under the authority of a valid permit granted by the Minister authorizing the operation of the loaner vehicle service.

(3) A loaner vehicle operator shall not use or cause or allow any person to use a loaner vehicle, other than a person whose private motor car, motor taxi or commercial vehicle, as the case may be, is being repaired by that operator.

(4) A loaner vehicle operator shall not loan to a person whose motor car is being repaired a loaner vehicle other than a loaner vehicle of the same class of motor car as the one that is being repaired (an "appropriate loaner vehicle").

(5) For the purposes of this section, the holder of a valid driver's licence shall be deemed to be licensed to drive an appropriate loaner vehicle.

(6) In this section—

"commercial vehicle" means a light truck, an intermediate truck or a heavy truck as specified in Schedule 1;

"loaner vehicle" means a motor car which is a private motor car, a motor taxi or a commercial vehicle which—

(a) is owned by a garage; and

(b) from time to time is loaned, free of charge, to a person whose private motor car, motor taxi or commercial vehicle, as the case may be, is being repaired by that garage,

but does not include a limousine; and "loaner service vehicle" shall be construed accordingly.

[Section 19A inserted by 2004:8 s.3 effective 1 April 2004; subsection (6) "loaner vehicle" substituted by 2006:22 s.3 effective 11 June 2007; section 19A amended by 2008:10 s.2 effective 1 April 2008; Section 19A subsection (1) amended by 2022 : 30 Sch. 3 effective 4 November 2022; Section 19A subsection (6) amended by 2022 : 30 Sch. 3 effective 4 November 2022]

Application for permit

19B (1) An application for a permit authorizing a loaner vehicle service shall be made to the Minister in the prescribed manner and shall contain the prescribed particulars.

(2) The Minister shall consider every such application and may in his discretion either grant or refuse to grant a permit.

[Section 19B inserted by 2004:8 s.3 effective 1 April 2004]

Permits

19C (1) A permit shall be subject to such terms and conditions as the Minister may specify.

(2) If at any time the Minister is satisfied that the holder of a permit—

(a) has divested himself wholly or substantially of the management and control of the service in respect of which the permit was granted;

(b) is not operating in an efficient manner the service in respect of which the permit was granted; or

(c) is not operating the service in respect of which the permit was granted in accordance with the terms and conditions of the permit,

then the Minister, subject to subsections (4) and (5), may by notice in writing to the holder of the permit (which notice shall specify the grounds on which the suspension is made) suspend the permit for a period not exceeding twelve months.

(3) Where a permit is so suspended by the Minister then the permit shall have no effect during the period of the suspension.

(4) Before suspending any permit on any of the grounds mentioned in subsection (2), the Minister shall give the holder of the permit an opportunity to object (and if he does object) an opportunity to be heard by the Minister concerning his objection.

(5) On the expiration of the suspension the Minister may by notice in writing to the holder revoke the permit.

(6) Where a person is aggrieved by a decision of the Minister to suspend or revoke a permit granted to him he may have the matter remitted to a court of summary jurisdiction in the manner provided and subject to the conditions set out in section 116.

(7) Where the court reverses the decision of the Minister, the Minister shall not again suspend the permit during a period of two months from the date of the reversal of the decision or from the date on which the suspension of the permit was due to expire or the revocation of the permit was due to take effect, whichever is the later date:

Provided that, subject as aforesaid the reversal of that decision shall not preclude the Minister from again suspending or, subject to this subsection, from again revoking the permit.

[Section 19C inserted by 2004:8 s.3 effective 1 April 2004]

Minister may vary number of loaner vehicles

19D (1) The Minister may, from time to time, by order published in the Gazette, vary the number of loaner vehicles which a loaner vehicle operator may own and operate.

(2) An order made under subsection (1) shall be subject to the negative resolution procedure.

[Section 19D inserted by 2004:8 s.3 effective 1 April 2004]

Permit not transferable

19E A permit granted under section 19B shall not be capable of being transferred by its holder or by the holder's estate representative to another person.

[Section 19E inserted by 2004:8 s.3 effective 1 April 2004]

Offences against section 19A

19F A person who contravenes any of the provisions of section 19A commits an offence against this Act.

[Section 19F inserted by 2004:8 s.3 effective 1 April 2004]

Entitlement of excepted persons to own and use two private motor cars

20 (1) Notwithstanding anything in section 16, an excepted person shall be entitled, after registering a private motor car which he is authorized to own and have at his disposal under section 16, to licence a private motor car for use in his professional capacity or such other use as the Director may determine.

(2) A private motor car licensed under subsection (1) shall bear such distinctive identification mark as the Minister may determine.

(3) A private motor car licensed under subsection (1) shall be driven by the following persons only:—

(a) the excepted person in whose name the motor car is registered;

(b) a locum tenens authorized by the Bermuda Medical Council to undertake the duties of the excepted person during any period he is absent from Bermuda or is otherwise unable to carry out his professional duties;

(ca) an examiner, inspector or traffic officer while acting within the scope of his duties as such;

(cb) a police officer while acting within the scope of his duties as such;

(cc) a person who is engaged or employed in the operation of a garage or in connection with the operation of a garage, in order to move the motor car to any place for the purpose of repairing or servicing it or in order to move it to any place appointed by the owner of the motor car by some person on the owner's behalf after the carrying out of any such repair or servicing as aforesaid; or

(d) any person authorized in writing by the Minister.

(4) Any person who, not being a person mentioned in subsection (3), drives a private motor car licensed under subsection (1) commits an offence.

(5) In this section "excepted person" means—

(a) a registered medical practitioner or a registered veterinary practitioner—

(i) who is ordinarily resident in Bermuda;

(ii) who is in active practice as a medical practitioner or as a veterinary practitioner; and

(iii) who is not a Government Medical Officer within the meaning of section 2(1) of the Public Health Act 1949;

(b) a person registered as the owner of a classic car.

(6) To be entitled to licence a private motor car for use in his professional capacity under subsection (1), a registered medical practitioner who is employed by the Bermuda Hospitals Board shall—

(a) obtain written permission from the Chief of Staff of the Bermuda Hospitals Board; and

(b) be responsible for purchasing, and any other expenses relating to, the private motor car.

[Section 20 subsection (3) paragraphs (ca)-(cc) substituted for (c) by 1998:42 s.2(b) effective 24 December 1998; subsection (3) paragraph (ca) amended by 2008:44 s.6 effective 23 December 2008; subsection (5)(c)(ii) deleted and subsection (6) inserted by 2015 : 32 s. 2 effective 13 July 2015; Section 20 subsection (5)(c) amended by 2015 : 48 s. 25 effective 1 November 2017; Section 20 subsection (1) amended by 2020 : 2 s. 3 effective 1 April 2020; Section 20 subsection (3)(cc) amended by 2022 : 30 Sch. 3 effective 4 November 2022; Section 20 amended by 2023 : 27 s. 7 effective 9 November 2023]

Seat belts: adults

20A (1) Except as provided by this section and by regulations, a person shall not drive a motor car on a highway unless he and any passenger riding in the front seat of the motor car are wearing a seat belt in conformity with the regulations.

(2) Subsection (1) does not apply—

(a) to a person riding in the front passenger seat of a motor car who is under the age of fourteen years; or

(b) in the case of a motor car which does not have seat belts fitted.

[Section 20A inserted by 2001:38 s.2 effective 1 January 2004]

Seat belts: children

20B (1) Except as provided by this section and by regulations, where a child under the age of fourteen years is in a motor car, a person shall not without reasonable excuse drive the motor car on a highway unless the child is wearing a seat belt in conformity with regulations.

(2) Subsection (1)—

(a) does not apply in the case of a motor car which does not have seat belts fitted;

(b) does not require a child to ride in the front seat of a motor car which does not have seat belts fitted in the rear seats.

(3) In this section, "seat belt" includes any description of restraining device prescribed by regulations; and any reference to wearing a seat belt shall be construed accordingly.

[Section 20B inserted by 2001:38 s.2 effective 1 January 2004]

Offences

20C (1) Any person who—

(a) drives a motor car in contravention of section 20A or 20B; or

(b) rides in the front passenger seat of a motor car in contravention of section 20A,

commits an offence.

(2) Notwithstanding subsection (1)(b) or any enactment or rule of law, where the person actually committing an offence contrary to that subsection is under the age of eighteen years the driver of the motor car is guilty of the offence.

[Section 20C inserted by 2001:38 s.2 effective 1 January 2004]

21 *[Repealed by 1976:58]*

Restriction on use of instructional vehicles

22 (1) No person shall use or cause or allow any other person to use any instructional vehicle except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) A permit issued for the purposes of subsection (1) shall only be issued to and in the name of a driving instructor and no driving instructor shall be issued with more than one such permit.

(3) The Minister shall refuse to issue a permit unless he is satisfied that the instructional vehicle is constructed and equipped in the manner provided in any regulations relating to such a vehicle and may issue a permit subject to such conditions and limitations as he sees fit to specify in the permit.

(4) A permit issued for the purposes of subsection (1) shall expire 12 months after the date of the issue thereof.

(5) Nothing in sections 15, 16, 17, 18, 19, 20 and 21 shall have effect in relation to an instructional vehicle in respect of which a permit has been issued under this section.

Use of instructional vehicles

23 No person shall drive or cause or allow any other person to drive an instructional vehicle unless—

(a) the instructional vehicle is being used for the purposes of providing driving instruction or of travelling to or from the place where such instruction is to be, or has been, given; and

(b) the person driving the instructional vehicle is—

(i) a driving instructor; or

(ii) a person being lawfully taught to drive under the supervision of a driving instructor.

Use of motor cycles

24 (1) Subject as hereinafter provided, no person shall use or cause or allow any other person to use any motor cycle the specifications of which are not in accordance with the statutory specifications set out in Schedule 1 and made applicable respectively to the classes of motor cycles therein except with the written permission of the Minister.

Provided that the foregoing restrictions shall not apply in relation to any motor cycle owned by the Government and used in the service of the Police Service.

(2) Except with the written permission of the Minister, and in accordance with any conditions or limitations specified in the permission, a motor cycle shall not be used for any purpose other than the purpose of the convenient conveyance of its driver and any passenger thereon from one place to another.

(3) Nothing in section 16 or section 17 shall have effect in relation to a motor cycle.

(4) No person shall use or cause or allow to be used any motor cycle which at the time of its importation into Bermuda was a used motor cycle, that is to say, a motor cycle which had already been used otherwise than for the purpose of testing it:

Provided that the foregoing restrictions shall not apply—

(a) where a person imports for the first time into Bermuda a motor cycle—

(i) which is owned by him; and

(ii) which has been owned by him for a period not longer than the period of 6 months immediately preceding the date of the importation of the motor cycle into Bermuda; and

(iii) which, prior to the date on which it was first imported into Bermuda, has not been used except for the purpose of testing it, or for the personal use of the person who imports it into Bermuda;

(b) where a person re-imports into Bermuda a motor cycle owned by him and which was owned and was being lawfully used by him immediately before it was exported from Bermuda.

(5) In this section, "motor cycle" means a motor car designed to travel on two or three wheels, which is equipped with two or more gear ratios or the motor of which has a cubic capacity exceeding 50 cubic centimetres, but, subject to subsection (1), not exceeding 150 cubic centimetres.

[Section 24 amended by 1997:37 effective 6 May 1999; subsection (1) substituted by 2002:23 s.2 effective 15 August 2002; section 24 amended by 2008:10 s.2 effective 1 April 2008; Section 24 subsection (5) amended by 2018 : 43 s. 2 effective 30 July 2018]

Use of invalid carriages

25 (1) Subject to this section it shall not be necessary for a person to hold a licence or a permit for the use of an invalid carriage on a road.

(2) Every invalid carriage shall be of a type approved by the Minister and shall be equipped with an efficient braking system, so designed and constructed that application of the brakes shall bring the vehicle to rest within a reasonable distance.

(3) Before any person may use an invalid carriage on a road for the first time he shall submit it to an examiner or inspector who shall test the braking system and if the

braking system is efficient for the purposes of the vehicle the examiner or inspector shall issue, free of charge, a certificate to that effect.

(4) Examinations of invalid carriages shall be made at such times and such places as the Minister may appoint by notice.

(5) Where an invalid carriage is used at night a single headlamp showing a white light to the front shall be attached to the vehicle. A reflector showing red to the rear shall also be attached to the vehicle.

(6) If at any time it is made to appear to the Minister that the physical or mental condition of a person who operates an invalid carriage has deteriorated to such an extent as to be likely to prevent him from operating the invalid carriage in a safe and proper manner on a road, having regard to other users thereof, the Minister may by notice addressed to him prohibit him from using an invalid carriage on the road or on a particular road.

(7) The Minister may make regulations generally in relation to the use of invalid carriages and otherwise in respect thereof.

(8) Any person who contravenes subsection (2), (3), (5) or (6) commits an offence:

Punishment on summary conviction: a fine of $350.

(9) For the purposes of this section "road" includes a highway, an estate road, a naval or military road, a United States road as so defined in section 1 of the Road Traffic Act 1947 [*title 21 item 3*], sidewalk so defined in that Act, and grass verges adjoining a road.

(10) The following enactments shall not apply to an invalid carriage:

(a) section 7 of the Road Traffic Act 1947 [*title 21 item 3*] relating to the speed limits of vehicles;

(b) section 25 of the Road Traffic Act 1947 [*title 21 item 3*] relating to the carrying of lights during the hours of darkness; and

(c) the Motor Car Insurance (Third-Party Risks) Act 1943 [*title 21 item 5*].

[Section 25 subsection (3) amended by 2008:44 s.7 effective 23 December 2008]

Use of community service vehicles

25A (1) No person shall use or cause or allow any other person to use any motor car as a community service vehicle except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) With respect to permits authorizing persons to use community service vehicles—

(a) an application for the grant of a permit shall be made to the Minister in the prescribed manner and shall contain the prescribed particulars;

(b) the Minister shall consider every such application and may in his discretion either grant or refuse to grant a permit;

(c) without prejudice to the discretionary power of the Minister, in any application made to him to grant a permit the Minister, in determining any application shall—

(i) not grant a permit unless he is satisfied that the applicant operates a service or a facility involving the care of young children or the care of elderly, disabled or infirm persons which is of demonstrable benefit to the public;

(ii) take into consideration whether there is reasonable need for such transport facilities in the community;

(d) no person shall own or be registered as the owner of more than two community service vehicles;

(e) if the Minister is satisfied that the circumstances by reason of which a permit is granted under this section have ceased to exist or have been materially modified, then the Minister may by notice in writing to the holder of the permit revoke or vary the permit.

(3) Provision may be made by regulations made under this Act—

(a) for prescribing the particulars to be furnished to the Minister by applicants for the grant of permits;

(b) for requiring the holders of permits to notify the Minister upon ceasing to engage in the business involving the service or facility which necessitated the use of a community service vehicle;

(c) for prescribing distinctive or other marks, signs or lettering to be displayed on community service vehicles.

Use of funeral home limousines

25B (1) No person shall use or cause or allow any other person to use a funeral home limousine except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) No person shall use or cause or allow any other person to use as a funeral home limousine a motor car which at the time of its importation into Bermuda was a used motor car.

(3) With respect to permits authorising persons to operate funeral home limousines—

(a) an application for the grant of a permit shall be made to the Minister in writing and shall contain such particulars as the Minister may require;

(b) the Minister shall consider every such application and may in his discretion either grant or refuse to grant a permit;

(c) the Minister, if he grants a permit, may attach to the permit such terms and conditions as to additional specifications of funeral home limousines

and their use as he may think expedient, but shall in no case authorise the permit-holder to use more than two funeral home limousines.

[Section 25B inserted by 1999:38 s.5 effective 14 September 1999]

General restrictions on use of motor cars for hire or reward

26 (1) Subject to subsection (3), no person shall use or cause or allow any other person to use—

(a) any motor car other than a public service vehicle for the carriage of passengers for hire or reward;

(b) any motor car other than a truck (including a tank wagon) for the carriage of goods, substances, animals or other loads for hire or reward.

(2) Subject to subsection (3), it shall be unlawful for any person to demand or accept any reward—

(a) in respect of the use of any motor car other than a public service vehicle for the carriage of passengers for hire or reward;

(b) in respect of the use of any motor car other than a truck (including a tank wagon) for the carriage of goods, substances, animals or other loads.

(3) Nothing in subsections (1) or (2) shall have effect—

(a) in relation to the carriage of goods, substances, animals or other loads in public service vehicles for hire or reward in accordance with regulations made under this Act or, in respect of omnibuses operated by the Government, in accordance with regulations duly made by the Public Transportation Board under any other Act; or

(b) in relation to the carriage in an ambulance of a sick or injured person or from a hospital or other place for the purpose of his relief or treatment; or

(c) in relation to the carriage of goods, substances, animals or other loads in a trailer drawn by a truck or tractor.

Introductory provisions concerning use of public service vehicles

27 *[omitted]*

Establishment of Public Service Vehicles Licensing Board

28 (1) There shall be established for the purpose of licensing the use of public service vehicles a board of persons to be called the Public Service Vehicles Licensing Board which shall have the powers and discharge the duties conferred or imposed upon the Public Service Vehicles Licensing Board by or under sections 32, 32A, 33, 34, 35, 35C, 35D, 35E, 35G, 36, 36A, 36B, 36C, 36D, 36E, 90(1), 90(4), 90(5) and 90(6) of this Act and any other enactment.

(1A) Without prejudice to the powers conferred under subsection (1), the Board shall have the power to issue a Code of Practice for Ridesharing Operators and Ridesharing Permit Holders.

(2) The Governor shall by notice in the Gazette appoint annually such numbers of persons, being not less than five nor more than eleven as the Governor may decide, to be members of the Board.

(3) Any person appointed to be a member of the Board shall hold office during the Governor's pleasure and unless his appointment is earlier terminated it shall be deemed to terminate one year from the date upon which such appointment took effect.

(4) There shall be a Chairman and Deputy Chairman of the Board each of whom shall be appointed by the Governor from among the members of the Board and each of whom shall hold office as such during the Governor's pleasure:

Provided that the Board shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or any member.

(5) Any meeting of the Board shall be presided over by—

(a) the Chairman; or

(b) in the absence of the Chairman, the Deputy Chairman; or

(c) in the absence of both the Chairman and the Deputy Chairman such member of the Board as the members present elect to act as Chairman at that meeting.

(6) A majority of the members of the Board in Bermuda at the date of any meeting shall form a quorum thereat:

Provided that such majority shall consist of not less than four members.

(7) Every question or matter to be determined by the Board at any meeting shall be decided by a majority of the votes of the members present and voting on the question or matter:

Provided that in the event of any equal division of votes the person presiding at the meeting may, if he thinks fit, give a second or casting vote.

(8) Fees shall be paid to members of the Board in accordance with the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

(9) Subject to subsections (1) to (8) the Board may regulate its own procedure.

(10) In the exercise of his powers under this section the Governor shall act on the advice of the Minister.

[Section 28 subsection (1) amended by 2006:35 s.3 effective 11 June 2007; Section 28 subsection (1) amended and subsection (1A) inserted by 2026 : 6 s. 3 effective 24 April 2026]

Minister may give Board general directions

29 The Minister may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of their functions under this Act and any other enactment in relation to matters which appear to him to affect the public interest, and the Board shall give effect to any such directions.

Board may call upon Department

30 In the exercise and performance of their functions under this Act and any other enactment the Board may call upon the Department to provide such advice and assistance as the Board consider necessary for the performance of their functions and the Department shall provide such advice and assistance.

Board to furnish Minister with reports

31 (1) The Board shall furnish the Minister with such reports, returns, statistics and other information concerning the exercise and performance by them of their functions as he may from time to time require.

(2) Without prejudice to the generality of subsection (1) the Board shall, as soon as possible after the first day of January in each year, make to the Minister a report on the exercise and performance by them of their functions during the preceding year and such report shall set out any direction given by the Minister to the Board during the year.

(3) A copy of every report made to the Minister under subsection (2) shall be laid by him before each House of the Legislature.

Use of omnibuses and minibuses

32 (1) The Government may operate omnibuses, or minibuses, or both either directly or through an agent, on the highways of Bermuda.

(2) Subject as aforesaid, no person other than an approved omnibus company or an approved minibus company shall use, or cause or allow any other person to use any motor car as an omnibus or a minibus.

(3) In this section "approved omnibus company and approved minibus company" means a company incorporated in Bermuda and operating omnibuses or minibuses, as the case may be, on the highways of Bermuda with the prior approval of the Board and under and in accordance with an Act of the Legislature.

(4) This section shall have effect notwithstanding any other Act or any power conferred thereunder.

[Section 32 amended by 1998:7 effective 1 April 1998]

Use of minibuses in operation of minibus services

32A (1) No person shall use, or cause or allow any other person to use a minibus, except under the authority of a valid permit granted by the Board and authorizing the operation of a minibus service.

(2) No person shall use or cause or allow any other person to use a minibus for any purpose other than for the purpose of a minibus service; and if a minibus is used for any purpose other than a minibus service, then the holder of the permit and the person who at the material time was the person in charge of the minibus, notwithstanding section 119, each commit an offence against this Act.

(3) The purpose of a minibus service shall be for the conveyance of the general public to or from any place in Bermuda, including the Bermuda International Airport, for hire or reward.

(4) With respect to permits authorizing persons to operate minibus services—

(a) an application for the grant of a permit shall be made to the Board in writing and shall contain such particulars as the Board may require;

(b) the Board shall consider the application under paragraph (a) and may in its discretion either grant or refuse to grant a permit;

(c) an applicant for a permit shall, on approval of their application, pay the fee set out in Schedule 1B;

(d) a permit shall be reviewed by the Board annually;

(e) where a permit is granted, the Board shall have a discretion to impose in the permit a condition that the holder of the permit shall only use or cause to be used a minibus of such specifications as may be specified in the permit;

(f) where a permit is granted, it shall be a condition of the permit that the Minister may make an order requiring a permit holder to assist in transporting persons in circumstances of emergency or where a temporary need arises to transport large groups of persons and there is a lack of other public service vehicles available to do so;

(g) every permit shall specify the period (to be determined by the Board) within which the service is to be instituted, and the Board may revoke any permit if the holder of the permit fails to institute the service within the period specified or within such longer period as the Board in particular cases may allow;

(h) if at any time it appears to the Board that the holder of a permit—

(i) has divested themselves wholly or substantially of the management and control of the service in respect of which the permit was granted; or

(ii) is not operating in an efficient manner the service in respect of which the permit was granted,

then the Board may, by notice in writing to the holder of the permit (which notice shall specify the grounds on which the suspension is made), suspend the permit for a period of two months; and where a permit is so suspended by the Board then, subject to paragraphs (i) and

(j), the permit shall have no effect during the period of the suspension; and on the expiration of the period of the suspension, the Board may by notice in writing to the holder, revoke the permit;

(i) for the purposes of paragraph (h), the operation of a service in an efficient manner shall be deemed to include making available for the use of the public the number (with reasonable exceptions) of minibuses specified in the permit, and also the maintenance of minibuses in a decent and comfortable condition, having regard to such matters as paint work, upholstery, cleanliness and good external and internal appearance; and the Board, in determining whether or not a service is being operated in an efficient manner, may also take into consideration the behaviour of persons engaged or employed in the operation of the service;

(j) before suspending any permit on either of the grounds mentioned in paragraph (h) the Board shall give the holder of the permit an opportunity to object and (if the holder objects), an opportunity to be heard by the Board concerning their objection;

(k) a person who is aggrieved by a decision of the Board to suspend or revoke a permit granted to them, may have the matter remitted to a court of summary jurisdiction in the manner provided and subject to the conditions set out in section 116; and where the court reverses the decision of the Board, the Board shall not again suspend the permit during a period of two months from the date of the reversal of the decision or from the date on which the suspension of the permit was due to expire or the revocation of the permit was due to take effect, whichever is the latest date; but, subject as aforesaid, the reversal of that decision shall not preclude the Board from again suspending and, subject to this subsection, from again revoking, the permit;

(l) the Board may at any time require the holder of a permit to furnish to the Board, in such manner as the Board may direct, including a sworn declaration, such information as the Board may specify, being information required by the Board in connection with the discharge of their functions under this section; and if the Board directs that the information is to be furnished by a sworn declaration, the declaration may be sworn before a Justice of the Peace or a Commissioner for taking affidavits in the Supreme Court;

(m) without prejudice to any other provision of this Act relating to the examination of motor cars, the Board may require the holder of a permit to make available for inspection by any member of the Board, or by any person designated by the Board, all or any of the minibuses used for the purpose of the minibus service operated by the permit holder;

(n) hearings by the Board of applications for permits shall be open to the public;

(o) a permit is not transferable by the holder to any person.

[Section 32A inserted by 2006:35 s.4 effective 11 June 2007]

Use of motor taxis

33 (1) No person shall use, or cause or allow any other person to use, any motor car as a motor taxi except under the authority of a valid permit granted by the Board authorizing the operation of a motor taxi service.

(2) With respect to permits authorizing persons to operate motor taxi services—

(a) an application for the grant of a permit shall be made to the Board in the prescribed manner and shall contain the prescribed particulars;

(b) the Board shall consider every such application and may in their discretion either grant or refuse to grant a permit;

(c) without prejudice to the discretionary power of the Board, in any application made to them to grant a permit the Board, in determining any application, shall take into consideration the total number of motor taxis already at the time of the application authorized to be used by holders of permits, and in that regard shall take into consideration such matters as the reasonable need of the public for transport facilities, the character and condition of the highways, the amenities of Bermuda and the safety, comfort and convenience of the community;

(d) where a permit is granted, the maximum number of motor taxis that may be used for the purpose of operating the service shall be such as the Board in their discretion may determine, and shall be specified in the permit, and the holder of the permit shall not use or cause or allow to be used for the purpose of operating the service any greater number of motor taxis than that specified in the permit;

Provided that upon the application of the holder of a permit the Board may by endorsement on the permit authorize the use of a greater number of motor taxis than the number previously specified;

(e) every permit shall specify the period (to be determined by the Board) within which the service is to be instituted and the Board may revoke any permit if the holder of the permit fails to institute the service within the period so specified or within such longer period as the Board in particular cases may allow;

(f) if at any time the Board are satisfied that the holder of a permit—

(i) has divested himself wholly or substantially of the management and control of the service in respect of which the permit was granted; or

(ii) is not operating in an efficient manner the service in respect of which the permit was granted,

then the Board, subject to paragraph (g) and paragraph (h), may by notice in writing to the holder of the permit (which notice shall specify the grounds on which the suspension is made) suspend the permit for a period of 2 months; and where a permit is so suspended by the Board then the permit shall have no effect during the period of the suspension and on the expiration of the period of the suspension the Board may by notice in writing to the holder revoke the permit.

For the purposes of this paragraph, the operation of a service in an efficient manner shall be deemed to include making available for the use of the public the number (with reasonable exceptions) of motor taxis specified in the permit, and also the maintenance of the motor taxis in a decent and comfortable condition, having regard to such matters as paint work, upholstery, cleanliness and good external and internal appearance; and the Board, in determining whether or not a service is being operated in an efficient manner may also take into consideration the behaviour in matters concerning the operation of the service of persons engaged or employed in the operation of the service;

(g) before suspending any permit on either of the grounds mentioned in paragraph (f) the Board shall give the holder of the permit an opportunity to object and (if he objects) an opportunity to be heard by the Board concerning his objection;

(h) where a person is aggrieved by a decision of the Board to suspend or revoke a permit granted to him he may have the matter remitted to a court of summary jurisdiction in the manner provided and subject to the conditions set out in section 116; and where the court reverses the decision of the Board the Board shall not again suspend the permit during a period of 2 months from the date of the reversal of the decision or from the date on which the suspension of the permit was due to expire or the revocation of the permit to take effect, whichever is the later date; but, subject as aforesaid, the reversal of that decision shall not preclude the Board from again suspending or, subject to this subsection, from again revoking, the permit;

(i) the Board may at any time require the holder of a permit to furnish the Board, in such manner as the Board may direct, including a sworn declaration, with such information as the Board may specify, being information required by the Board in connection with the discharge of their functions under this section; and if the Board direct that the information is to be furnished by a sworn declaration, the declaration may be sworn before a justice of the Peace or a Commissioner for taking affidavits in the Supreme Court;

(j) without prejudice to any other provision of this Act relating to the examination of motor cars, the Board may require the holder of a permit to make available for inspection by any member of the Board, or any person designated by the Board, all or any of the motor taxis used for the purpose of the service operated by him;

(k) hearings by the Board of applications for permits shall be open to the public.

(3) No person shall use or cause or allow any other person to use a motor taxi except for the purpose of operating a motor taxi service.

(4) *[Deleted by 2005:16]*

(5) Where a motor car has been used as a motor taxi it shall not subsequently be licensed as a private motor car.

[Section 33 subsection (4) repealed by 2005:16 s.3 effective 5 February 2006]

Number of authorized motor taxis

34 (1) The number of motor taxis which may be operated in Bermuda under the authority of a permit granted under section 33 or of a special permit granted under the Motor Taxi (Special Permits) Act 1970 [*title 21 item 10*] shall not in total exceed six hundred.

(2) The Minister may, from time to time, after consultation with the Board, by order published in the Gazette, vary the maximum of motor taxis specified in subsection (1).

(3) The negative resolution procedure shall apply to an order made under subsection (2).

Transfer of permits

35 (1) Subject to this section a permit granted under section 33 shall be capable of being transferred by its holder or by his estate representative (in both cases in this section referred to as "the transferor") to another person (in this section referred "the transferee").

(2) The transferor shall make an application for the transfer of the permit and the application shall be accompanied by such information relating to the transferee as the Board may require, and, if the Board are satisfied that the transferee is a suitable person to operate a motor taxi service, the Board may approve the application for transfer.

(3) Upon approval of the application for transfer by the Board the transferor shall surrender the permit to the Board who may either cancel the permit and grant a new one to the transferee subject to such conditions as the Board may determine, or cause such endorsement to be made on the permit as may be necessary to evidence the transfer of the permit to the transferee.

(4) Section 33 shall apply to a permit granted to the transferee under subsection (3) as it applies to a permit granted under that section.

Permit as security for loan

35A (1) A permit granted under section 33 or pursuant to section 35(3) shall be capable of being used by its holder (in this section called "the borrower") as security for a loan.

(2) Where the borrower uses his permit as security for a loan—

(a) the permit together with written evidence of the loan signed by the person granted the loan (in this section called "the lender") and by the borrower shall be submitted to the Director of Transport Control (in this section called "the Director") who shall endorse on the permit the fact of the loan made and shall make and keep a record of the transaction;

(b) the permit shall, after being duly endorsed, be returned by the Director to the lender;

(c) on an application in writing signed by the lender and the borrower requesting cancellation of the endorsement on the permit the Permanent Secretary shall—

(i) cancel the endorsement on the permit;

(ii) make the necessary entries in his records evidencing the cancellation of the endorsement; and

(iii) deliver the permit to the borrower;

(d) if during the subsistence of the loan the lender submits to the Director an application in writing signed by the lender and the borrower for permission to transfer the permit to another person the Permanent Secretary shall submit the application to the Board and if the Board consider that other person to be a suitable person to operate a motor taxi service, the Board shall approve the transfer of the permit to that other person freed and discharged from the loan endorsed thereon;

(e) the transfer shall be in such form as the Minister shall approve.

(3) The provisions of section 33(2)(f) relating to the revocation of a permit shall not apply to a permit which is used as security for a loan but in the case of a permit so used the Board shall, if the circumstances specified in section 33(2)(f)(i) and (ii) occur, suspend the permit as specified in section 33 and in place of the power of revocation, may order that the permit be transferred by the lender to a person whom the Board consider suitable to operate a motor taxi service.

(4) No action, suit, prosecution or other proceedings shall be brought or instituted against the Board or any member of the Board in respect of any act done bona fide in pursuance or execution or intended execution of any function under this section.

Motor taxis to register with taxi despatching service

35B (1) Without prejudice to anything contained in this Act, no person shall operate a motor taxi service unless the motor taxi—

(a) is registered with a taxi despatching service; and

(b) is appropriately equipped.

(1A) For the purposes of subsection (1)(b) "appropriately equipped" means equipped within six months of the coming into operation of this subsection, with—

(a) a two-way radio set;

(b) a mobile data terminal;

(c) a global positioning device; and

(d) an alarm device,

approved by the Minister by Order subject to the negative resolution procedure.

(1B) For the purposes of this section and section 37A—

(a) "two-way radio set" means a radio set capable of transmitting and receiving messages over the air waves;

(b) "mobile data terminal" means a device which is capable of receiving text messages from a taxi despatching service and of responding to such messages;

(c) "global positioning device" means a device which enables a taxi despatching service to monitor the location of a motor taxi which is registered with that taxi despatching service; and

(d) "alarm device" means a device which when triggered is capable of alerting the taxi despatching service with which the motor taxi is registered and all other motor taxis registered with that taxi despatching service, that the operator of the motor taxi is in need of assistance.

(1C) No person shall operate or cause or allow any other person to operate a motor taxi unless the mobile data terminal and the global positioning device that the motor taxi is required to be equipped with are in working order and are switched on.

(1D) When a motor taxi is being operated for hire, the person who operates the motor taxi shall—

(a) use the global positioning device for the purposes of indicating the location of the motor taxi to the taxi despatching service with which the motor taxi is registered; and

(b) use the mobile data terminal for the purposes of receiving messages from, and sending messages to, that taxi despatching service with regard to the hiring of the motor taxi.

(1E) Except in the case of emergency, no person who operates a motor taxi shall use any equipment other than the global positioning device and the mobile data terminal for the purposes of communication, with regard to the hiring of the motor taxi, between the motor taxi and the taxi despatching service with which the motor taxi is registered.

(2) Any person who contravenes subsection (1), (1C), (1D) or (1E) commits an offence:

Punishment on summary conviction: a fine of $1,400 for the day on which the offence is committed and for each day during which the offence continues and shall also be liable to have his permit suspended by the Board for such period as the Board may think proper.

[Section 35B subsections (1)-(1B) substituted for (1) by 2005:16 s.4 effective 5 February 2006; amended by 2008:26 s.2 effective 23 January 2009]

Application for a ridesharing permit

35C (1) Prior to submitting an application for a ridesharing permit, an applicant must consent to the terms and conditions specified by the Board relating to the issuance of a permit.

(2) A person may make an application to the Board for the grant of a ridesharing permit to operate a ridesharing service where that person—

(a) holds a valid driver's licence in respect of a motor car classified as Class (e), (f), or (g) under section 76(2); and

(b) owns and operates a private motor vehicle licensed under section 52.

(3) An application under subsection (2) must—

(a) be in the form as specified by the Board;

(b) contain the requested details in relation to an applicant including—

(i) name;

(ii) address;

(iii) date of birth;

(iv) driver's licence number;

(v) the registration number of the private motor vehicle proposed for use as a ridesharing vehicle; and

(vi) any other information specified by the Board.

(4) A person making an application under subsection (2) is subject to—

(a) a criminal record check; and

(b) a traffic offence record check.

(5) The Department may, by notice published in the Gazette, specify the dates and times for the submission of an application under this section.

[Section 35C inserted by 2026 : 6 s. 4 effective 24 April 2026]

Grant of ridesharing permit, refusal or request for further information

35D (1) The Board shall consider each application submitted in accordance with section 35C.

(2) The Board may after considering an application under subsection (1)—

(a) approve the application and grant a ridesharing permit subject to such conditions as specified by the Board;

(b) refuse to grant a ridesharing permit;

(c) request further information from the applicant to determine the application.

(3) A ridesharing permit granted under subsection (2)(a)—

(a) must be issued in respect of a person and a private motor vehicle approved by the Board;

(b) must specify—

(i) the name of the person granted the ridesharing permit;

(ii) the private motor vehicle permitted for use as a ridesharing vehicle;

(iii) the period for which the ridesharing permit is valid;

(iv) any other information as specified by the Board;

(c) is renewable upon approval by the Board;

(d) is non-transferable from a person to another person or from a private motor vehicle to another private motor vehicle.

(4) A ridesharing permit shall be granted for a period as specified by the Board.

(5) A successful applicant for the grant of a ridesharing permit must pay the fee specified in Schedule 1B prior to the issuance of the permit by the Board.

(6) After consultation with the Board, the Minister may, by order subject to the negative resolution procedure, prescribe the number of ridesharing permits to be issued.

(7) No ridesharing permit shall be granted unless the applicant has paid in full to the Tax Commissioner the payroll tax due under section 9BB(3) of the Payroll Tax Act 1995.

[Section 35D inserted by 2026 : 6 s. 4 effective 24 April 2026; Section 35D subsection (7) inserted by 2026 : 16 s. 4 effective 24 April 2026]

Inspection of a ridesharing vehicle

35E Notwithstanding sections 54 and 55, and without prejudice to any provision in this Act in relation to the inspection of a private motor vehicle, the Board may—

(a) in considering an application under section 35D direct a person to make available for inspection, to the Department, the private motor vehicle proposed for use as a ridesharing vehicle;

(b) at any time require the holder of a ridesharing permit to make available for inspection, to the Department, the private motor vehicle used as a ridesharing vehicle.

[Section 35E inserted by 2026 : 6 s. 4 effective 24 April 2026]

Persons prohibited from holding a ridesharing permit

35F Without prejudice to section 82, a person is prohibited from holding a ridesharing permit where—

(a) that person has been convicted of any criminal offence that on the date of application for a ridesharing permit, is not considered spent under the Rehabilitation of Offenders Act 1977;

(b) false information is provided on an application for a ridesharing permit.

[Section 35F inserted by 2026 : 6 s. 4 effective 24 April 2026]

Suspension or revocation of ridesharing permit

35G (1) The Board may suspend a ridesharing permit where—

(a) it is satisfied that a ridesharing permit holder—

(i) after being granted a ridesharing permit, becomes a person who is prohibited from holding a ridesharing permit under section 35F, or is a person referred to in paragraph (a) and (b)(i) and (ii) of section 82(1);

(ii) is convicted of an offence under this Act, or any other enactment or statutory instrument relating to motor cars or road traffic;

(iii) has divested himself wholly or substantially of the service in respect of which the ridesharing permit is granted;

(iv) does not operate a ridesharing service in an efficient manner as outlined in subsection (7);

(v) is the subject of a written complaint made by a senior traffic officer; or

(vi) breaches any other conditions specified by the Board;

(b) a motor car used to provide a ridesharing service fails a vehicle inspection conducted by the Department.

(2) Prior to suspending a ridesharing permit under subsection (1), the Board shall—

(a) give notice in writing to the ridesharing permit holder that includes—

(i) a statement of the alleged breach; and

(ii) actions required to remedy the alleged breach, where remediable;

(b) where a breach is not remedied under (2)(a)(ii), allow the ridesharing permit holder the opportunity to make representations before the Board at a hearing.

(3) Notwithstanding subsection (2) the Board may—

(a) suspend a ridesharing permit, with immediate effect, upon receipt of a report in writing from a senior traffic officer, where it is expedient to do so in the interest of the safety or security of persons; and

(b) allow the ridesharing permit holder who was suspended under (3)(a) the opportunity to make representations before the Board at a hearing.

(4) A hearing under subsection (2)(b) or (3)(b) shall be held at a time and place as the Board specifies and the Board shall, in writing, maintain an accurate record of the proceedings.

(5) The Board may, after a hearing under subsection (2)(b) or (3)(b)—

(a) suspend a ridesharing permit for a specified period;

(b) lift a suspension in relation to a ridesharing permit;

(c) revoke a ridesharing permit.

(6) A ridesharing permit suspended or revoked under subsection (5) does not affect—

(a) a driver's licence issued under section 76;

(b) a licence issued under section 52 in respect of a private motor vehicle.

(7) For the purposes of subsection (1)(a)(iv), the operation of a ridesharing service in an efficient manner shall include—

(a) maintaining the ridesharing vehicle in a decent and comfortable condition, having regard to such matters as the paint work, upholstery, cleanliness and good external and internal appearance;

(b) in relation to a ridesharing operator, complying with the Code of Practice for Ridesharing Operators and Ridesharing Permit Holders, maintaining professional conduct and appropriate attire.

[Section 35G inserted by 2026 : 6 s. 4 effective 24 April 2026; Section 35G subsection (1)(a)(ii) deleted and substituted by 2026 : 16 s. 4 effective 24 April 2026]

Registration with despatching service

35H (1) A person granted a ridesharing permit under section 35D and a ridesharing operator shall register free-of-charge with every despatching service.

(2) A despatching service shall not charge a person granted a ridesharing permit under section 35D or a ridesharing operator a fee in relation to a ridesharing service.

[Section 35H inserted by 2026 : 6 s. 4 effective 24 April 2026]

Prohibition on providing a ridesharing service

35I (1) A person shall not offer a ridesharing service unless he—

(a) holds a valid licence to operate a public service vehicle;

(b) is operating a ridesharing vehicle, approved by the Board;

(c) has affixed the specified identification plate, removable decal and public service vehicle badge to the ridesharing vehicle;

(d) is registered with every despatching service;

(e) is connected to a digital network.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding $10,000.

[Section 35I inserted by 2026 : 6 s. 4 effective 24 April 2026]

Appeal of a decision of the Board

35J (1) A person who is aggrieved by a decision of the Board to suspend or revoke a ridesharing permit may have the matter remitted to a court of summary jurisdiction in accordance with section 116.

(2) Where a court of summary jurisdiction reverses a decision of the Board, the Board is not precluded from again suspending or revoking a ridesharing permit for any subsequent breaches of this Act, regulations or conditions specified by the Board.

[Section 35J inserted by 2026 : 6 s. 4 effective 24 April 2026]

Use of airport limousines in operation of airport limousine services

36 (1) No person shall use, or cause or allow any other person to use, an airport limousine except under the authority of a valid permit granted by the Board and authorizing the operation of an airport limousine service.

(2) No person shall use or cause or allow any other person to use an airport limousine for any purpose which is not one of the purposes of an airport limousine service; and if an airport limousine is used for any purpose other than a purpose of an airport limousine service, then the holder of the permit and the person who at the material time was the person in charge of the airport limousine, notwithstanding anything in section 119, each commit an offence against this Act:

Provided that it shall not be a contravention of subsection (2) to use an airport limousine for the purpose of taking it to or from any place where it is kept or to be kept or for purposes connected with the repair, maintenance, or fuelling of the airport limousine or for similar purposes.

(3) The purposes of an airport limousine service are as follows—

(a) the conveyance from or to any place in Bermuda to or from any airport in Bermuda, whether for hire or reward or free of charge, of persons who are intending to depart from Bermuda by air or who have just arrived in Bermuda by air, and the personal baggage or effects of such persons;

(b) the conveyance from or to any place in Bermuda to or from any airport in Bermuda, whether for hire or reward or free of charge, of persons employed by the person operating the airport limousine service or employed by any person engaged in the business of civil aviation, and the personal baggage or effects of such persons;

(c) the conveyance from or to any place in Bermuda, to or from any school or special school in Bermuda, whether for hire or reward or free of charge, of pupils, students and parents; and

(d) the conveyance from or to any place in Bermuda, to or from any school in Bermuda, whether for hire or reward or free of charge, of persons employed by the person operating the airport limousine service or persons whose place of work is the premises of a school or special school.

(4) With respect to permits authorizing persons to operate airport limousine services—

(a) an application for the grant of a permit shall be made to the Board in writing and shall contain such particulars as the Board may require;

(b) the Board shall consider an application made under paragraph (a) and in its discretion refuse to grant the permit or grant the permit to the applicant;

(ba) an applicant for a permit shall, on approval of their application, pay the fee set out in Schedule 1B;

(c) a permit granted under paragraph (b) shall be valid for a period of one year; and

(d) where a permit is granted, the Board shall have a discretion to impose in such permit a condition that the holder of the permit shall only use or cause to be used an airport limousine of such specifications as may be specified in the permit;

(e) every permit shall specify the period (to be determined by the Board) within which the service is to be instituted, and the Board may revoke any permit if the holder of the permit fails to institute the service within the period specified or within such longer period as the Board in particular cases may allow;

(f) if at any time it appears to the Board that the holder of a permit—

(i) has divested himself wholly or substantially of the management and control of the service in respect of which the permit was granted; or

(ii) is not operating in an efficient manner the service in respect of which the permit was granted,

then the Board may, by notice in writing to the holder of the permit (which notice shall specify the grounds on which the suspension is made), suspend the permit for a period of 2 months; and where a permit is so suspended by the Board then, subject to paragraph (g) and paragraph (h), the permit shall have no effect during the period of the suspension; and on the expiration of the period of the suspension the Board may by notice in writing to the holder revoke the permit.

For the purposes of this paragraph, the operation of a service in an efficient manner shall be deemed to include the maintenance of the airport limousines in a decent and comfortable condition, having regard to such matters as paint work, upholstery, cleanliness and good external and internal appearance; and the Board, in determining whether or not a service is being operated in an efficient manner, may also take into consideration the behaviour in matters concerning the operation of the service of persons engaged or employed in the operation of the service;

(g) before suspending any permit on either of the grounds mentioned in paragraph (f) the Board shall give the holder of the permit an opportunity to object and (if he objects) an opportunity to be heard by the Board concerning his objection;

(h) where a person is aggrieved by a decision of the Board to suspend or revoke a permit granted to him he may have the matter remitted to a court of summary jurisdiction in the manner provided and subject to the conditions set out in section 116, and where the court reverses the decision of the Board the Board shall not again suspend the permit during a period of 2 months from the date of the reversal of the decision or from the date on which the suspension of the permit was due to expire or the revocation of the permit to take effect, whichever is the latest date; but, subject as aforesaid, the reversal of that decision shall not preclude the Board from again suspending and, subject to this subsection, from again revoking, the permit;

(i) the Board may at any time require the holder of a permit to furnish to the Board, in such manner as the Board may direct, including a sworn declaration, such information as the Board may specify, being information required by the Board in connection with the discharge of their functions under this section; and if the Board direct that the information is to be furnished by a sworn declaration, the declaration may be sworn before a Justice of the Peace or a Commissioner for taking affidavits in the Supreme Court;

(j) without prejudice to any other provision of this Act relating to the examination of motor cars, the Board may require the holder of a permit to make available for inspection by any member of the Board, or by any

person designated by the Board, all or any of the airport limousines used for the purpose of the airport limousine service operated by him;

(k) hearings by the Board of applications for permits shall be open to the public.

(5) All monies received by the Board by way of fees under subsection (4)(bb) shall be paid into the Consolidated Fund.

[Section 36 subsection (3) paragraphs (c) and (d) inserted, subsection (4) paragraphs (b) and (c) substituted and (f) amended, and subsection (5) substituted, by 2005:29 s.2 effective 1 June 2006; section 36 amended by 2009:30 s.2 effective 14 July 2009]

Use of limousines in operation of limousine services

36A (1) No person shall use, or cause or allow any other person to use a limousine, except under the authority of a valid permit granted by the Board and authorizing the operation of a limousine service.

(2) No person shall use or cause or allow any other person to use a limousine for any purpose which is not one of the purposes of a limousine service; and if a limousine is used for any purpose other than a limousine service, then the holder of the permit and the person who at the material time was the person in charge of the limousine, notwithstanding section 119, each commit an offence against this Act.

(3) It shall not be a contravention of subsection (1) to use a limousine for the purpose of taking it to or from any place where it is kept or to be kept or for purposes connected with the repair, maintenance, or fuelling of the limousine or for similar purposes.

(4) The purpose of a limousine service shall be the conveyance from or to any place in Bermuda including Bermuda International Airport, whether for hire or reward or free of charge, of persons and the personal baggage or effects of such persons by reservation or appointment.

(5) With respect to permits authorizing persons to operate limousine services—

(a) an application for the grant of a permit shall be made to the Board in writing and shall contain such particulars as the Board may require;

(b) the Board shall consider the application under paragraph (a) and may in its discretion either grant or refuse to grant a permit;

(ba) an applicant for a permit shall, on approval of their application, pay the fee set out in Schedule 1B;

(c) where a permit is granted, the maximum number of limousines that may be used for the purpose of operating the service shall be such as the Board in its discretion may determine, and shall be specified in the permit, and the holder of the permit shall not use or cause or allow to be used for the purpose of operating the service any greater number of limousines than that specified in the permit;

(d) where a permit is granted, the Board shall have a discretion to impose in such permit a condition that the holder of the permit shall only use or cause to be used a limousine of such specifications as may be specified in the permit;

(e) every permit shall specify the period (to be determined by the Board) within which the service is to be instituted, and the Board may revoke any permit if the holder of the permit fails to institute the service within the period specified or within such longer period as the Board in particular cases may allow;

(f) if at any time it appears to the Board that the holder of a permit—

(i) has divested himself wholly or substantially of the management and control of the service in respect of which the permit was granted; or

(ii) is not operating in an efficient manner the service in respect of which the permit was granted,

then the Board may, by notice in writing to the holder of the permit (which notice shall specify the grounds on which the suspension is made), suspend the permit for a period of two months; and where a permit is so suspended by the Board then, subject to paragraphs (g) and (h), the permit shall have no effect during the period of the suspension; and on the expiration of the period of the suspension, the Board may by notice in writing to the holder, revoke the permit;

(g) for the purposes of paragraph (f), the operation of a service in an efficient manner shall be deemed to include making available for the use of the public, the number (with reasonable exceptions) of limousines specified in the permit, and also the maintenance of limousines in a decent and comfortable condition, having regard to such matters as paint work, upholstery, cleanliness and good external and internal appearance; and the Board, in determining whether or not a service is being operated in an efficient manner, may also take into consideration the behaviour of persons engaged or employed in the operation of the service;

(h) before suspending any permit on either of the grounds mentioned in paragraph (f) the Board shall give the holder of the permit an opportunity to object and (if he objects), an opportunity to be heard by the Board concerning his objection;

(i) where a person is aggrieved by a decision of the Board to suspend or revoke a permit granted to him, he may have the matter remitted to a court of summary jurisdiction in the manner provided and subject to the conditions set out in section 116, and where the court reverses the decision of the Board, the Board shall not again suspend the permit during a period of two months from the date of the reversal of the decision or from the date on which the suspension of the permit was due to expire or the revocation of the permit to take effect, whichever is the latest date; but, subject as aforesaid, the reversal of that decision shall

not preclude the Board from again suspending and, subject to this subsection, from again revoking, the permit;

(j) the Board may at any time require the holder of a permit to furnish to the Board, in such manner as the Board may direct, including a sworn declaration, such information as the Board may specify, being information required by the Board in connection with the discharge of their functions under this section; and if the Board directs that the information is to be furnished by a sworn declaration, the declaration may be sworn before a Justice of the Peace or a Commissioner for taking affidavits in the Supreme Court;

(k) without prejudice to any other provision of this Act relating to the examination of motor cars, the Board may require the holder of a permit to make available for inspection by any member of the Board, or by any person designated by the Board, all or any of the limousines used for the purpose of the limousine service operated by him;

(l) hearings by the Board, of applications for permits shall be open to the public.

(6) Where on the coming into force of this Act, an applicant for a permit to operate a limousine service under subsection (5), is already in possession of a permit to operate a motor taxi under section 33, the Board may in its discretion allow the permit obtained under section 33 to be swapped for a permit under subsection (5), provided the applicant meets the criteria for the grant of a permit under this section.

(7) Subsection (6) shall apply to the first fifty applicants only.

(8) No person shall use or cause or allow to be used as a limousine a motor car which at the time of its importation into Bermuda was a used motor car.

(9) No motor vehicle presently registered in Bermuda shall be converted to be used as a limousine.

(10) Where a motor vehicle has been registered and used as a limousine, it shall not subsequently be licensed as a private motor car or licensed in any other category.

(11) All monies received by the Board by way of fees under subsection (5)(bb) shall be paid into the Consolidated Fund.

[Section 36A inserted by 2006:22 s.4 effective 11 June 2007; amended by 2009:30 s.3 effective 14 July 2009]

Number of authorized limousines

36B (1) The number of limousines which may be operated in Bermuda under the authority of permits granted under section 36A shall not in total exceed one hundred.

(2) The Minister may, from time to time, after consultation with the Board, by Order published in the Gazette, vary the maximum number of limousines specified in subsection (1).

(3) The negative resolution procedure shall apply to an Order made under subsection (2).

[Section 36B inserted by 2006:22 s.4 effective 11 June 2007]

Transfer of permits

36C (1) Subject to this section, a permit granted under section 36A shall be capable of being transferred by its holder or by the estate representative of the holder (in both cases in this section referred to as "the transferor") to another person (in this section referred to as "the transferee").

(2) The transferor shall make an application for the transfer of the permit and the application shall be accompanied by such information relating to the transferee as the Board may require, and, if the Board is satisfied that the transferee is a suitable person to operate a limousine service, the Board may approve the application for transfer.

(3) Upon approval of the application for transfer by the Board the transferor shall surrender the permit to the Board which may either cancel the permit and grant a new one to the transferee subject to such conditions as the Board may determine, or cause such endorsement to be made on the permit as may be necessary to evidence the transfer of the permit to the transferee.

(4) Section 36A shall apply to a permit granted to the transferee under subsection (3) as it applies to a permit granted under that section.

[Section 36C inserted by 2006:22 s.4 effective 11 June 2007]

Permit as security for loan

36D (1) A permit granted under section 36A or pursuant to section 36C(3) shall be capable of being used by its holder (in this section called "the borrower") as security for a loan.

(2) Where the borrower uses his permit as security for a loan—

(a) the permit together with written evidence of the loan signed by the person granting the loan (in this section called "the lender") and by the borrower shall be submitted to the Director of Transport Control (in this section called "the Director") who shall endorse on the permit the fact of the loan made and shall make and keep a record of the transaction;

(b) the permit shall, after being duly endorsed, be returned by the Director to the lender;

(c) on an application in writing signed by the lender and the borrower requesting cancellation of the endorsement on the permit, the Permanent Secretary shall—

(i) cancel the endorsement on the permit;

(ii) make the necessary entries in his records evidencing the cancellation of the endorsement; and

(iii) deliver the permit to the borrower;

(d) if during the subsistence of the loan the lender submits to the Director an application in writing signed by the lender and the borrower for permission to transfer the permit to another person the Permanent Secretary shall submit the application to the Board and if the Board considers that other person to be a suitable person to operate a limousine service, the Board shall approve the transfer of the permit to that other person freed and discharged from the loan endorsed thereon;

(e) the transfer shall be in such form as the Minister shall approve.

(3) Section 36A(5)(f) relating to the revocation of a permit shall not apply to a permit which is used as security for a loan but in the case of a permit so used the Board shall, if the circumstances specified in section 36A(5)(f)(i) and (ii) occur, suspend the permit as specified in section 36A and in place of the power of revocation, may order that the permit be transferred by the lender to a person whom the Board considers suitable to operate a limousine service.

(4) No action, suit, prosecution or other proceedings shall be brought or instituted against the Board or any member of the Board in respect of any act done bona fide in pursuance or execution or intended execution of any function under this section.

[Section 36D inserted by 2006:22 s.4 effective 11 June 2007]

Limousines to register with despatching service

36E (1) Without prejudice to anything contained in this Act, no person shall operate a limousine service unless the limousine—

(a) is registered with a despatching service; and

(b) is appropriately equipped.

(2) For the purposes of subsection (1)(b) "appropriately equipped" means equipped with—

(a) a two-way radio set;

(b) a mobile data terminal;

(c) a global positioning device; and

(d) an alarm device,

approved by the Minister by Order, subject to the negative resolution procedure.

(3) For the purposes of subsection (2) and section 37A—

(a) "two-way radio set" means a radio set capable of transmitting and receiving message over the air waves;

(b) "mobile data terminal" means a device which is capable of receiving text messages from a despatching service and responding to such messages;

(c) "global positioning device" means a device which enables a despatching service to monitor the location of a limousine which is registered with that despatching service; and

(d) "alarm device" means a device which when triggered is capable of alerting the despatching service with which the limousine is registered, that the operator of the limousine is in need of assistance.

(4) Any person who contravenes subsection (1) commits an offence and is punishable on summary conviction, to a fine of $1,400.00 for every day during which the offence continues and shall also be liable to have his permit suspended by the Board for such period as the Board may think proper.

[Section 36E inserted by 2006:22 s.4 effective 11 June 2007]

Regulations; use of public service vehicles

37 (1) Subject to subsection (2), provision may be made by regulations made under this Act—

(a) for prescribing the conditions under which public service vehicles may ply for hire or may be made available for hire;

(b) for prescribing the fares that may be charged for the carriage of passengers and their luggage on public service vehicles;

(c) for prescribing the charges that may be made for the hire of public service vehicles;

(d) concerning the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges to be made in respect thereof;

(e) for prescribing the equipment of public service vehicles and the manner in which such equipment is to be used;

(f) for prescribing distinctive or other marks, signs or lettering to be displayed on public service vehicles;

(g) for prescribing conditions and tests of knowledge of local topography in connection with the issue of drivers' licences for public service vehicles;

(h) for prescribing badges and dress to be worn by drivers and other persons having charge of public service vehicles, for regulating their conduct, and for prescribing their obligations as carriers;

(i) for regulating and restricting the number of hours for which a person may lawfully drive a public service vehicle in each period of twenty-four hours:

(j) for regulating the conduct of persons carried as passengers on public service vehicles;

(k) for prescribing offences and providing for the imposition of a fine not exceeding $10,000 where a person commits an offence against the regulations.

(2) Nothing in subsection (1) shall authorize the making of regulations by the Minister in connection with or in relation to the operation of omnibuses by on behalf of the Government.

[Section 37 subsection (1)(k) inserted by 2026 : 6 s. 5 effective 24 April 2026]

Despatching Services

37A (1) No person shall operate a despatching service except under the authority of a valid permit granted by the Board:

[proviso omitted][spent]

(1A) Subject to subsection (1B), a person shall not operate a despatching service unless that despatching service is furnished with approved equipment.

(1B) Where prior to the coming into operation of this subsection a person was operating a despatching service that person shall, within six months of the coming into operation of this subsection, take such steps as are necessary to comply with subsection (1A).

(1C) For the purposes of subsection (1A) "approved equipment" means equipment which is approved by the Minister by Order subject to the negative resolution procedure and which is capable of communicating with—

(a) a two-way radio set;

(b) a mobile data terminal;

(c) a global positioning device;

(d) an alarm device;

(e) a digital network; and

(f) any other system approved by the Board.

(2) Where a permit is granted the minimum number of motor vehicles (not being less than 50) that may be registered for use with the despatching service shall be specified in the permit and no despatching service shall carry on business with less than the number specified in the permit.

(3) Provision may be made by regulations made under this Act for prescribing—

(a) the conditions under which a permit may be granted;

(b) the conditions by which the motor vehicle registered with a despatching service may be operated;

(c) the conditions by which the motor vehicles registered with a despatching service may be regulated and controlled by the service;

(d) the number of hours in any day during which motor vehicles which are registered with a despatching service shall be made available for hire;

(e) penalties for breach of the Regulations.

(4) The power conferred on the Board to grant permits includes a power to cancel, suspend or vary such permits and regulations made under subsection (3) may prescribe the conditions by reason of which permits may be cancelled, suspended or varied.

(5) Any person aggrieved by a refusal of the Board to grant a permit or to cancel, suspend or vary a permit, may apply to have the matter remitted to a court of summary jurisdiction and section 116 shall apply to any such application.

(5A) No person shall operate a despatching service unless the approved equipment referred to in subsection (1C)(b), (c), (e) and (f) is in working order and is switched on.

(5B) When a despatching service is being operated, the operator of the despatching service shall use the approved equipment referred to in subsection (5A) for the purposes of—

(a) tracking the location of motor taxis that are registered with the despatching service; and

(b) sending messages to, and receiving messages from, motor taxis that are registered with the despatching service with regard to the hiring of them.

(5C) Except in the case of emergency, no person who operates a despatching service shall use any equipment other than the approved equipment referred to in subsection (5A) for the purposes of communication, with regard to the hiring of motor taxis, between the motor taxi and the despatching service with which the motor taxi is registered.

(6) Any person who—

(a) operates a despatching service without a valid permit; or

(b) operates such a service with less than the number of motor vehicles specified in the permit;

(c) operates such a service without the service being furnished with approved equipment; or

(d) operates such a service contrary to subsection (5A), (5B) or (5C),

commits an offence:

Punishment on summary conviction: in the case specified in paragraph (a), a fine of $1,400 for the day on which the offence is committed and for each day during which the offence continues, and in the case mentioned in paragraph (b), shall be liable to have his permit cancelled or suspended by the Board for such period as the Board may think proper:

Provided that the Board may allow that person to continue to operate the despatching service with less than the number of motor vehicles specified in the permit, if, by reason of the removal from that service of a motor vehicle for disciplinary purposes or for any other reason beyond the control of that person and the Board consider that it would work a hardship on the public to cancel or suspend the permit;

[Section 37A amended, and (1A)-(1C) and (6)(c) inserted by 2005 :16 s. 5 effective 5 February 2006; amended by 2006 : 22 s. 5 effective 11 June 2007; amended by 2008 : 26 s. 3 effective 23 January 2009; Section 37A amended by 2026 : 6 s. 6 effective 24 April 2026]

Government passenger motor cars

38 (1) Nothing in sections 10 to 37 shall prevent the ownership by the Government of passenger motor cars, or the use of passenger motor cars in the service of the Government on the highways of Bermuda; and any such motor cars are hereinafter in this section referred to as "Government passenger motor cars".

(2) As respects the application of sections 10 to 37 to Government passenger motor cars—

(a) for the purposes of section 10 and Schedule 1, Government passenger motor cars (other than omnibuses and motor cycles) shall be classed as private motor cars;

(b) for the purposes of section 12, Government passenger motor cars (other than omnibuses and motor cycles) shall be deemed to be private motor cars;

(c) for the purposes of section 15, Government passenger motor cars (other than omnibuses and motor cycles) shall be deemed to be private motor cars; but nothing in section 16 or in section 17 shall have effect in relation to any Government passenger motor car.

[Section 38 amended by 2008:10 s.2 effective 1 April 2008]

Consulate official motor cars

39 (1) Nothing in sections 10 to 37 shall prevent the ownership by the Government of a Foreign State of official passenger motor cars, or the use of such motor cars in the service of the Consulate of the Foreign State in Bermuda on the highways of Bermuda; and any such motor cars are hereinafter in this section referred to as "Consulate official motor cars":

Provided that nothing in subsection (1) shall authorize the use of official passenger motor cars in the service of the Consulate in Bermuda of the Government of any Foreign State unless that Consulate is under the charge of a consular officer in whose case the following conditions are fulfilled—

(a) he must hold a permanent and pensionable office or post in the service of the Government of the country by which he is employed, and must be a national of that country;

(b) he must not be engaged in any private occupation for gain; and

(c) his appointment in Bermuda must have been notified to the Governor through the diplomatic channel.

(2) As respects the application of sections 10 to 37 to Consulate official motor cars—

(a) for the purposes of section 12, Consulate official motor cars shall be deemed to be private motor cars; and

(b) for the purposes of section 15, Consulate official motor cars shall be deemed to be private motor cars; but nothing in section 16 or in section 17, shall have effect in relation to any Consulate official motor car.

General restrictions on use of trucks and passenger trucks

40 (1) No person shall use or cause or allow any other person to use a truck except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) Concerning permits authorizing persons to use trucks—

(a) any person engaged in a trade or business involving the carriage of goods, substances, animals or other loads, or involving the operation of a public utility service, may apply to the Minister for a permit to use a truck or passenger truck for the purpose of his trade or business; or in the case of a private light truck, for purpose of his trade or business and as a private motor car;

(aa) any person who wishes to engage in the hire truck or rental truck business may apply to the Minister for a permit to use a truck for the purpose of such business;

(ab) any person engaged in a trade or business may apply to the Minister for a permit to use a truck as a passenger truck for the purpose of such trade or business;

(b) the Minister shall consider every application and may, if he is satisfied that the applicant is engaged in a trade or business as aforesaid, in his discretion either grant or refuse to grant a permit accordingly;

(c) the Minister, in determining any application for the grant of a permit to use a truck shall take into consideration the nature and scope of the applicant's trade or business and the number of trucks already at the time of the application authorized to be used by him;

(ca) the Minister, in determining an application for the grant of a permit for the use of a passenger truck—

(i) shall take into consideration the nature and scope of the applicant's trade or business;

(ii) shall not grant a permit for more than one passenger truck for one trade or business; and

(iii) shall require the applicant, as a condition of the permit, to identify the passenger truck with a special identification plate;

(d) the Minister, in determining any application for the grant of a permit for the use of a heavy truck—

(i) shall take into consideration the number of heavy trucks already at the time of the application authorized to be used by holders of permits, the reasonable needs of the public for transport facilities, the character and condition of the highways, the amenities of Bermuda and the safety, comfort and convenience of the community; and

(ii) shall not grant a permit unless he is satisfied that the applicant's trade or business is such that it habitually involves the carriage of loads so heavy or bulky that to require the applicant to use a light or intermediate truck only would be unreasonable;

(e) if the Minister is satisfied that the circumstances by reason of which a permit is granted under this subsection have ceased to exist or have been materially modified, then the Minister may by notice to the holder of the permit revoke or vary the permit.

(3) An applicant for a truck permit or passenger truck permit shall, on approval of his application, pay the fee set forth in Schedule 1A in respect of the applicable category of truck.

(4) Except in the case of a private light truck but subject as hereinafter provided, no person shall use, or cause or allow any other person to use, a truck for any purpose except a purpose (including the carriage of persons as passengers) connected with the carriage of goods, substances, animals or other loads or connected with the operation of a public utility service:

Provided that, without prejudice to section 44 and subject as prescribed—

(a) while a truck is being used for such a purpose as aforesaid any person may be carried as a passenger in the truck if he is carried in the cab or driver's compartment of the truck, notwithstanding that he is not being carried for such a purpose;

(b) a person may be carried as a passenger in a truck if his carriage is directly connected with the trade or business of the holder of the permit under the authority of which the truck is used whether the truck at the material time is being used for such a purpose as aforesaid or not.

(5) Except with permission granted by the Minister, no person shall use or cause or allow any other person to use a truck on any excepted day,

Provided that this subsection shall not apply to a private light truck.

(6) Provision may be made by regulations made under this Act—

(a) for prescribing the particulars to be furnished to the Minister by applicants for the grant of permits; and

(b) for requiring the holders of permits to notify the Minister upon their ceasing to be engaged in the trade or business in connection with which the permit was granted; and

(c) for restricting and regulating, in the interests of safety, the carriage of passengers in trucks.

(7) In this section and in sections 40A to 40D and Schedule 1A—

(a) "excepted day" means Sunday, Christmas Day and Good Friday.

(b) "heavy truck" means a truck or tank wagon having any specifications in excess of the corresponding specifications assigned to an intermediate truck in Schedule 1;

(c) "hire truck" means a heavy truck which is used or available for use in a hire truck business;

(d) "hire truck business" means the letting of a hire truck, together with the driver for reward;

(e) "light truck" and "intermediate truck" mean a truck having the specifications assigned respectively to light trucks and intermediate trucks in Schedule 1;

(f) "passenger truck" means a light or an intermediate truck of a type approved by the Minister for the carriage of passengers;

(g) "public utility service" means an undertaking operated under the authority of an Act of the Legislature for the purpose of a public telephone service, the supply of electricity to the general public or the transportation within Bermuda of members of the general public;

(h) "rental truck" means a light or an intermediate truck which is used or available for use in a rental truck business;

(i) "rental truck business" means the letting of a rental truck for reward to a person who drives the truck or who provides a driver to drive the truck.

(8) Notwithstanding subsection (2)(a), a passenger truck shall not be used as a private motor car.

[Section 40 heading and subsections (2) and (7) amended, and subsections (3) and (8) inserted, by 2005:31 s.4 effective 1 September 2006; section 40 amended by 2008:10 s.2 effective 1 April 2008]

Transfer of hire truck permits

40A Subject to the modifications specified below, the provisions of section 35 apply for the purposes of the transfer of hire truck permits as they apply to the transfer of taxi permits under section 35—

(a) as if references to a permit under that section were references to a hire truck permit granted by the Minister under section 40(2)(aa);

(b) as if references to "the Board" were references to "the Minister"; and

(c) as if references to “section 33" were references to “section 40”.

[Section 40A inserted by 2005:31 s.5 effective 1 September 2006]

Hire truck permits as security for loan

40B Subject to the modifications specified below, the provisions of section 35A apply for the purposes of the use of hire truck permits as security for a loan as they apply to the use of taxi permits for such a purpose—

(a) as if references to a permit under that section were a reference to a hire truck permit issued by the Minister under section 40(2)(aa); and

(b) as if references to “the Board” were references to “the Minister”.

[Section 40B inserted by 2005:31 s.5 effective 1 September 2006]

Rental trucks

40C (1) A person who operates a rental truck business shall not rent a truck to another person unless he is satisfied that the person has a valid driver’s licence authorising him to drive that class of motor car.

(2) A person who rents a rental truck shall not permit another driver to drive the truck without the express permission of the operator of the rental truck business.

(3) A person who contravenes subsection (1) or (2) commits a summary offence and is liable, on summary conviction, to a fine not exceeding $300.

(4) The Minister may make regulations with respect to the operation of a rental truck business.

(5) Regulations made by the Minister under subsection (4) are subject to the negative resolution procedure.

[Section 40C inserted by 2005:31 s.5 effective 1 September 2006]

Maximum number of hire and rental trucks

40D (1) The Minister may, by order published in the Gazette, prescribe or vary the maximum number of hire trucks and rental trucks, as the case may be, that may be operated in Bermuda under the authority of a permit grated under section 40(2)(aa).

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

[Section 40D inserted by 2005:31 s.5 effective 1 September 2006]

Restrictions on use of self-propelled constructional machines

41 (1) No person shall use or cause or allow any other person to use any self-propelled constructional machine except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) With respect to permits authorizing persons to use self-propelled constructional machines and the use of self-propelled constructional machines thereunder—

(a) any person engaged in a trade or business involving operations or works which necessitate the use on the highways of Bermuda of a self-propelled constructional machine, may apply to the Minister for a permit to use the self-propelled constructional machine for such use;

(b) the Minister shall consider every such application, and, if he is satisfied that the operations or works involved in the trade or business of the applicant necessitate the use of the self-propelled constructional machine as aforesaid, shall grant a permit accordingly;

(c) the Minister, if he grants a permit in accordance with paragraph (c), shall take into consideration the characteristics of the particular self-propelled constructional machine in respect of which the permit is granted, and after consultation, where he thinks it expedient, with the Permanent Secretary for the Department of Works and Engineering and the Commissioner of Police, may, without prejudice to any power of the Minister or of a Municipality under section 4 of the Road Traffic Act 1947 [*title 21 item 3*], insert such terms and conditions as to the use of the self-propelled constructional machine as he thinks expedient, having due regard to the character and condition of the highways of Bermuda, the amenities of Bermuda, and the safety, comfort and convenience of the community;

(d) if a person to whom a permit has been granted for the use of a self-propelled constructional machine ceases to be engaged in a trade or business involving operations which necessitate the use on the highways of Bermuda of that self-propelled constructional machine, or if he ceases to be the registered owner of that self-propelled constructional machine, the Minister may, as from the date of either such cessation as aforesaid, by notice to that person revoke the permit.

(3) Provision may be made by regulations made under this Act—

(a) for prescribing the particulars to be furnished to the Minister by applicants for the grant of permits; and

(b) for requiring the holder of permits to notify the Minister upon the cessation of their trade or business, or upon their ceasing to own a particular self-propelled constructional machine, as mentioned in subsection (2)(d).

Restriction on use of tracked vehicles

42 (1) No person shall use or cause or allow any other person to use a tracked vehicle on any highway or estate road except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) With respect to permits authorizing persons to use a tracked vehicle on a highway or estate road—

(a) any person engaged in a trade or business involving the use of a tracked vehicle on a highway or estate road may apply to the Minister for a permit to use a tracked vehicle as aforesaid;

(b) the Minister shall consider every such application and if he is satisfied that the trade or business of the applicant necessitates the use of a tracked vehicle on a highway or estate road, shall grant a permit accordingly;

(c) the Minister if he grants a permit in accordance with paragraph (b), may insert in such permit such terms and conditions as to the use of the tracked vehicle on a highway or estate road as he may think expedient, and such terms and conditions may impose the route to be followed by the tracked vehicle and the times of the day during which the tracked vehicle may be used on a highway or estate road.

(3) For the purposes of this section, "tracked vehicle" means a vehicle which is designed to lay its own tracks or surface for its wheels (or some of its wheels) or rollers to move over in order that it may be propelled from one position to another.

Restrictions on use of tractors

43 (1) No person shall use or cause or allow any other person to use a tractor except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) With respect to permits authorizing persons to use tractors—

(a) any person engaged in a trade or business involving the carriage of goods, substances or other loads within a municipal area to or from docks, warehouses or stores may apply to the Minister for a permit to use a tractor for the purpose of his trade or business;

(b) the Minister shall consider any such application and shall, if he is satisfied that the applicant is engaged in a trade or business as aforesaid, grant a permit accordingly;

(ba) an applicant for a permit shall, on the grant of the permit, pay the fee set out in Schedule 1C;

(c) if a person to whom a permit has been granted for the use of a tractor ceases to be engaged in a trade or business as aforesaid the Minister may, as from the date of such cessation, by notice to that person revoke the permit.

(3) A tractor shall not, without permission in writing of the Minister, and subject to such conditions as the Minister may specify in such permission, be used except within a municipal area.

(4) Except with permission granted by the Minister, no person shall use or cause or allow any other person to use a tractor on any excepted day.

(5) Provision may be made by regulations made under this Act—

(a) for prescribing the particulars to be furnished to the Minister by applicants for the grant of permits;

(b) for requiring the holders of permits to notify the Minister upon their ceasing to be engaged in the trade or business in connection with which the permit was granted.

(6) In this section—

(a) "tractor" means a tractor designed for drawing trailers which has either three or four wheels, and which has the specifications assigned to a tractor in Schedule 1 and includes a tractor trailer;

(b) "tractor trailer" means a tractor with trailer attached or other vehicle approved by the Minister which is designed and employed for carrying a single container not exceeding twenty feet in length, construction machinery or other loads which may not safely be carried on a truck, and which has the specifications assigned to a tractor trailer in Schedule 1;

(c) "excepted day" means Sunday, Christmas Day and Good Friday.

[Section 43 amended by 2008:10 s.2 effective 1 April 2008; Section 43 subsection (2)(ba) inserted by 2018 : 14 s. 2 effective 1 April 2018]

Restrictions on use of tank wagons, fire-fighting vehicles

44 No person shall use or cause or allow any other person to use a motor car falling within any of the following descriptions—

(a) a tank-wagon;

(b) a garbage collection truck;

(c) a fire-fighting vehicle;

(d) an ambulance;

(e) a tractor; or

(f) a self-propelled constructional machine,

for any purpose except the purpose for which the motor car is intended ordinarily to be used.

Restriction on use of motor cars in service of Municipality

45 (1) No motor car other than a truck (including a tank-wagon) but excluding a private light truck, a fire-fighting vehicle, or a self-propelled constructional machine shall be used in the service of a Municipality:

Provided that a tractor may be used in the service of a Municipality.

(2) Section 40 and section 41 shall apply in relation, respectively, to trucks (including tank-wagons) but excluding private light trucks and to self-propelled constructional machines owned by and in the service of a Municipality and section 43 shall apply in relation to a tractor owned by and in the service of a Municipality; but in construing those provisions in relation to any such trucks, self-propelled constructional machines, or tractors, any references to a trade or business shall be construed as references to the functions of the Municipality.

Use of trucks and self-propelled constructional machines by Government Departments

46 (1) Subject as hereinafter provided, nothing in section 40 shall have effect in relation to any truck that is a truck owned by and in the service of the Government:

Provided that any application by a Department of the Government for the purchase of a truck which is a heavy truck as defined in section 40 shall be submitted through the Minister; and the Minister, having regard to the restrictions imposed in respect of heavy trucks by section 40, shall, in transmitting the application, transmit with it an expression of his views as to the desirability of the purchase.

(2) Subject as hereinafter provided, nothing in section 41 shall have effect in relation to any self-propelled constructional machine owned by the Government and used in the service of the Department of Works and Engineering:

Provided that no such self-propelled constructional machine shall be used without prior consultation by the Permanent Secretary for the Department of Works and Engineering, with the Minister or with an officer of the Department deputed by the Minister to act in that behalf; and the Permanent Secretary shall, with respect to the use of the self-propelled constructional machine, pay due regard to any representation made by the Minister or by an officer of the Department as aforesaid.

Restriction on use of trailers

47 (1) Except under the authority and in accordance with the terms and conditions of the permit granted by the Minister, no person shall use or cause or allow any other person to use a trailer with any motor car other than—

(a) a truck used in the service of the Department of Works and Engineering of the Government;

(b) a fire-fighting vehicle;

(c) a truck used for the purposes of a public utility service;

(d) a tractor while it is being used in conformity with section 43.

(2) Notwithstanding anything in subsection (1), no person shall use or cause or allow any other person to use any trailer or boat-trailer the dimensions of which exceed those specified in Schedule 1:

Provided that in exceptional circumstances, and subject to such conditions and limitations as the Minister thinks fit to impose, the Minister may grant permission for the use of a trailer the dimensions of which are larger than those aforesaid.

(3) Provision may be made by regulations made under this Act—

(a) for prescribing the maximum gross weight (fully loaded) of trailers;

(b) for prescribing the design and equipment of trailers and the manner in which such equipment is to be fitted and used;

(c) for prescribing the design and fitting of couplings and draw bar gear connecting trailers to the motor cars by which they are drawn;

(d) for prescribing, in relation to boat-trailers, the maximum weight and width of boats to be transported thereon and the maximum overhang thereof at the back of the boat-trailer.

(4) In this section "public utility service" has the meaning given in section 40(7) except that it does not include an undertaking for the purpose of the transportation of members of the general public.

[Section 47 amended by 2008:10 s.2 effective 1 April 2008]

PART III

USE OF MOTOR CARS BY HER MAJESTY'S AND THE UNITED STATES FORCES

Application of Act to motor cars used by H.M.'s and U.S. Forces

48 This Part shall have effect notwithstanding Part II but shall not operate so as to prejudice or derogate from any other provisions of this Act:

Provided that nothing in this Part shall authorize the use of a private motor car (as such) otherwise than in accordance with Part II.

Use of motor cars in time of war

49 During any war or state of emergency in which Her Majesty or the United States of America may be engaged or involved no condition, restriction or limitation imposed by or under Part II shall apply in relation to the use of any motor car or trailer which is in the service of Her Majesty's Forces or, as the case may be, the United States Forces.

Use of motor cars in time of peace

50 When Her Majesty or when the United States of America is not engaged in war or is not involved in state of emergency—

(a) the use of Her Majesty's Forces of motor cars and trailers on the highways of Bermuda shall be such as may be in accordance with any subsisting arrangements made, with the concurrence of the Legislature,

between the Governor and the appropriate naval, military or air force authority in Bermuda;

(b) the use by the United States Forces of motor cars and trailers on the highways of Bermuda shall be such as may be in accordance with any subsisting agreement made, with the concurrence of the Legislature, between the Government of the United States of America and Her Majesty's Government in the United Kingdom or in Bermuda.

PART IV

MOTOR CAR LICENCES AND REGISTRATION

Trailers

51 For the purposes of this Part, "motor car" shall, unless the context otherwise requires, be deemed to include a trailer.

Motor car licences

52 (1) Subject to this Act, the Minister shall be the authority for the issue of motor car licences for the use of motor cars on the highways of Bermuda.

(2) No person shall—

(a) use or cause or allow any other person to use on the highways of Bermuda—

(i) a motor car, other than a motor cycle; or

(ii) a motor cycle; or

(b) keep or cause or allow any other person to keep, in a public place, a motor car other than a motor cycle; or

(c) keep or cause or allow any other person to keep, in a public place, a motor cycle,

unless a motor car licence has been issued by the Minister and is in force in respect of that motor car.

(3) For the purposes of this section the date of the issue of a motor car licence shall be deemed to be the day following the anniversary of the birth of the driver immediately preceeding the actual date of the issue.

(4) Subsection (3) does not apply to a motor car licence issued prior to the coming into operation of this Act.

[Section 52 amended by 1994:13 effective 23 March 1994; and by 1997:30 effective 16 December 1997]

Inclusion of special conditions in certain motor car licences

53 (1) A motor car licence in respect of the use of a motor car other than a private motor car may contain such conditions as the Minister considers necessary in the interests of safety; and the Minister may by order require any such licence as aforesaid to be delivered to him at any time for further conditions to be entered therein.

(2) Any person who uses any motor car in contravention of any condition contained as aforesaid in a motor car licence commits an offence against this Act.

Satisfaction of emissions standards in connection with motor car licences

53A (1) Without prejudice to section 54, a motor car licence shall not be issued in respect of a motor car imported into Bermuda after the coming into operation of this section unless the motor car 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 motor car 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);

"motor car" includes motor cycles.

[Section 53A inserted by 2001:26 s.2 effective 1 April 2002]

Licensing during a national emergency

53B (1) Where there is a national emergency, the Minister may, by order published in the Gazette, defer the examination of motor cars and allow the motor cars 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 motor cars shall be examined in accordance with section 54.

(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) an order declaring a public health emergency made 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 53B inserted by 2021 : 14 s. 3 effective 31 March 2021]

Examination of motor cars in connection with motor car licences

54 (1) Subject to subsections (7), (8) and (9), a motor car licence shall not be issued in respect of a motor car unless the motor car, at a date within such period as shall be prescribed 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 the purpose for which it is to be licensed.

(2) The Minister may before issuing a motor car licence in respect of any motor car require the motor car to be weighed or measured at a specified time and place.

(3) If the Minister has reason to suspect that a licensed motor car has ceased to be fit for the purpose for which it is licensed, then the Minister may order the owner or the person in charge of the motor car to produce it for examination 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 motor car shall not be used until the order is obeyed;

(b) if on examination the motor car is found by an examiner or inspector to be unfit for the purpose for which it is licensed the Minister shall order that the motor car 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 a motor car otherwise than by reason of the death of the owner the Minister before issuing or reissuing a motor car licence in respect of the motor car, may require the new owner to produce the motor car for examination by an examiner or inspector at a specified time and place; and if on examination the motor car is found by the examiner or inspector to be unfit for the purpose for which it is to be licensed or is licensed the Minister shall refuse to issue a motor car licence in respect of the motor car until the examiner or inspector certifies that the motor car is fit for the purpose aforesaid.

(5) In determining whether a motor car is fit or unfit for the purpose for which it is to be licensed or is licensed, the appearance and general condition of the motor car, as well as matters affecting its mechanical fitness or safety, shall be taken into consideration, and a motor car shall be deemed to be unfit for such purpose as aforesaid if its paintwork, upholstery and other parts are not in reasonably good order and condition.

(5A) For greater certainty, a motor car that does not comply with approved emission standards, as required by section 53A, is unfit for the purpose for which it is to be licensed.

(6) Unless the Minister in any particular case otherwise directs, subsection (1) shall not apply in respect of the second and fourth occasions on which a motor car, which was first registered under section 63 on or after the 1st day of January 1993, is licensed if the period for which the motor car is licensed on each such occasion is consecutive upon the period for which it was licensed on the prior occasion.

(7) The Minister may, in the case of a new motor car, other than—

(a) a motor car purchased otherwise than through a dealer; or

(b) a modified motor car,

authorize a dealer to examine the motor car.

(8) Where pursuant to subsection (7) a dealer examines a motor car and the dealer certifies—

(a) that the motor car is not a motor car purchased otherwise than through a dealer;

(b) that the motor car is new;

(c) that the motor car has been examined by him; and

(d) that the motor car is fit for the purpose for which it is to be licensed,

that motor car shall be deemed to have been examined pursuant to subsection (1).

(9) In this section—

"modified motor car" means a private motor car the overall length of which—

(a) exceeds the length specified under this Act in relation to private motor cars; and

(b) has been modified to accord with the length so specified; and

"motor car" includes a motor cycle.

[Section 54 amended by 1994:13 effective 23 March 1994; by 1995:21 effective 29 March 1995; by 1997:17 effective 2 July 1997; subsection (9) amended by 2004:8 s.4 effective 1 April 2004; subsection (1), (3)(b), and (4) amended by 2008:44 s.8 effective 23 December 2008; section 54 amended by 2009:8 s.2 effective 25 March 2008]

Special provision for quarterly examination of public service vehicles

55 (1) Notwithstanding anything in section 54(1), every motor car licensed as a public service vehicle shall be examined by an examiner or inspector once in every successive period of six months subsequent to the date on which the motor car licence came into force.

(2) The six-monthly examinations of public service vehicles required by this section shall include examinations carried out in pursuance of section 54(1).

(3) For the purposes of this section the owner or person in charge of a public service vehicle shall apply to have it examined within the periods specified in subsection

(1) and shall produce it for examination at such time and place as may be ordered by an examiner or inspector.

(4) Section 54(3)(a) and (b) and section 54(5) and (5A) 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 54.

[Section 55 amended by 1994:13 effective 23 March 1994; subsections (1) and (3) amended by 2008:44 s.9 effective 23 December 2008; subsection (4) amended by 2009:8 s.2B effective 25 March 2009]

No motor car licence issued if traffic fine is unpaid

55A (1) A motor car licence shall not be issued or reissued if the owner of the motor car 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 55A inserted by 2005:30 s.2 effective 1 April 2006; subsection (1) amended by 2015 : 55 s. 11 effective 1 June 2017]

Minister may exempt cars in service of Forces from inspection

56 In the case of motor cars in the service of Her Majesty's Forces or the United States Forces, the Minister may dispense with any of the requirements of this Part concerning the examination of motor cars.

Trade licences

57 (1) The Minister may issue to a person operating a garage, a special licence to be called a trade licence authorizing that person operating a garage as aforesaid, to use, subject as prescribed, motor cars in respect of which there are not valid motor car licences, or motor cars which have been brought to any such garage for the purpose of repair or maintenance.

(2) A trade licence shall not authorize the use of any motor car except for the purpose of—

(a) driving the motor car from the place where it was disembarked in Bermuda to a place of business of the dealer;

(b) any examination prescribed in respect of motor cars belonging to dealers;

(c) driving the motor car between two places of business of the dealer;

(d) testing the motor car;

(e) demonstrating the motor car to a prospective purchaser;

(f) the maintenance or repair of a motor car.

(3) A person holding a trade licence issued under this section shall not be entitled by virtue of that licence to use more than one motor car at any one time.

(4) Nothing in this section shall have effect so as to prevent the issue to any person of more than one trade licence.

(5) The holder of a trade licence shall keep a record in such form as the Minister may prescribe of every occasion on which a motor car is used under the authority of the licence and shall produce the record for inspection whenever requested so to do by a police officer of or above the rank of sergeant or by any person authorized in writing by the Minister in that behalf.

(6) Nothing in sections 15, 16, 17, 18, 19, 20 and 21 shall have effect in relation to a motor car used under the authority of a trade licence as provided in this section.

[Section 57 subsection (1) amended by 2022 : 30 Sch. 3 effective 4 November 2022]

Export certificates

58 (1) The Minister may issue to a dealer in motor cars or to any person who carries on the business of an export agent a certificate, to be called an export certificate, in respect of a particular motor car where the Minister is satisfied that that motor car has been bona fide delivered to that dealer or export agent for the purpose of its permanent removal from Bermuda.

(2) Where an export certificate is issued in respect of a motor car any motor car licence then in force in respect of the motor car shall be deemed to become void.

(3) A motor car in respect of which an export certificate is issued shall not be used except for the purpose of driving the motor car from a place of business of the dealer or export agent to the place where it is to be embarked in Bermuda.

(4) A motor car licence shall not again be issued or reissued in respect of a car in respect of which an export certificate has been issued.

(5) Nothing in sections 15, 16, 17, 18, 19, 20 and 21 shall have effect in relation to a motor car used under the authority of an export certificate as provided in this section.

Licence duties

59 (1) Subject to this section and sections 60, 61, 62A , 62B and 62C—

(a) licence duties in respect of motor car licences shall be payable annually at the rates specified in Schedule 2;

(b) licence duty in respect of a trade licence shall be payable annually at the rate of $105 a year:

Provided that where a trade licence relates solely to the use of motor cycles the licence duty shall be $52.50.

(2) Where a motor car licence is issued in respect of any motor car, or a trade licence is issued to a person operating a garage after the first day of the licence period, the licence duty shall be reduced by one-twelfth 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 a motor car licence is first issued in respect of a new motor car, the licence duty shall be calculated by reference to the number of days between the date on which the licence is issued and the next anniversary of the applicant's date of birth.

(3) The holder of any motor car licence or trade 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 $2.40 shall be deducted from the total amount so computed and shall not be refunded.

(3A) No licence for a motor car operated as a taxi shall be issued unless the applicant has paid in full to the Tax Commissioner the payroll tax due under section 9B(3) or (4) (as the case may be) of the Payroll Tax Act 1995.

(4) In this section "licence period" means in relation to a motor car licence issued in respect of a motor car of any particular class, or in relation to a trade licence, the period of 12 months immediately preceding the date prescribed for the expiration of motor car licences issued in respect of motor cars of that class or for the expiration of trade licences, as the case may be.

[Section 59 subsection (2A) inserted by 2003:19 s.3 effective 5 December 2003; section 59 amended by 2008:10 s.2 effective 1 April 2008; section 59 subsection (1) amended by 2012 : 33 s. 2 effective 1 August 2012; Section 59 subsection (1) amended by 2018 : 14 s. 3 effective 1 April 2018; Section 59 subsection (3A) inserted by 2018 : 16 s. 7 effective 1 April 2018; Section 59 subsection (2) amended by 2022 : 30 Sch. 3 effective 4 November 2022; Section 59 subsection (1) amended by 2023 : 27 s. 8 effective 9 November 2023]

Personalized motor car identification plate duty

59A (1) There shall be payable personalized motor car identification plate duty in respect of personalized motor car identification plates at rates prescribed in the Government Fees Regulations 1976 on the issue of a personalized motor car identification plate and annually thereafter for the licence period.

(2) The duty payable upon the issue of a personalized motor car identification plate shall be payable at the rate of one-twelfth part of the annual duty payable on the personalized motor car identification plate for each complete calendar month prior to the licence period.

(3) The holder of any personalized motor car identification plate 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 personalized motor car identification plate for each complete calendar month of the licence period still to run.

(4) In this section "licence period" means, in relation to a personalized motor car identification plate issued in respect of a motor car of any particular class, the period of 12 months immediately preceding the date prescribed for the expiration of the motor car licence issued in respect of motor cars of that class.

[Section 59A inserted by 2000:25 s.2 effective 6 October 2000; amended by 2008:10 s.3 effective 1 April 2008]

Exemptions for Government owned motor cars

60 No licence duty or fees shall be payable under this Part in respect of the licensing or registration of any motor car owned by or used by or in the service of—

(a) the Governor, the Government, any Municipality, or any hospital or similar institution maintained wholly or in part out of public funds; or

(b) the Government of any Foreign State, or the Consular Representative of any Foreign State, being a Consular Representative in whose case the conditions in section 1 of the Consular Officers Customs Facilities Act 1911* (as amended by any subsequent Act) are fulfilled.

*[*This Act has now been repealed and replaced by the Consular Relations Act 1971 [title 6 item 1]*

Exemptions in favour of Her Majesty's and United States Forces

61 No licence duty or fees shall be payable under this Part in respect of the licensing or registration of motor cars used in the service of Her Majesty's Forces or the United States Forces being the property of Her Majesty or the United States of America, as the case may be.

62 *[Section 62 repealed by 2003:19 s.4 effective 5 December 2003]*

Exemptions in favour of physically disabled persons

62A (1) Where an application is made to him for the purpose, the Minister may, in his absolute discretion, grant—

(a) to a person with a physical disability as defined in subsection (5)(a);

(b) to a person or body that provides free of charge transportation services to a person with a physical disability as defined in subsection (5)(b);

(c) to a person who holds a licence and is registered as the owner of a purpose-built motor car, or a purpose-built public service vehicle, within the meaning of those expressions in section 10,

exemption from the payment of duty in respect of the licensing or registration of a motor car.

(2) An application made under this section shall be in such form and shall contain such particulars as the Minister may consider necessary.

(3) An exemption under this section may be granted subject to such restrictions or conditions as the Minister may think appropriate.

(4) If in any case it appears to the Minister that, having regard to the circumstances of the particular case, it is desirable in the interest of the public generally or of the person to whom or to the person or body to which an exemption has been granted to withdraw the exemption, the Minister may withdraw the exemption unless within twenty-eight days of the receipt by the person to whom or to the person or body to which the exemption was granted cause is shown to the Minister why the exemption should not be withdrawn; and in any such case the decision of the Minister shall be final.

(5) For the purpose of this section "a person with a physical disability" means—

(a) the owner of a motor car who—

(i) satisfies the Minister that he suffers from a physical disability of such a nature and extent that his ability to move from one place to another within Bermuda depends entirely upon the use of his motor car; and

(ii) is the sole driver of the car or, if not the sole driver, is the driver thereof for most of the time the car is in use; or

(b) a person who suffers from a physical disability of such a nature and extent that his ability to move from one place to another within Bermuda depends entirely upon the use of a motor car.

[Section 62A amended by 1993:20 effective 7 June 1993, by 1995:31 effective 30 June 1995; and by 1997:31 effective 16 December 1997]

Exemptions in favour of senior car owners

62B (1) Subject to subsection (2), a person over the age of 65 years who is the owner of a private motor car (a "senior car owner") may apply to the Minister requesting an exemption from paying the full rate of duty in respect of the licensing or registration of the private motor car.

(2) The exemption will not be granted unless the Minister is satisfied that—

(a) the senior car owner is the sole driver of the car or, if not the sole driver, is the driver for most of the time the private motor car is in use; or

(b) the car will be driven for the benefit of the senior car owner.

(3) A senior car owner who is granted an exemption from paying the full rate of duty shall be liable to pay 50% of the amount set out in Part B of Schedule 2 for a relevant class of car.

[Section 62B inserted by 2012 : 33 s. 3 effective 1 August 2012; subsection (1) amended by 2013 : 12 s. 2 effective 1 April 2013; subsection (3) inserted by 2013 : 12 s. 2 effective 1 April 2013]

Exemption in favour of classic car owners

62C The owner of a classic car is exempt from paying the full rate of licence duty but shall be liable to pay 40% of the amount set out in Part B of Schedule 2 for a relevant class of car.

[Section 62C inserted by 2023 : 27 s. 9 effective 9 November 2023]

Motor car register

63 (1) The Minister shall keep a register (hereinafter in this Act referred to as "the motor car register") of all motor cars in respect of which motor car licences have been issued and of the owners of all such motor cars.

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

(a) may inspect the motor car register;

(b) may require to be furnished with a certificate of the registration in the motor car register of any motor car or individual or with a certified copy of an entry in the motor car register.

(3) A certificate of registration or a certified copy of an entry in the motor car 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.

(4) Motor cars in respect of which a trade licence has been issued under section 57 shall be registered in a separate register or a separate part of the motor car register.

(5) Motor cars in respect of which an export certificate has been issued under section 58 shall be noted accordingly in the motor car register.

Identification marks

64 The Minister shall assign a separate identification mark to every motor car registered in the motor car register and shall enter in the motor car register and in motor car licences the marks so assigned:

Provided that—

(a) in the case of motor cars in respect of which a trade licence has been issued under section 57 the Minister shall assign sufficient distinctive identification marks to identify motor cars used under the authority of the trade licence and shall enter such marks in the licence and in the separate register or separate part of the motor car register in which such motor cars are registered; and

(b) in the case of motor cars in respect of which an export certificate has been issued under section 58 shall carry such distinctive identification marks as may be prescribed;

(c) in the case of motor cars in respect of which a permit has been issued under section 25A to operate as community service vehicles shall carry such distinctive identification marks as may be prescribed;

(d) in the case of motor cars in respect of which a permit has been issued under section 25B to operate a funeral home limousine, such distinctive identification marks as may be prescribed.

[Section 64 proviso (d) inserted by 1999:38 s.6 effective 14 September 1999]

Prohibition of use of unregistered motor cars

65 No person shall use or cause or allow any other person to use a motor car unless the motor car and its owner are duly registered in the motor car register and unless the identification mark assigned to the motor car is fixed on the motor car in the prescribed manner.

Cancellation of registration of motor car

66 The Minister may cancel the registration in the motor car register of any motor car if the Minister is satisfied that the motor car—

(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 of motor car

67 (1) On any change of ownership of a motor car otherwise than by reason of the death of the owner—

(a) the motor car shall not be used until the new owner is registered in the motor car register as the owner thereof; and

(b) the former owner or his authorized agent shall within seven days deliver the motor car 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 motor car.

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

(3) On the death of the registered owner of a motor car—

(a) the motor car shall not be used until the registration of the new owner; and

(b) the person into whose custody the motor car 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 motor car 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 a motor car the Minister shall make the necessary alterations in the motor car licence if it is still in force, and shall deliver the licence as altered to the new owner.

(5) Nothing in this section shall derogate from or abridge section 54(4).

(6) In this section "member of his household" means, in relation to the deceased owner or to the part owner of a motor car, 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; and for the purpose of interpreting "member of the same household" section 16(14) shall apply.

Disposal of motor vehicles

68 (1) In this section, "motor vehicle" shall include a motor-cycle, an auxiliary bicycle and any vehicle of whatsoever description which is propelled by mechanical power, and shall be deemed to include a trailer.

(2) For the purposes of this section—

(a) the person in whose name the motor vehicle was last registered shall be deemed to be its owner; and

(b) the occupier, or, if there is no occupier, then the owner of the land on which a motor vehicle is found shall be deemed to be in possession of the motor vehicle,

until the contrary is proved to the satisfaction of the Minister.

(3) Any person who owns or is in possession of a motor vehicle for which there is not in force a valid licence to use the same shall make to the Minister, in accordance with this section, a declaration, in such form as the Minister may from time to time determine, giving a valid undertaking regarding the storage or disposal of the motor vehicle concerned (hereinafter in this section called "the required declaration").

(4) The required declaration shall be made by the owner of the motor vehicle in accordance with the following—

(a) if the owner has not renewed the licence in respect of the motor vehicle, then the required declaration shall be made within thirty days after the date on which the licence expired; or

(b) if the owner applies for the cancellation of the registration of the motor vehicle, then the required declaration shall be made at the same time as the application for the cancellation of the registration; or

(c) if the owner applies for the cancellation of a licence to use a motor vehicle and claims a refund of the unexpired portion of the licence duty, then the required declaration shall be made at the same time as the application for the cancellation of the licence.

(5) The person (other than the owner) in possession of a motor vehicle shall make the required declaration—

(a) within seven days after the date when the motor vehicle came into his possession; or

(b) if the motor vehicle was left on his land without his knowledge, then within seven days after the date when he became aware that the motor vehicle was on his land,

(6) Where a person acquires one or more motor vehicles from the United States Forces or any other similar source, he shall within a period of thirty days after the date of the acquisition of the vehicles report such acquisition to the Minister, and he shall not, after the date of such report, use, store or dispose of such motor vehicles except with the prior approval of the Minister.

(7) No undertaking given in the required declaration shall be valid unless and until the method of storage or disposal set out in the declaration has been approved by the Minister.

(8) Where the owner or the person in possession of a motor vehicle has failed to make the required declaration or has failed to comply with the terms of the undertaking contained in the required declaration, he commits an offence against this Act; and in any such case, the Minister may take such action as he may think expedient for the removal and storage or disposal of the motor vehicle, and he shall be entitled to claim from the owner or person in possession a sum not exceeding $1500 for the cost of such removal and storage or disposal:

Provided that no claim shall lie against the Minister in respect of such removal, storage or disposal done in good faith.

(9) Nothing in this section shall abridge or derogate from the Amenities (Control of Ruinous Structures) Act 1950 [*title 20 item 8*].

[Section 68 subsection (8) amended by 2020 : 2 s. 3 effective 1 April 2020]

Furnishing of information

69 (1) The Minister or any other person to whom application is made for anything to be done under this Part may require any statements made in the application to be verified.

(2) The registered owner of a motor car—

(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 motor car register relating to the motor car;

(b) shall immediately inform the Minister of any circumstance or event which affects the accuracy of any entry in the motor car register relating to the motor car.

Lost licences

70 The Minister, on proof to his satisfaction that a motor car licence, a trade licence, or an export certificate has been lost or destroyed, and on payment of the prescribed fee, shall issue a duplicate of the lost licence or certificate to the person entitled thereto:

Provided that—

(a) if any such licence or certificate 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 or certificate as aforesaid commits an offence against this Act;

(b) any conditions contained in the original of any such licence or certificate as aforesaid shall be entered upon the duplicate thereof and if any further conditions are entered in the duplicate, then those conditions shall be entered in the original when the duplicate is returned for cancellation.

Record of licences

71 The Minister shall keep a record of all motor car licences, trade licences and export certificates issued by him and of all conditions entered therein.

Regulations in connection with Part IV

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

(a) concerning the licensing and registration of motor cars;

(b) concerning trade licences and export certificates;

(c) for prescribing identification marks 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.

Authorization of movement of unlicensed motor cars

73 (1) Notwithstanding anything in the foregoing provisions of this Part the Minister shall have power, where he considers it expedient and convenient to do so, to issue a permit so as to authorize the movement of an unlicensed motor car, subject to such conditions as the Minister may think proper to impose.

(2) Any motor car shall, while being moved under the authority of a permit issued under this section, and in conformity with any conditions imposed in connection therewith, be treated for the purposes of this or any other Act as if a valid motor car licence were in force in respect of that motor car.

PART V

DRIVERS' LICENCES

Drivers' licences

74 (1) Subject to this section, a person shall not drive any motor car unless he holds a valid driver's licence and a person shall not cause or allow another person to drive any motor car unless that other person holds such a licence.

(2) Notwithstanding anything in subsection (1) a person who does not hold a valid driver's licence may, subject to any regulations, drive a motor car, except a public service vehicle carrying passengers—

(a) while he is being taught to drive by a person who holds a valid driver's licence and who (except in the case of a person who is being taught to drive a motorcycle) is sitting next to him in the motor car:

Provided that a person shall not drive a motor car as aforesaid unless—

(i) he holds a learner's permit issued under section 79; or

(ii) he holds a driver's licence valid for another class of motor car; or

(b) while he is undergoing a driving examination under the supervision of an examiner for the purpose of testing his competence to drive; or

(c) while he is driving a motor car which is the subject of a permit granted by the Minister under section 10(2)(c) and he is of a class of persons specified in such permit as permitted to drive such vehicle.

(3) In this section "valid driver's licence", in relation to the driving of a particular motor car, means valid for the driving of a motor car of the class to which the particular motor car belongs.

(4) This section shall extend to the driving of a motor car on an estate road.

Drivers' licences to bear photograph of holder

75 (1) Subject to this section, every driver's licence issued or renewed in pursuance of this Part shall be in such form as the Minister may determine and shall bear on the face thereof a photograph of the holder of the licence.

(2) In respect of a person whose driver's licence expires while he is temporarily resident outside Bermuda the Minister may issue an interim licence for a period not exceeding 12 months and such interim licence need not bear a photograph of the holder of the licence.

(3) A person to whom an interim licence is issued under subsection (2) shall, on his return to Bermuda, surrender his interim licence to the Minister and the Minister shall exchange such licence for a licence in the form prescribed by subsection (1).

(4) An interim licence issued under subsection (2) shall not be a valid driver's licence for the purposes of section 74(1).

Issue of drivers' licences

76 (1) Subject to this Part, a driver's licence shall be issued by the Minister to an applicant therefor—

(a) who passes a driving examination to the satisfaction of an examiner and receives from the examiner a certificate of competence; and

(b) who pays the prescribed fees for the examination and the driver's licence.

(2) In connection with the issue of driver's licences motor cars shall be classified as follows—

Class (a) self-propelled constructional machines;

Class (b) heavy trucks, tank wagons of whatever specifications, fire-fighting vehicles and ambulances;

Class (c) intermediate, light and private light trucks;

Class (d) tractors;

Class (e) omnibuses;

Class (f) airport limousines;

Class (g) motor taxis or limousines;

Class (h) private motor cars;

Class (i) motor cycles;

Class (j) tractor trailers; and for the purpose of this Part "tractor trailer" has the meaning given in section 43(6)(b);

Class (k) community service vehicles;

Class (l) funeral home limousines.

(3) A driver's licence valid for the driving of an omnibus shall not have specified therein that it is valid for the driving of a motor taxi or limousine; and vice versa.

(4) A driver's licence shall be valid only for the class or classes of motor car specified therein:

Provided that—

(a) a driver's licence which is valid for the driving of a heavy truck shall also be valid for the driving of a motor car, the use of which is authorized under section 10(2);

(aa) a driver's licence which is valid for the driving of an omnibus, airport limousine or a heavy truck shall also be valid for the driving of a funeral home limousine;

(b) a driver's licence shall not be deemed to be valid for the driving of a particular self-propelled constructional machine unless the type and description of that machine is specified therein;

(c) a person who is engaged or employed in the operation of a business in respect of which a trade licence has been issued, or of a business authorized by the Minister to engage in the repair of taximeters, may, in connection with the operation of such business, and subject to his holding a valid licence to drive a motor car classified under class (b) or class (h) of subsection (2), lawfully drive any motor taxi, airport limousine or limousine in order to move it to any place for the purpose of testing, repairing or servicing it, or its taximeter as the case may be, or in order to move it to any place appointed by the owner after the carrying out of any such testing, repairing or servicing as aforesaid.

(5) In this section "heavy truck", "intermediate truck" and "light truck" have the meanings given in section 40(7).

[Section 76 subsection (2) Class (l) and subsection (4) proviso (aa) inserted by 1999:38 s.7 effective 14 September 1999; subsections (2)(g), (3) and (4)(c) amended by 2006:22 s.6 effective 11 June 2007]

Issue of provisional driver's licences

76A (1) Subject to this Part, the Minister shall issue a provisional driver's licence to drive a private motor car under class (h) of section 76(2) to an applicant who holds a licence to drive a private motor car that has been issued by the appropriate authority in another jurisdiction if—

(a) the Minister is satisfied that the driving examination required by the authority in the other jurisdiction for the issue of a licence to drive a private motor car is equivalent to the driving examination referred to in section 78;

(b) the applicant provides evidence satisfactory to the Minister that the applicant holds a valid licence issued by the authority in the other jurisdiction to drive a private motor car and that the applicant is not disqualified from driving in the other jurisdiction;

(c) the applicant passes a written test to establish that the applicant is sufficiently conversant with the contents of the Road Traffic Act 1947 and of the Traffic Code set out in the Schedule to that Act;

(d) the applicant passes a test of ability to drive a motor car backwards and, whilst doing so, to enter a limited opening either to the right or left;

(e) the applicant provides to the Minister a certificate of physical fitness signed by a registered medical practitioner not more than one month before the date of application; and

(f) the applicant pays a fee equal in amount to the fees referred to in section 76(1)(b).

(2) If the applicant fails to pass the test referred to in subsection (1)(d), they may not resit the test and may only apply for a driver's licence under section 76(1); the applicant must wait for a period of two weeks after failing the test before they can sit the examination required for a driver's licence under section 76(1).

(3) A provisional driver's licence is valid to drive a private motor car for a period of six months from the date of issue.

(4) At the end of the period of six months, if the holder of a provisional driver's licence has not, during that period, been convicted of any offence prescribed in regulations made under subsection (5), the Minister shall issue a driver's licence under section 76(1) to the holder without requiring the holder to pass any further examination or pay any further fee.

(5) The Minister may make regulations prescribing offences for the purposes of subsection (4).

[Section 76A inserted by 2006:23 s.3 effective 11 June 2007]

Driving instructors

77 (1) No person shall act as a driving instructor for gain or reward unless he is in possession of a driving instructor's licence issued by the Minister.

(2) The Minister may make regulations providing for—

(a) the qualifications to be held by driving instructors;

(b) the examination of applicants for a driving instructor's licence;

(c) the fees to be paid in respect of such examination and licence;

(d) the issue and revocation of such licences; and

(e) any other matter incidental to the licensing of driving instructors.

Driving examinations

78 An examination by an examiner to assess the competence of a person to drive a motor car shall include such tests as may be prescribed in relation to the class of motor car or (in special cases), to the particular motor car which the person desires to drive, or, if tests are not prescribed, such tests as the examiner may think desirable, having regard to the class of motor car or the particular motor car which the person desires to drive or to any disability of the person being tested:

Provided that—

(a) Government motor cars (not being omnibuses or motor cycles) that are passenger motor cars within the meaning of section 12 shall be classed as private motor cars; and

(b) a passenger motor car within the meaning of section 12, owned by and used in the service of the Governor shall, notwithstanding its specifications, be classed as a private motor car;

(c) a driver's licence which is valid for the driving of a heavy truck shall also be valid for the driving of a motor car the use of which is authorized under section 10(2).

Issue of learner's permit

79 Subject to section 80, a learner's permit shall be issued by the Minister to an applicant therefor.

General restrictions on issue of drivers' licences

80 Subject to sections 81 and 82, a driver's licence or a learner's permit shall not be issued—

(a) to any person who is under the age of eighteen years; or

(b) to any person who does not produce a certificate of physical fitness in the prescribed form; or

(c) to any person who, being a visitor to Bermuda within the meaning of section 84, is not entitled by virtue of section 84 to have issued to him a driver's licence or a learner's permit; or

(d) to any person who is disqualified for obtaining a driver's licence or a learner's permit.

Minimum age for issue of drivers' licences in respect of certain classes of motor car

81 A driver's licence valid for the driving of a public service vehicle, a heavy truck or a self-propelled constructional machine or a community service vehicle shall not be issued to a person under the age of eighteen years.

[Section 81 amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]

Discretionary powers of Board concerning issue of drivers' licences to drive public service vehicles

82 (1) Where a person applies for the issue or renewal of a driver's licence to drive a public service vehicle or a community service vehicle, the Board shall make due enquiry with regard to his character and to his record as a driver; and where it appears to the Board—

(a) that the applicant is not of good character; or

(b) that the applicant—

(i) has been convicted at any time of manslaughter, where the offence occurred by reason of the driving by him of any vehicle; or

(ii) has been convicted of any offence involving obligatory disqualification under the Traffic Offences (Penalties) Act 1976 [*title 21 item 13*],

then the Board, if they consider that it is desirable in the interest of persons carried in public service vehicles or a community service vehicles that he should not drive or be in charge thereof, may refuse to issue to

him a driver's licence or, as the case may be, to renew a driver's licence, valid for the driving of a public service vehicle or a community service vehicle; and in any such case shall by notice cause him to be informed of their decision:

Provided that nothing in paragraph (a) shall have effect in relation to the issue of a driver's licence valid for the driving of an omnibus to a person employed by the Government as an omnibus driver.

(2) Where a person is aggrieved by a decision of the Board to refuse to issue him with a driver's licence valid for the driving of a public service vehicle or a community service vehicle he may have the matter remitted to a court of summary jurisdiction in the manner provided, and subject to the conditions set out in, section 116.

Discretionary power of Minister concerning issue of drivers' licences to drive heavy trucks

83 (1) Where a person applies for the issue or renewal of a driver's licence to drive a heavy truck or tank wagon, the Minister shall make due enquiry with regard to his record as a driver; and where it appears to the Minister that the applicant—

(i) has been convicted at any time of manslaughter, where the offence occurred by reason of the driving by him of any vehicle; or

(ii) has been convicted at any time of an offence contrary to section 35 or section 36 of the Road Traffic Act 1947 [*title 21 item 3*]; or

(iii) has twice been convicted, during the period of two years last preceding the date of his application, of an offence contrary to section 7 or section 37 of the Road Traffic Act 1947 [*title 21 item 3*],

the Minister may refuse to issue to him a driver's licence, or, as the case may be, to renew a driver's licence, valid for the driving of a heavy truck or tank wagon; and shall by notice cause him to be informed of his decision.

(2) Where a person is aggrieved by a decision of the Minister to refuse to issue him with a driver's licence, or, as the case may be, to renew any such licence, valid for the driving of a heavy truck or tank wagon, he may have the matter remitted to a court of summary jurisdiction in the manner provided and subject to the conditions set out in section 116.

Special provisions concerning issue of drivers' licences and learners' permits to visitors

84 (1) Where a person who is a visitor to Bermuda applies for the issue of a driver's licence or for the issue of a learner's permit the Minister shall, if the visitor is otherwise eligible for the grant of a driver's licence or learner's permit, issue a licence or permit to the visitor if the Minister is satisfied—

(a) that the visitor has been present in Bermuda for a period of at least thirty days immediately preceding the date on which he applied for the licence or permit; or

(b) that the visitor intends to remain in Bermuda continuously for a period of at least thirty days immediately succeeding the date on which he applied for the licence or permit.

(2) In this section—

(a) "visitor" does not include a person—

(i) who owns and maintains for his own use and occupation a dwelling-house in Bermuda; or

(ii) who is a member of the family of such a person as aforesaid and who is an occupant of the same dwelling-house; or

(iii) who, being a member of Her Majesty's Forces or of the United States Forces, is in Bermuda on duty otherwise than in transit from one place outside Bermuda to another place outside Bermuda; and

(b) "member of the family" in relation to the owner of a dwelling- house means a person who is—

(i) related to the owner or to his spouse in a nearer degree than the degree of first cousin; or

(ii) the spouse of the owner or of any person to whom sub-paragraph (i) refers.

Production of driver's licence

85 (1) A person driving, or for the time being in charge of, a motor car on any road shall carry with him his driver's licence and shall produce his 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 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 at a police station within twenty-four hours after the time of the requirement.

(4) In this section "driver's licence" includes a learner's permit.

Duration and renewal of drivers' licences

86 (1) Subject to the subsections (1A) to (5) and the provisions of this Part, unless suspended or cancelled under any Act—

(a) a driver's licence issued to a person who was at the time of such issue eighteen years of age or over—

(i) shall remain in force for the period of ten years next succeeding the date of the issue of the licence; and

(ii) may be renewed every ten years—

(A) with the applicant for renewal being required to produce a certificate of physical fitness as is required by section 80;

(B) without the applicant for renewal being required to pass a further driving examination and to obtain a further certificate of competence; and

(b) a driver's licence issued to a person who was at the time of such issue seventy years of age or over shall remain in force for a period of five years next succeeding the date of the issue of the licence;

(c) a driver's licence issued to a person who was at the time of such issue seventy-five years of age or over shall remain in force for a period of two years next succeeding the date of the issue of the licence;

(d) a driver's licence valid for the driving of a funeral home limousine, public service vehicle, heavy truck, tractor trailer, tank wagon, community service vehicle or a self-propelled constructional machine shall remain in force for a period of three years next succeeding the date of the issue of the licence; and

(e) a driver's licence issued to a person who was at the time of such issue a visitor to these Islands within the meaning of section 84, shall remain in force—

(i) for the period of six months next succeeding the date of issue of the licence; or

(ii) for the period which ends upon his next departure from these Islands after the issue of the licence,

whichever is the longer period; so, however, that where the period mentioned in sub-paragraph (ii) exceeds three years the succeeding provisions of this section shall have effect notwithstanding that such a person is a visitor to these Islands.

(1A) Where, but for this subsection, a driver's licence—

(a) issued to a person under subsection (1)(a)(i); or

(b) renewed under subsection (1)(a)(ii),

would remain in force after that person attains seventy years of age, then, notwithstanding the provisions of subsection (1)(a), that driver's licence shall remain in force until that person attains seventy years of age, and no longer.

(1B) Where, but for this subsection, a driver's licence issued to a person, or renewed, under subsection (1)(b), would remain in force after that person attains seventy-five years of age, then, notwithstanding subsection (1)(b), that driver's licence shall remain in force until that person attains seventy-five years of age, and no longer.

(1C) *[Repealed by 2021 : 13 s. 2]*

(2) Notwithstanding anything in subsection (1) the Minister—

(i) may refuse to renew a driver's licence unless the applicant for the renewal has passed an eyesight test;

(ii) may, and in the case of a person over the age of seventy-five years, shall refuse to renew a driver's licence unless the applicant for the renewal passes a further driving examination and obtains a further certificate of competence.

(3) Notwithstanding anything in subsection (1)—

(a) where there has been issued to a person a driver's licence valid for the driving of a public service vehicle; or

(b) where a driver's licence has been issued to a person who at the date of the issue of the licence had attained the age of seventy years or who since that date has attained the age of seventy years,

then in either such case at the end of the period for which the licence is issued or renewed, the licence shall not be renewed unless—

(i) in the case of a licence valid for the driving of a public service vehicle, the holder of the licence, if required to do so by the Minister, submits himself to a further driving examination and obtains a further certificate of competence; or

(ii) in the case of a person who has attained the age of seventy years, the holder of the licence submits himself to a further driving examination and obtains a further certificate of competence,

and in each case produces the like certificate of physical fitness as is required by section 80.

(4) For the purposes of this section 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.

(5) In calculating the fee payable for a driver's licence a proportionate allowance will be made to the driver in respect of any period before the actual date of issue by reason of the operation of subsection (4), a part of a month being treated as a whole month for the purpose of making such calculation.

[Section 86 amended by 1994:13 effective 23 March 1994; subsection (1)(d) amended by 1999:38 s.8 effective 14 September 1999; Section 86 amended by 2021 : 13 s. 2 effective 6 April 2021]

Duration and renewal of learners' permits

87 Subject to this Part a learner's permit shall (unless suspended or cancelled under any Act) remain in force for the period of 6 months next succeeding the date of the issue of the permit and may be renewed at the end of each succeeding period of 6 months:

Provided that unless the applicant for renewal of a permit has attained the age of sixty-five years before such renewal it shall not be necessary for him to produce a certificate of physical fitness as is required by section 80.

Suspension and cancellation of driver's licence or learner's permit by Minister

88 (1) If at any time it is made to appear to the Minister that a person holding a driver's licence or a learner's permit has any physical or mental disability which is likely to prevent him from driving in a safe and proper manner a motor car, or the class of motor car or the particular motor car which he is, by virtue of his licence or permit, permitted to drive, then the Minister may by order suspend his licence

or permit, and shall in such case inform the holder of the licence or permit of the reason therefor.

(2) Where the Minister suspends a licence or permit as aforesaid then, unless there is produced to the Minister within four weeks from the date of such order 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 the holder of the licence or permit and has as a result of the examination found that the holder has neither a disability as aforesaid nor any other disability which is likely to prevent him from driving in a safe and proper manner the class of motor car or the particular motor car which he was permitted to drive by virtue of the licence or permit of which he was the holder, then the Minister shall order the licence or permit to be produced to him and shall cancel it.

(3) Where within the period of four weeks mentioned in subsection (2), a certificate as aforesaid is duly produced then subject to section 89, the suspension imposed by the Minister under subsection (1) shall be deemed to be terminated seven days from the date of the production of the certificate, without prejudice to any power of the Minister under subsection (1) again to suspend the driver's licence or learner's permit in question.

Examination by medical reference committee

89 (1) For the purposes of this Act there shall be established a body of medical referees, to be called the medical reference committee, which shall have the powers and discharge the duties conferred or imposed on the medical reference committee by or under this Part; and Schedule 3 shall have effect concerning the constitution and procedure of the medical reference committee and to the remuneration of medical referees.

(2) Notwithstanding anything in section 88, the Minister—

(a) at any time within five weeks of the date of an order made under section 88(1); or

(b) where a certificate of a registered medical practitioner is duly produced to the Minister in accordance with section 88(2), then within seven days of the date on which the certificate is so produced, whichever is the earlier date,

may, by notice in writing to the holder of the driver's licence or learner's permit in respect of which an order was made under section 88(1), require him, as a condition precedent to the termination of the suspension of the licence or permit imposed under section 88(1), to submit himself to the medical reference committee for medical examination.

(3) Where notice is duly given by the Minister under subsection (2) the Minister shall forthwith transmit a copy of the notice to the Chairman of the medical reference committee, who shall arrange for the holder of the driver's licence or learner's permit suspended as aforesaid to be given the opportunity of being medically examined by the committee as soon as may be; and, if the holder duly submits himself to the committed for medical examination, then the Chairman shall as soon as may be after the completion of the examination furnish to the Minister and to the person so examined a report of the findings of the committee.

(4) Where a case is duly referred by the Minister to the medical reference committee under the foregoing provisions of this section, then, notwithstanding anything in section 88(3), the suspension of the driver's licence or learner's permit held by the person to be medically examined shall continue in effect until a report of the findings of the medical reference committee is furnished to the Minister in accordance with subsection (3), or until the holder of the licence or permit either declines an opportunity of being examined by the medical reference committee or fails without reasonable excuse to attend before the committee for medical examination, whichever is the earlier occurrence.

(5) Where—

(a) the holder of driver's licence or learner's permit declines an opportunity of being medically examined as aforesaid, or fails without reasonable excuse to attend before the medical reference committee for medical examination; or

(b) as a result of a medical examination carried out by the medical reference committee a report is furnished by the committee to the Minister to the effect that the holder of the licence or permit suffers, in the opinion of the committee, from a disability which is likely to prevent him from driving in a safe and proper manner the class of motor car or the particular motor car which he was permitted to drive by virtue of the licence or permit of which he was the holder,

the Minister shall order the licence or permit to be produced to him and shall cancel it.

(6) Where, as a result of a medical examination carried out by the medical reference committee, a report is furnished by the committee to the Minister to the effect that the holder of the licence or permit does not, in the opinion of the committee, suffer from any disability which is likely to prevent him from driving in a safe and proper manner the class of motor car or the particular motor car which he was permitted to drive by virtue of the licence or permit of which he is the holder, the suspension imposed by the Minister under section 88(1) shall be deemed to be terminated, without prejudice to any power of the Minister under section 88(1) again to suspend the driver's licence or learner's permit in question.

[Section 89 amended by 2008:10 s.2 effective 1 April 2008]

Cancellation of licence to drive public service vehicle

90 (1) Where it is made to appear to the Board that a person holding a driver's licence valid for the driving of a public service vehicle, but not being a person employed by the Government as an omnibus driver—

(a) has been convicted of any offence involving dishonesty; or

(b) having been convicted of any offence involving an element of assault, has been sentenced to a term of imprisonment otherwise than only in default of payment of a fine or of entering into a recognizance; or

(c) has behaved in an offensive manner, while in charge of a public service vehicle and whether in a public place or not, to or in the hearing of any person who at the time of or immediately before the offensive behaviour was or was intending to be a passenger in the vehicle or was making reasonable enquiries of the person in charge of the vehicle or (where the vehicle was a motor taxi) was negotiating for the hire of the vehicle; or

(d) in the case of a taxi driver, has persistently disregarded the provisions of regulations concerning his conduct and obligations as a carrier; or

(e) has otherwise behaved in such a manner that it is desirable that his licence to drive a public service vehicle be cancelled,

the Board may, if they consider that in the public interest he should not be allowed to drive a public service vehicle, by order cancel his licence in so far as it authorizes him to drive a public service vehicle, and may order that he be disqualified for driving a public service vehicle; and shall by notice inform him accordingly.

(2) Where it is made to appear to the Minister that a person holding a driver's licence valid for the driving of a heavy truck or tank wagon has been convicted of any offence connected with the driving of any motor car, then if the record as a driver of the holder of the licence is such that it would have entitled the Minister to refuse to issue, or, as the case may be, to renew any such licence under section 83, then the Minister may by order cancel his licence in so far as it authorizes him to drive a heavy truck or tank wagon, and may order that he be disqualified for driving a heavy truck or tank wagon; and shall by notice inform him accordingly.

(2A) Before making an order under subsection (1) cancelling a driver's licence valid for the driving of a public service vehicle, the Board shall afford the holder of the licence an opportunity to be heard and make representations with respect thereto, and the Board shall cause a proper record of the proceedings had before it to be kept in writing in such form as the Minister may direct.

(3) Any person who is aggrieved by an order of the Minister or the Board made under subsections (1) and (2) may, in the manner provided by and subject to section 116, have the matter remitted to a court of summary jurisdiction:

Provided that where application is duly made for the matter to be remitted to a court the cancellation of the licence and the disqualification as aforesaid shall not be deemed to have effect unless and until the court confirms the order of the Minister or the Board.

(4) Where an order is made by the Minister or the Board as aforesaid the Minister or the Board may order the holder of the licence to produce the licence to the Minister or the Board, and the Minister or the Board may cause the substance of the order to be noted on the licence.

(5) A person whose driver's licence has been invalidated by an order as aforesaid—

(a) in a case such as referred to in subsection (1)(a) or (b), at any time after the expiration of 12 months from the date on which invalidation had effect;

(b) in a case such as referred to in subsection (1)(c), (d) or (e), at any time after the expiration of one month from the date on which the invalidation had effect,

may apply to the Board for the revocation of the order; and on any such application the Board, after taking into consideration the conduct of the applicant subsequent to the making of the order and the other circumstances connected with the case, may, if they think fit, revoke the order; and on such a revocation the Board shall cause the revocation to be noted on the licence.

(6) Where an order is revoked by the Board as aforesaid then without prejudice to any power of a court or of the Board under this or any other Act in relation to the suspension or cancellation of driver's licences—

(a) the licence shall be as valid for the driving of a public service vehicle as it was before the order was made; and

(b) the person concerned shall no longer be disqualified for the driving of a public service vehicle:

Provided that nothing in this subsection shall derogate from any power of the Board, on the expiration of the period for which the licence was issued, to refuse to renew the licence (in so far as it authorized the driving of a public service vehicle) or to refuse to issue a new licence valid for the driving of a public service vehicle.

(7) Any person who is aggrieved by a decision of the Board to refuse to revoke an order under subsection (5) may, in the manner provided by and subject to section 116, apply to have the matter remitted to a court of summary jurisdiction.

[Section 90 subsection (1)(b) amended by 2001:29 s.11(1) & Sch effective 29 October 2001]

Exemptions in favour of Her Majesty's and United States Forces

91 (1) No fees shall be payable under this Part for certificates of competence or drivers' licences or learners' permits issued to persons who are members of Her Majesty's Forces or the United States Forces in respect of the driving of motor cars which are, as the case may be, used in the service of Her Majesty's Forces or the United States Forces.

(2) In the case of drivers of motor cars which are in the service of Her Majesty's Forces or the United States Forces, being drivers who are members of Her Majesty's Forces or the United States Forces as the case may be, the Minister may dispense with

any requirement imposed by or under this Part concerning the qualifications of applicants for drivers' licences or learners' permits if the Minister is satisfied that it is unnecessary that the requirement should be fulfilled.

Saving for NATO Status of Forces Agreement

91A The provisions of this Part shall be construed subject to Article IV of the Agreement regarding the Status of Forces of Parties to the North Atlantic Treaty, London, 19 June 1951, as applied to Bermuda and the Visiting Forces Act (Application to Bermuda) Order 2001.

[Section 91A inserted by 2002:6 s.4 & Sch 3 effective 18 June 2002]

Exemption for police officers

92 No fees shall be payable under this Part for a certificate of competence or a driver's licence or learner's permit issued to a police officer in respect of the driving of motor cars used in the service of the Police Service.

[Section 92 amended by 1997:37 effective 6 May 1999]

Furnishing of information regarding drivers' licences, etc

93 The Minister, the Board or any other person to whom application is made for anything to be done under this Part may require any statements made in the application to be verified.

Duplicates of lost drivers' licences

94 The Minister or the Board, on proof to their satisfaction that a driver's licence or a learner's permit has been lost of destroyed, and on payment of the prescribed fee, shall issue a duplicate of the lost licence to the person entitled thereto:

Provided that—

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

(b) any endorsement or note made upon the original of any such licence or permit as aforesaid shall, subject to this Act, be entered upon the duplicate thereof and if any endorsement or note is made upon a duplicate, that endorsement or note shall be entered upon the original when the duplicate is returned for cancellation.

Record of drivers' licences

95 The Minister shall keep a record of all drivers' licences and learners' permits issued by him and of all endorsements and notes made thereon as to qualifications, suspensions, cancellations, convictions or any other matter.

Regulations

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

(a) for prescribing conditions and tests in connection with the issue of certificates of competence and drivers' licences;

(b) for prescribing the particulars to be furnished to the Minister by persons applying for the issue of drivers' licences and learners' permits;

(c) concerning the insertion of special conditions in drivers' licences and learners' permits issued to persons suffering from any disability;

(d) concerning the notification by holders of drivers' licences or learners' permits of any physical or mental disability;

(e) for prescribing the form of certificates of physical fitness required to be produced to the Minister.

PART VI

PUBLIC GARAGES

Saving for other Acts

97 *[Repealed by 2022 : 30 s. 59]*

[Section 97 repealed by 2022 : 30 s. 59 effective 4 November 2022]

Powers of Minister in relation to public garages

98 *[Repealed by 2022 : 30 s. 59]*

[Section 98 repealed by 2022 : 30 s. 59 effective 4 November 2022]

Control of use of public garages

99 *[Repealed by 2022 : 30 s. 59]*

[Section 99 repealed by 2022 : 30 s. 59 effective 4 November 2022]

Examination and registration of motor car mechanics

100 *[Repealed by 2022 : 30 s. 59]*

[Section 100 repealed by 2022 : 30 s. 59 effective 4 November 2022]

Regulations in connection with the operation of public service vehicles

101 *[Repealed by 2022 : 30 s. 59]*

[Section 101 repealed by 2022 : 30 s. 59 effective 4 November 2022]

PART VIA

MINICAR LIVERIES

Prohibition on operation of liveries

101A (1) No person shall operate a minicar livery (hereinafter referred to as a "livery") unless that person has applied for and has been granted a licence by the Minister.

(2) Any person who operates or attempts to operate a livery without a licence is liable on summary conviction to a fine of $5,000 or to imprisonment for a term not exceeding three months or to both.

[Section 101A inserted by 2016 : 50 s. 3 effective 16 December 2016; Section 101A amended by 2022 : 17 s. 2 effective 17 June 2022]

Application to operate a livery

101B (1) The Minister may, on written application made to him, grant a licence to operate a livery.

(2) The Minister may grant or refuse a licence to operate a livery, or may grant a licence to operate a livery subject to any terms and conditions the Minister finds appropriate, and the Minister may at any time vary the conditions attached to a licence.

(3) In considering an application under subsection (1), the Minister shall, in particular, without prejudice to his power, have regard to the suitability of the premises from which it is intended to operate a 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 shall have the power to revoke a 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 of the conditions attached to his licence.

(5) Any officer of the Department or any person duly authorized by the Minister may enter, at any time, the 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.

(6) No livery shall hire or have available for hire any minicar other than a minicar with three or four wheels of such class, make or model as the Minister may approve by notice published in the Gazette.

(7) No livery shall hire a minicar to a person—

(a) under the age of eighteen years; or

(b) who does not hold a valid driver's licence.

(8) A valid driver's licence for the purpose of subsection (7)(b) is a driver's licence issued under section 76(1) or such driver's licence as prescribed by regulations made under this Act.

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

(10) A person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of $4,200 or to imprisonment for three months or both, and in the case of a continuing offence a fine of $500 for each day on which the offence continues.

[Section 101B inserted by 2016 : 50 s. 3 effective 16 December 2016]

Minister may by order regulate design or build

101C (1) The design or build of the body of a minicar shall be regulated and controlled by order of the Minister—

(a) so as to be conducive to road safety; and

(b) so as to preserve as far as possible the amenity of Bermuda.

(2) Where the design or build of the body of a minicar is in the opinion of the Minister unsuitable; having regard to subsection (1)(a) or (b), the Minister may by order prohibit the use of such minicar on any road.

(3) Orders made under this section are subject to the negative resolution procedure.

[Section 101C inserted by 2016 : 50 s. 3 effective 16 December 2016]

Regulations under Part VIA

101D The Minister may make regulations subject to the negative resolution procedure—

(a) concerning a valid driver's licence when renting a minicar;

(b) concerning the licensing and registration of minicars;

(c) prescribing identification marks and plates and their position and dimensions, and prescribing the charges that may be made for the issue and replacement of plates;

(d) generally for carrying out the purposes and provisions of this Part.

[Section 101D inserted by 2016 : 50 s. 3 effective 16 December 2016]

PART VIB

GUIDED TOUR VEHICLE

Interpretation of Part VIB

101E In this Part of the Act—

"guided tour" means a tour on a guided tour vehicle given by a tour guide in places of interest in Bermuda authorized in writing by the Minister, in consultation with the Minister responsible for public works;

"guided tour vehicle" means a three or four-wheeled vehicle with a bicycle seat for the driver or rider and steered by handlebars, which is propelled by mechanical or electrical power and is used for providing tours;

"guided tour vehicle livery" means a person or body of persons by whom guided tour vehicles are hired for use by persons on a guided tour;

"tour guide" means an employee of a guided tour vehicle livery who takes people on a guided tour;

[Section 101E inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101E definitions "guided tour" and "tour guide" amended, definition "tour quadricycle" substituted by "guided tour vehicle", and definition "tour quadricycle livery" substituted by "guided tour vehicle livery" by 2022 : 17 s. 4 effective 17 June 2022]

Prohibition on operation of guided tour vehicle liveries

101F (1) No person shall operate a guided tour livery (hereinafter referred to as a "livery") unless that person has applied for and has been granted a licence by the Minister.

(2) Any person who operates or attempts to operate a livery without a licence is liable on summary conviction to a fine of $5000 or to imprisonment for a term not exceeding three months or to both.

[Section 101F inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101F amended by 2022 : 17 s. 5 effective 17 June 2022]

Application to operate a livery

101G (1) The Minister may, on written application made to him, grant a licence to operate a livery.

(2) An application under subsection (1) shall be in a form determined by the Minister and shall be accompanied by the relevant fee set out in the Government Fees Regulations 1976.

(3) The Minister may grant or refuse a licence to operate a livery, or may grant a licence to operate a livery subject to any terms and conditions the Minister finds appropriate, and the Minister may at any time vary the conditions attached to a licence.

(4) In considering an application under subsection (1), the Minister shall, in particular, without prejudice to his power to grant or refuse a licence, have regard to the suitability of the premises from 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.

(5) The Minister shall have the power to revoke a 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 of the terms or conditions attached to his licence.

(6) Any officer of the Department or any person duly authorized by the Minister may at any time enter the 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) No livery shall hire or have available for hire any guided tour vehicle other than a guided tour vehicle of such class, make or model as the Minister may approve by notice published in the Gazette.

(8) No livery shall hire a guided tour vehicle to a person—

(a) under the age of eighteen years; or

(b) who does not hold a valid driver's licence.

(9) A valid driver's licence for the purpose of subsection (7)(b) is a driver's licence issued under section 76(1) or such driver's licence as prescribed by regulations made under this Act.

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

(11) A person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of $4,200 or to imprisonment for three months or to both, and in the case of a continuing offence a fine of $500 for each day on which the offence continues.

(12) Notices made under this section are subject to the negative resolution procedure.

[Section 101G inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101G amended by 2022 : 17 s. 6 effective 17 June 2022]

Guided tours

101H (1) No livery operator shall use, or cause or allow any other person to use, a guided tour vehicle other than for the sole purpose of a guided tour.

(2) A maximum of seven guided tour vehicles, including the tour guide, shall be used in a guided tour.

(3) A livery operator who contravenes with this section commits an offence and is liable on summary conviction to a fine of $1,000 or to imprisonment for 3 months, or to both.

[Section 101H inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101H amended by 2022 : 17 s. 7 effective 17 June 2022]

Protective headgear shall be worn

101I (1) No livery operator shall hire a guided tour vehicle without protective headgear for use by a driver or rider and passenger on a tour quadricycle.

(2) Every person driving or riding on a guided tour vehicle on any highway shall wear protective headgear.

(3) Any person who drives or rides on a guided tour vehicle in contravention of subsection (2) or who drives a guided tour vehicle on a highway when any passenger does not wear protective headgear commits an offence.

(4) In this section—

"highway" means any street, road or place over which the general public have a right of way;

"protective headgear" has the meaning provided in section 6(3) of the Motor-Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953.

(5) A livery operator who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for 6 months, or to both.

[Section 101I inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101I amended by 2022 : 17 s. 8 effective 17 June 2022]

Minister may by order regulate design or build

101J (1) The design or build of the body of a guided tour vehicle shall be regulated and controlled by order of the Minister so as to preserve as far as possible the amenity of Bermuda.

(2) Where the design or build of the body of a guided tour vehicle is in the opinion of the Minister unsuitable; having regard to subsection (1), the Minister may by order prohibit the use of such guided tour vehicle on any road.

(3) Orders made under this section are subject to the negative resolution procedure.

[Section 101J inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101J amended by 2022 : 17 s. 9 effective 17 June 2022]

Regulations under Part VIB

101K (1) The Minister may make regulations subject to the negative resolution procedure—

(a) concerning a valid driver's licence required for renting a guided tour vehicle;

(b) concerning the licensing and registration of guided tour vehicles;

(c) prescribing identification marks and plates and their position and dimensions, and prescribing the charges that may be made for the issue and replacement of plates;

(d) generally for carrying out the purposes and provisions of this Part.

(2) Regulations made under subsection (1) may create offences and provide that a person who commits an offence against the Regulations is liable on conviction to a fine not exceeding $5,000.

[Section 101K inserted by 2018 : 43 s. 3 effective 30 July 2018; Section 101K subsection (1) amended by 2022 : 17 s. 10 effective 17 June 2022]

PART VII

REGULATIONS, SUPPLEMENTAL POWERS, LEGAL PROCEEDINGS AND MISCELLANEOUS PROVISIONS

Power of Minister generally to make regulations

102 (1) Subject to this Part, 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 motor cars and trailers or any class of motor car;

(c) for prescribing the conditions under which motor cars and trailers may be used.

(2) Regulations made under this Act may be made so as to extend to the use of motor cars or trailers on an estate road, a naval or military road or a United States road; and, as respects regulations made in connection with the use of public service vehicles, may be made so as to extend to the use of public service vehicles in any place whatsoever.

(3) *[omitted]*

(4) *[omitted]*

Power to make regulations concerning seat belts

102A Without prejudice to the generality of the power conferred on the Minister by section 102(1), the Minister may make regulations—

(a) excepting from the prohibition in section 20A or 20B—

(i) persons of any prescribed description including, in particular, any person holding a valid certificate signed by a registered medical practitioner to the effect that it is inadvisable on medical grounds for him to wear a seat belt;

(ii) persons driving motor cars in such circumstances as may be prescribed;

(b) prescribing for the purposes of section 20B, the description of seat belt to be worn by children and the manner in which such a seat belt is to be fixed or used;

(c) extending or otherwise varying the classes of motor cars to which the prohibition in section 20A or 20B applies;

(d) prescribing such other matters concerning seat belts as appear to him necessary or desirable for the purposes of section 20A or 20B.

[Section 102A inserted by 2001:38 s.2 effective 1 January 2004]

Power of Minister to make regulations concerning particular matters

103 Without prejudice to the generality of the power conferred on the Minister by section 102(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) concerning 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 the hearing of applications for permits and in connection with other matters that fall to be decided by the Minister or the Board under this Act;

(c) for regulating the procedure to be observed in connection with appeals to the Minister or the Board against decisions of officers of the Department exercising functions delegated to them by the Minister or the Board under section 8;

(d) concerning any matter or thing which by or under this Act may be or is to be prescribed by regulations.

Parliamentary scrutiny of regulations

104 (1) *[deleted as spent 1977:35]*

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

Notices to be in writing

105 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 or Board, 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, the Board or to any officer of the Department shall be in writing.

Authentication of documents

106 (1) Any notice, order or other document which the Minister or the Board are 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 or the Board

by any officer of the Department authorized by the Minister or the Board 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 or the Board 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 or the Board.

Service of notices, orders, etc

107 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.

Notification of right to have certain matters remitted to a court

108 Where in respect of an order or other decision of the Minister or the Board the matter may be remitted to a court of summary jurisdiction, the document notifying the person concerned of the decision of the Minister or the Board in the matter shall also notify the person that he has the right to have the matter remitted to a court and shall also notify the time within which he must lodge an application to have the matter so remitted as provided in section 116.

Effect of orders of Minister or Board

109 Except as otherwise provided by this Act, any prohibition, restriction or condition made or imposed by way of 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 under section 108.

Interpretation for purposes of Part VI

110 In sections 112, 113, 114 and 119 "road" means a highway, an estate road and a naval or military road, but (unless otherwise expressly provided) does not include a United States road.

Obligation to stop motor car at request of police officer

111 (1) The driver of a motor car 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 motor car 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 a motor car by raising his hand, or by waving from side to side a red light.

Giving of name and address and production of licence

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

(2) A person driving a motor car on any road or for the time being in charge of a motor car on any road shall produce the motor car licence issued in respect of the motor car, 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 or a traffic officer under this subsection if the person on whom the requirement is imposed produces the motor car licence at a police station within seven days after the time of the requirement.

Powers of police officer where motor car or equipment is defective

113 (1) If a police officer or a traffic officer has reasonable cause to believe that any motor car which is being used on a road or any equipment or any part thereof required to be fitted to or carried in the motor car, is unfit for the purpose for which it is being used, or any windscreen or window thereof has affixed to it tinted film, sunshading material or other coloured material that does not comply with the requirements imposed by law, he may order the driver to stop the motor car and may thereupon inspect the motor car, its equipment, windscreen or window.

(2) Where, as a result of an inspection as aforesaid, it appears to the police officer or traffic officer that the use of the motor car 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; or

(c) is likely to violate any provision of this Act,

by reason of the condition or appearance of the motor car or of any part thereof or of the condition of any equipment or part thereof, then–

(d) in the case where only the windscreen or the window of a motor car has affixed to it coloured material and the police officer or the traffic officer, is a qualified examiner, the police officer or the traffic officer may forthwith examine the windscreen and the window and measure the percent of visual transmission for light; or

(e) in any other case, the police officer or the traffic officer may forthwith cause the motor car to be taken in the condition or appearance in which he found it to an examiner, inspector or qualified examiner, or may cause the motor car to be detained in that condition or appearance until it can be examined by the examiner, inspector or qualified examiner, as the case may be.

(3) Where a motor car is to be examined by an examiner, inspector or qualified examiner under subsection (2) the examination shall take place as soon as practicable; and if as a result of the examination the motor car is found by the examiner, inspector or qualified examiner, as the case may be, to be in good working order or in compliance with the requirements imposed by law 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 motor car is found not to be in good working order or in compliance with the requirements imposed by law then it shall be dealt with according to law.

(4) Where a motor car is to be examined pursuant to subsection (2) in order to measure the percent of visual transmission for light of its windscreen or window, a qualified examiner shall take three measurements with an approved instrument and evidence of the results of the measurements so taken is, in the absence of evidence to the contrary, proof of the percent of visual transmission for light of the motor car's windscreen or window at the time when the offence was alleged to have been committed.

(5) Where the results of the measurements taken in pursuance of subsection (4) are known that result with the highest percent shall be used and the others shall be disregarded.

(6) A certificate of a qualified examiner stating that he has taken a measurement of visual transmission for light of the motor car's windscreen and window by means of an approved instrument and stating the result of the measurement is evidence of the statement contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(7) An accused against whom a certificate described in subsection (6) is produced may, with leave of the court, require the attendance of the qualified examiner for purposes of cross-examination.

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

(9) In this section "approved instrument" means an instrument of a kind that is designed to measure the percent of visual transmission for light of a motor car's windscreen or window and is approved as suitable for the purposes of this section by order of the Minister.

(10) The negative resolution procedure applies to an order made under subsection (9).

(11) For the purposes of this section "qualified examiner" means a person designated by the Minister as being qualified to operate an approved instrument.

[Section 113 amended by 1991:14 effective 31 May 1991; subsections (2)(e) and (3) amended by 2008:44 s.10 effective 23 December 2008]

Duty of owner to give information as to driver and occupants of motor car

114 Where a police officer or a traffic officer has reason to suspect that an offence in connection with the use of a motor car on any road has been committed, he or any other

police officer or traffic officer may require the owner of the motor car to give all information in his possession as to the name, address, description, antecedents and whereabouts of the driver and of the occupants of the motor car 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.

Power of arrest

115 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 a motor car 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.

Remission of matter to court and appeals arising therefrom

116 (1) Where any person who is entitled, under this Act, to have remitted to a court of summary jurisdiction any matter involving a decision or order of the Minister or the Board by which he is aggrieved desires so to remit the matter—

(a) the person desiring so to remit the matter, (hereinafter in this section referred to as "the applicant") must, within ten days after he has been notified of the decision or order, lodge an application in writing with the Minister or the Board setting out the grounds on which he is aggrieved; and when the applicant lodges the application with the Minister or the Board he shall deposit with the Minister or the Board the sum of $100;

(b) the Minister or the Board, on receiving an application as aforesaid shall forthwith transmit the application together with the record of the proceedings, if any, before the Board kept under section 90(2A) to the Senior Magistrate, who shall make the necessary arrangements for the matter to be heard by a court of summary jurisdiction and shall cause the applicant and the Minister or the Board to be notified of the day on which the court will hear the matter;

(c) the court, after taking into account the record of the proceedings, if any, kept under section 90(2A) and after hearing such additional evidence as with the leave of the court the Minister or the Board, as the case may be, may call in support of, or the applicant may call against, the decision or order, either confirm or reverse the decision or order of the Minister or the Board, and shall inform the applicant and the Minister or the Board accordingly;

(d) if the court confirms the decision or order of the Minister or the Board the sum of $100 deposited by the applicant shall be forfeited to Her Majesty and shall be paid into the Consolidated Fund, but if the court reverses the decision or order of the Minister or the Board such sum shall be repaid to the applicant.

(2) Where any person applies to have a matter remitted to a court as aforesaid, then the decision or order of the Minister or the Board in respect of which the application

was made shall, except as otherwise expressly provided, remain in full force and effect pending the determination of the matter by the court; and any contravention thereof or failure to comply therewith shall be punishable, and shall give rise to the same liability, as if no application had been made for the matter to be remitted to a court.

(3) A court of summary jurisdiction to which any matter is remitted as aforesaid shall have the like power with respect to compelling the attendance of witnesses, and otherwise in respect to witnesses, as the court would have if the application for the remission of the matter were an information alleging the commission of an offence triable by the court.

(4) Where a matter is heard by a court of summary jurisdiction under the foregoing provisions of this section the proceedings on behalf of the Minister or the Board may be conducted before the court by any officer of the Department, or by any police officer, duly authorized by the Minister or the Board in that behalf.

(5) Notwithstanding anything in any Act relating to appeals to the Supreme Court, no appeal shall be entertained by the Supreme Court in respect of any person aggrieved by the confirmation or reversal by a court of summary jurisdiction of a decision or order of the Minister or the Board as aforesaid—

(a) except an appeal to the Supreme Court by way of case stated, in which case the Protection of Justices Act 1897 [*title 8 item 17*] shall apply accordingly; or

(b) except an appeal to the Supreme Court on a point of law otherwise than by way of case stated, in which case the Civil Appeals Act 1971 [*title 8 item 85*] shall apply as though the appeal were an appeal from a judgment of a court of summary jurisdiction in a civil cause or matter.

(6) Where upon the determination of any matter remitted to a court as aforesaid, or upon the determination of an appeal arising therefrom, a court reverses a decision or order of the Minister or the Board, then it shall be the duty of the Minister or the Board to give effect to the order of the court and, in particular, to grant or issue any necessary document accordingly.

[Section 116 amended by 2008:10 s.4 effective 1 April 2008]

Prosecution of offences against Act

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

Owner of motor car

118 For the purposes of any proceedings under this Act the person who is registered as the owner of a motor car shall be deemed to be the owner of that motor car.

Responsibility of driver and owner for offences

119 (1) If with respect to the use of a motor car on any road including a United States 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 motor car 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 motor car 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.

General provision regarding contraventions

120 Any person who contravenes 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.

Punishment when no special punishment provided

121 A person guilty of an offence against this Act for which no special punishment is provided shall be liable for each offence to the punishment specified in Schedule 1 to the Traffic Offences (Penalties) Act 1976 [*title 21 item 13*] or, if no punishment is therein specified, to a fine not exceeding $2,100.

Offences involving fraud

122 Any person—

(1) (a) who, in or in connection with an application for the issue of a motor licence, or a certificate of competence, or a drivers' licence, or learners' permit, or in connection with the endorsement of any such licence or certificate, or any change or correction in any such licence, or the registration of a motor car, 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, being disqualified for obtaining or holding, or having been refused, any such licence or certificate or permit as aforesaid, applies for or obtains any such licence or certificate or permit while he is so disqualified or without disclosing such refusal, or being a person whose

drivers' licence or learners' permit has been endorsed or cancelled applies for or obtains another licence or permit without giving particulars of the endorsement or cancellation; or

(c) who fraudulently imitates, alters or uses, or fraudulently lends or allows to be used by any other person any identification mark, motor car licence, dealer's licence, driver's licence, learner's permit, certificate of registration or certificate of competence or export certificate or permit 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 or permit 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 subsection (2)) 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; or, where the information is given by way of a sworn declaration imprisonment for 6 months or a fine of $1,680 or both such imprisonment and fine.

(3) Nothing in this section shall derogate from or abridge any provision of the Criminal Code.

Offences of driving motor car while disqualified for obtaining drivers' licence

123 (1) Notwithstanding anything in the foregoing provisions of this Act, any person who—

(a) while he is disqualified under any Act for obtaining a driver's licence, or as the case may be, a driver's licence valid for the driving of any particular class of motor car; or

(b) while his driver's licence is suspended under any Act, or, as the case may be, is suspended to the extent of its validity for the driving of any particular class of motor car,

drives a motor car or, where the disqualification or suspension is in respect of a motor car of a particular class, then a motor car of that class, commits an offence against this Act.

(2) A person to whom a driver's licence, or, as the case may be, a driver's licence valid for the driving of any particular class of motor car, may not, by virtue of any of the provisions of Part V, be issued by reason of his age shall, if he drives a motor car or, where such prohibition as aforesaid relates to a particular class of motor car, then if he drives a motor car of that class, be deemed, for the purposes of the foregoing provisions of this section, to drive that motor car whilst disqualified for obtaining a driver's licence.

(3) A person whose driver's licence has been cancelled under section 88 or of section 89 in connection with his suffering from a physical or mental disability shall, if he drives a motor car before a new driver's licence is issued to him, be deemed for the purposes of this section to drive that motor car whilst disqualified for obtaining a driver's licence.

(4) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought—

(a) within a period of 6 months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither 3 months from the date on which it came to the knowledge of the informant in the proceedings that the offence had been committed nor one year from the date of the commission of the offence, whichever is the longer period.

(5) Without prejudice to section 115, a police officer in uniform may arrest without warrant any person whom he had reasonable cause to suspect of committing an offence against subsection (1).

Interpretation

123A In sections 123A to 123I—

"charges" in relation to towing and impounding of motor vehicles means charges prescribed by regulations made under section 123I;

"motor vehicle "means a motor car or an auxiliary bicycle;

"owner" means the person in whose name the motor vehicle is registered under this Act or, if the motor vehicle is not registered, any other person who is proved to be the owner;

"pound" means a place designated by regulations made under section 123I as a place where motor vehicles may be impounded;

"tow" and "towing" in the case of auxiliary bicycles means remove and removal respectively.

[Section 123A inserted by 2008 : 9 s. 2 effective 19 June 2010]

Seizure, towing and impoundment of motor vehicles

123B (1) A police officer may seize a motor vehicle and drive it to or have it towed to, and impounded at, a pound in any of the following circumstances—

(a) where the driver of the motor vehicle fails to produce his or her driver's licence immediately upon being requested to do so by a police officer and the police officer has reasonable grounds for believing that the driver was driving the motor vehicle contrary to section 74;

(b) where the driver of the motor vehicle fails to produce a valid certificate of insurance under section 4(4) of the Motor Car Insurance (Third-Party Risks) Act 1943 in relation to the use of the motor vehicle immediately upon being requested to do so by a police officer and the police officer has reasonable grounds for believing that the driver was driving the motor vehicle contrary to section 3 of that Act; or

(c) where the driver of the motor vehicle fails to produce a motor car licence or an auxiliary bicycle licence, as the case may be, that is in force in respect of the motor vehicle immediately upon being requested to do so by a police officer and the police officer has reasonable grounds for believing that the driver was driving the motor vehicle contrary to section 52 of this Act or section 17 of the Auxiliary Bicycles Act 1954, as the case may be.

(2) A police officer may, for the purposes of seizing a motor vehicle, enter any building or place (other than a private dwelling house) where the police officer has reason to believe the motor vehicle to be. A private dwelling house does not include any garage or land appurtenant to the dwelling house.

(3) Personal property present in or on a motor vehicle that has been seized, other than personal property attached to or used in connection with the operation of the motor vehicle, shall be returned to the owner of the property upon request and proof of ownership.

[Section 123B inserted by 2008 : 9 s. 2 effective 19 June 2010]

Seizure notice

123C (1) On seizing a motor vehicle under section 123B, a police officer shall give a seizure notice in accordance with this section to the driver of the motor vehicle that is seized.

(2) If the driver is not the owner of the motor vehicle, a police officer shall, as soon as possible after the motor vehicle has been seized, give a copy of the seizure notice to the owner.

(3) The seizure notice shall be given by delivering it to the driver and, where the owner is not the driver, a copy of the seizure notice shall be given by delivering it to the owner or by leaving it at the owner's usual or last known address.

(4) The police officer who gives the seizure notice shall also give a copy of it to the Minister, to the person who tows the vehicle and to the operator of the pound where the motor vehicle is to be impounded.

(5) A seizure notice shall contain the following information—

(a) the name and address of the driver and the owner of the motor vehicle as far as can be determined when the motor vehicle is seized;

(b) the licence number of the motor vehicle;

(c) the date, time and place of the seizure;

(d) the pound where the motor vehicle is to be impounded and the name of the operator of the pound;

(e) a statement that the release of the vehicle must be requested on or before a date that is 60 days after the seizure of the motor vehicle, which date shall be specified in the notice;

(f) a statement of the requirements of section 123D for release of the motor vehicle and a statement of the charges payable for towing and impounding the motor vehicle;

(g) a statement that, if a request for release of the motor vehicle has not been made on or before the date specified in the notice or if the requirements of section 123D have not been met, the Minister may dispose of it; and

(h) a statement that, if the motor vehicle is disposed of, the owner of the motor vehicle is liable for payment of the amount of all reasonable costs of disposal, as well as the charges for towing and impounding the motor vehicle, and that the amount of those charges and costs may be recovered from the owner as a debt owed to the Crown and may be deducted from any proceeds of disposal of the motor vehicle.

[Section 123C inserted by 2008 : 9 s. 2 effective 19 June 2010]

Release of motor vehicle

123D (1) The operator of a pound shall release an impounded motor vehicle to the owner of the motor vehicle, or to a person authorized by the owner, who requests that it be released, upon production by the owner or that person of a certificate of release issued by the Minister.

(2) The Minister shall issue a certificate of release to the owner, or to a person authorized by the owner, if the owner or that person pays to the Minister the charges for towing and impounding the motor vehicle and produces—

(a) a valid driver's licence authorizing the owner or that person to drive the motor vehicle;

(b) a valid certificate of insurance under section 4(4) of the Motor Car Insurance (Third-Party Risks) Act 1943 in relation to the use by the owner or that person of the motor vehicle; and

(c) a valid motor car licence or auxiliary bicycle licence, as the case may be, in respect of the motor vehicle.

(3) The owner of a motor vehicle that has been seized under section 123B is not liable to pay the charges under subsection (2) if the owner establishes to the satisfaction of the Minister that he or she—

(a) was not the driver of the motor vehicle at the time when it was seized; and

(b) did not know that the motor vehicle was being driven at that time, had not consented to it being driven and could not, by taking reasonable steps, have prevented it from being driven.

(4) Where a motor vehicle is released to the owner and the owner is not required to pay the charges for towing and impounding the motor vehicle, the driver of the motor vehicle is liable to pay the charges to the Minister and the charges may be recovered as a debt owed to the Crown.

[Section 123D inserted by 2008 : 9 s. 2 effective 19 June 2010]

Disposal of motor vehicles

123E (1) If, by the date specified in the seizure notice in respect of a motor vehicle, a request for release of the motor vehicle, accompanied by a certificate of release issued by the Minister, has not been made, the Minister may dispose of the motor vehicle, in accordance with this section, in any manner that the Minister sees fit.

(2) Before disposing of a motor vehicle, the Minister shall publish in the Gazette a notice that the Minister intends to dispose of the motor vehicle after the expiry of 30 days from the date when the notice is published.

(3) A motor vehicle may not be disposed of earlier than 30 days after the date when the notice of intention to dispose of it is published.

(4) Notwithstanding subsections (1) to (3), the owner of a motor vehicle or a person authorized by the owner may obtain the release of the motor vehicle at any time prior to it being disposed of if they meet the requirements of section 123D for release of the motor vehicle.

(5) Where the Minister disposes of a motor vehicle, the Minister shall pay to the owner of the motor vehicle any proceeds realized from the disposal, after deducting the charges for towing and impounding the motor vehicle and all reasonable costs incurred by the Minister in respect of the disposal of the motor vehicle.

(6) If the amount of the proceeds of the disposal does not exceed the amount of the charges and costs referred to in subsection (5), the owner is liable to pay the amount of the charges and costs that remains outstanding and that amount may be recovered from the owner as a debt owed to the Crown.

(7) If the driver is not the owner and the Crown is unable to recover the outstanding amount referred to in subsection (6) from the owner, the driver is liable to pay the outstanding amount and that amount may be recovered from the driver as a debt owed to the Crown.

[Section 123E inserted by 2008 : 9 s. 2 effective 19 June 2010]

Owner's right against driver

123F If the owner of a motor vehicle that has been seized was not the driver at the time it was seized, the owner may bring an action against the driver to recover any charges for

towing and impounding the motor vehicle, and any costs of its disposal, that the owner has paid.

[Section 123F inserted by 2008 : 9 s. 2 effective 19 June 2010]

Payment of charges and liability

123G (1) The Minister shall be responsible for payment of the charges for towing and impounding a motor vehicle to the person who tows the vehicle and to the operator of the pound respectively.

(2) The person who tows a motor vehicle is responsible for any claims resulting from the towing of the motor vehicle.

(3) The operator of the pound where a motor vehicle is impounded is responsible for any claims resulting from the impoundment of the motor vehicle.

(4) The Minister shall not be liable for any loss or damage as a result of a motor vehicle being seized, towed or impounded.

[Section 123G inserted by 2008 : 9 s. 2 effective 19 June 2010]

Certificate of designation of persons

123H (1) For the purposes of sections 123A to 123G, the Minister may designate persons who are authorized to tow motor vehicles and persons who are authorized to act as operator of a pound.

(2) The Minister shall provide a person who is designated under subsection (1) with a certificate certifying the person's designation and, on towing or impounding a motor vehicle, the person designated shall show the certificate to the owner or driver of the motor vehicle if the owner or driver requests proof of the designation.

[Section 123H inserted by 2008 : 9 s. 2 effective 19 June 2010]

Regulations

123I For the purposes of sections 123A to 123G, the Minister may make regulations—

(a) designating a place as a pound where motor vehicles may be impounded;

(b) prescribing conditions applicable to persons who are authorized to tow motor vehicles;

(c) prescribing conditions applicable to the operation of a pound and to persons who are authorized to act as operator of a pound;

(d) requiring persons who are authorized to tow motor vehicles and persons who are authorized to act as operator of a pound to have insurance against loss or damage to motor vehicles that are towed or impounded, as the case may be; and

(e) prescribing the charges that are payable in respect of the towing and impoundment of a motor vehicle.

[Section 123I inserted by 2008 : 9 s. 2 effective 19 June 2010]

Admissibility of examiner's or inspector's certificate

124 If in any proceedings taken before a court under this Act any question arises whether a motor car 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 motor car 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 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 124 amended by 2008:44 s.11 effective 23 December 2008]

Application of provisions relating to suspension of drivers' licences to learners' permits

125 Any reference in any other Act to the suspension or cancellation of a driver's licence, or to the disqualification of any person for obtaining a driver's licence, shall be deemed to include a reference respectively, to the suspension or cancellation of a learner's permit, or to a disqualification of any person for obtaining a learner's permit; and any order duly made in respect of the disqualification of a person for obtaining a driver's licence shall be deemed to disqualify him for obtaining a learner's permit.

Conflict with other laws

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

Saving

127 Subject to section 126, 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.

SCHEDULE 1

(section 10)

STATUTORY SPECIFICATIONS

A OMNIBUSES	
1 Single deck only	
2 Length overall	not exceeding 366.14 inches (9300 millimetres)
3 Width overall	not exceeding 90.55 inches (2300 millimetres)
B AIRPORT LIMOUSINES	
(Class A)	
1 Single deck only	
2 Engine capacity	not exceeding 5,000 c.c.'s
3 Length overall	Not exceeding 230 inches
4 Width overall	not exceeding 76 inches
(Class B)	
1 Single deck only	
2 Engine capacity	not exceeding 5,000 c.c.'s
3 Length overall	not exceeding 366.14 inches (9300 millimetres)
4 Width overall	not exceeding 90.55 inches (2300 millimetres)
BA LIMOUSINES	
1 Single deck only	
2 Engine capacity	not exceeding 5,000 c.c.'s
3 Length overall	not exceeding 210 inches
4 Width overall	not exceeding 77 inches
BB MINIBUSES	
1 Single deck only	
2 Engine capacity	not exceeding 5,000 c.c.'s
3 Length overall	not exceeding 276 inches
4 Width overall	not exceeding 80 inches
C LIGHT TRUCKS AND PRIVATE LIGHT TRUCKS	
1 Length overall	not exceeding 175 inches
2 Width overall	not exceeding 71 inches
3 Gross weight (fully loaded)	not exceeding 7,000 lbs.

D INTERMEDIATE TRUCKS	
1 Length overall	not exceeding 190 inches
2 Width overall	not exceeding 74 inches
3 Gross weight (fully loaded)	not exceeding 12,000 lbs.
E HEAVY TRUCKS	
(Class A)	
1 Length overall	not exceeding 210 inches
2 Width overall	not exceeding 76 inches
3 Gross weight (fully loaded)	not exceeding 18,000 lbs.
(Class B)	
1 Length overall	not exceeding 240 inches
2 Width overall	not exceeding 80 inches
3 Gross weight (fully loaded)	not exceeding 22,500 lbs.
(Class C-including fuel tankers)	
1 Length overall	not exceeding 260 inches
2 Width overall	not exceeding 94 inches
3 Gross weight (fully loaded)	not exceeding 33,000 lbs.
(Class X-including special garbage collection vehicles, fuel tankers, cement trucks, sanitation, towing and utility vehicles)	
1 Engine capacity	not exceeding 6,000 c.c.'s
2 Length overall	not exceeding 315 inches
3 Width overall	not exceeding 94 inches
4 Gross weight (fully loaded)	not exceeding 36,000 lbs.
G TRACTOR TRAILERS	
1 Length overall	not exceeding 470 inches
2 Width overall	not exceeding 96 inches
H TRACTORS	
1 Engine capacity	not exceeding 5,000 c.c.'s
2 Length overall	not exceeding 180 inches
3 Width overall	not exceeding 71 inches
I TRAILERS	
Trailers other than Boat-trailers	
(Class A)	
1 Length overall	not exceeding 169 inches
2 Width overall	not exceeding 67 inches
(Class B)	

1 Length overall	not exceeding 180 inches
2 Width overall	not exceeding 71 inches
(Class C)	
1 Length overall	not exceeding 210 inches
2 Width overall	not exceeding 76 inches
Boat-trailers	
1 Length overall (including tow bars)	300 inches
2 Width overall	96 inches

J PRIVATE MOTOR CARS, INSTRUCTIONAL VEHICLES

1 Engine Capacity	not exceeding 2,500 c.c.'s
2 Length overall	not exceeding 175 inches
3 Width overall	not exceeding 71 inches.
4 Number of wheels on which supported	4
5 The ratio of the weight of the vehicle to the maximum engine power output shall be not less 10.50 kilograms per kilowatt.	

JAA ELECTRIC AND HYBRID PRIVATE MOTOR CARS

1 Length overall	not exceeding 176 inches
2 Width overall	not exceeding 72 inches
3 Number of wheels on which supported	4
4 The ratio of the weight of the vehicle to the maximum engine power output shall be not less 10.50 kilograms per kilowatt	

JA MINICARS

1 Engine Capacity	not exceeding 300 c.c.'s
2 Length overall	not exceeding 120 inches
3 Width overall	not exceeding 63 inches
4 Horsepower	not exceeding 40 hp or 30 kilowatts
5 Number of wheels on which supported	3 or 4
6 Number of seats	2

JB GUIDED TOUR VEHICLES

1 Engine Capacity	not exceeding 150 c.c.'s
2 Length overall	not exceeding 115 inches

3 Width overall	not exceeding 60 inches
4 Horsepower	not exceeding 20 hp or 15 kilowatts
5 Number of wheels on which supported	3 or 4
6 Number of seats	1 or 2

K MOTOR CYCLES

Two stroke

1 Engine Capacity	not exceeding 100 c.c.'s

Four stroke

1 Engine Capacity	not exceeding 150 c.c.'s
2 Horsepower	not exceeding 15 hp or 11.25 kilowatts

L MOTOR TAXIS

1 Length overall	not exceeding 210 inches
2 Width overall	not exceeding 77 inches

M COMMUNITY SERVICE VEHICLES

1 Length overall	not exceeding 186 inches
2 Width overall	not exceeding 70 inches

N FUNERAL HOME LIMOUSINES

1 Length	not exceeding 280 inches
2 Width	not exceeding 90 inches.

[Schedule 1 items C I and J amended by 1990:16 effective 1 April 1990; item J amended by 1994:46 effective 28 December 1994; item C amended by 1997:29 effective 16 December 1997; item B amended by 1998:7 effective 1 April 1998; item N inserted by 1999:38 s. 9 effective 14 September 1999; item K repealed and replaced by 2002:23 s. 3 effective 15 August 2002; item L substituted by 2003:19 s. 5 effective 5 December 2003; items C, D, and J repealed and replaced by 2004:23 s. 2 effective 20 August 2004; Schedule 1 amended by 2005:31 effective 1 September 2006; item BA inserted by 2006:22 s. 7 effective 11 June 2007; item B amended and item BB inserted by 2006:35 s. 5 effective 11 June 2007; headings E and F substituted by 2011 : 23 s. 3 effective 5 July 2011; item JA inserted by 2016 : 50 s. 4 effective 16 December 2016; item JB inserted by 2018 : 43 s. 4 effective 30 July 2018; paragraph JA amended by 2020 : 2 s. 3 effective 1 April 2020; paragraph JB amended by 2022 : 17 s. 11 effective 17 June 2022; Item JAA inserted by 2024 : 17 s. 3 effective 15 July 2024]

SCHEDULE 1A

(section 40(3))

TRUCK PERMIT FEES

A HIRE TRUCKS	
Lunch Wagon	$70,300
Water Truck	$70,300
Sanitation Truck	$70,300
Dump/General Truck	$86,550
Boat Trailer	$54,100
Tractor Trailer	$86,550
Sewage Tank Wagon	$70,300
Tow Truck	$54,100
B RENTAL TRUCKS	
Rental Truck	$108,150
C TRUCKS OTHER THAN HIRE OR RENTAL TRUCKS	
Light/Light Private Truck	$1,100
Intermediate Truck	$1,650
Passenger Truck	$1,650
Class A Heavy Truck	$2,200
Class B Heavy Truck	$2,750
Class C Heavy Truck	$3,250
Garbage Collection Truck (HX)	$3,800
Tractor Head	$4,350

[Schedule 1A inserted by 2005:31 s.4 & Sch effective 1 September 2006; Item A amended by 2009:26 s.2 effective 26 June 2009; Schedule 1A repealed and replaced by 2013 : 12 s. 3 effective 1 April 2013; Schedule 1A repealed and replaced by 2018 : 14 s. 4 effective 1 April 2018]

SCHEDULE 1B

(sections 32A(4)(c), 36(4)(ba) and 36A(2)(ba))

PUBLIC SERVICE VEHICLES PERMIT FEES

Limousine Service	$54,100 (per vehicle)
Minibus Service	$5,450 (per vehicle)
Airport Limousine Service	$2,200 (per vehicle)
Ridesharing Permit	$1,000 (per vehicle per annum)

[Schedule 1B inserted by 2006:35 s.6 effective 11 June 2007; amended by 2009:30 s.4 effective 14 July 2009; repealed and replaced by 2013 : 12 s. 4 effective 1 April 2013; Schedule 1B repealed and replaced by 2018 : 14 s. 5 effective 1 April 2018; Schedule 1B amended by 2026 : 6 s. 7 effective 24 April 2026]

SCHEDULE 1C

(section 43(2)(ba))

TRAILER PERMIT FEES

Light Trailer	$220
Intermediate Trailer	$435
Heavy Trailer	$650
Special Permit Trailer	$865
Container Chassis	$1,300
Low Boy Trailer	$1,550

[Schedule 1C inserted by 2013 : 12 s. 5 effective 1 April 2013; Schedule 1C repealed and replaced by 2018 : 14 s. 6 effective 1 April 2018]

SCHEDULE 2

(section 59)

LICENCE DUTIES

A	MOTOR CYCLES	
	Where the engine capacity—	
	does not exceed 100 c.c.	$91.08
	exceeds 100 c.c. but does not exceed 125 c.c.	$99
	exceeds 125 c.c. but does not exceed 150 c.c.	$158.04
B	PRIVATE MOTOR CARS	
Class A	Where the length overall does not exceed 3505 mm (138 in.)	$246.35
Class B	Where the length overall exceeds 3505 mm (138 in.) but does not exceed 3658 mm (144 in.)	$338.69
Class C	Where the length overall exceeds 3658 mm (144 in.) but does not exceed 3810 mm (150 in.)	$479.63
Class D	Where the length overall exceeds 3810 mm (150 in.) but does not exceed 3963 mm (156 in.)	$591.41
Class E	Where the length overall exceeds 3963 mm (156 in.) but does not exceed 4115 mm (162 in.)	$827.93
Class F	Where the length overall exceeds 4115 mm (162 in.) but does not exceed 4217 mm (166 in.)	$959.15
Class G	Where the length overall exceeds 4217 mm (166 in.) but does not exceed 4293 mm (169 in.)	$1,116.29
Class H	Where the length overall exceeds 4293 mm (169 in.) but does not exceed 4445 mm (175 in.)	$1,359.29
Class I (Electric or Hybrid)	Where the length overall exceeds 4445 mm (175 in.) but does not exceed 4470 mm (176 in.)	$1,518.26
BZA	INSTRUCTIONAL VEHICLES	
Class A	Where the length overall does not exceed 3505 mm (138 in.)	$304.08
Class B	Where the length overall exceeds 3505 mm (138 in.) but does not exceed 3658 mm (144 in.)	$418.08
Class C	Where the length overall exceeds 3658 mm (144 in.) but does not exceed 3810 mm (150 in.)	$592.08
Class D	Where the length overall exceeds 3810 mm (150 in.) but does not exceed 3963 mm (156 in.)	$730.08
Class E	Where the length overall exceeds 3963 mm (156 in.) but does not exceed 4115 mm (162 in.)	$1,022.04

Class F	Where the length overall exceeds 4115 mm (162 in.) but does not exceed 4217 mm (166 in.)	$1,184.04
Class G	Where the length overall exceeds 4217 mm (166 in.) but does not exceed 4293 mm (169 in.)	$1,378.08
Class H	Where the length overall exceeds 4293 mm (169 in.) but does not exceed 4445 mm (175 in.)	$1,678.08
BA	LIVERY MINICARS	
	Any minicar	$167.90
BB	LIVERY GUIDED TOUR VEHICLES	
	Any guided tour vehicle	$167.90
C	MOTOR TAXIS	
	Any Motor Taxi	$328.08
D	TRUCKS, TANK WAGONS AND TRACTORS NOT ELSEWHERE SPECIFIED IN THIS SCHEDULE	
	The fees specified in the this table shall be reduced by 50% in the case of a tank wagon employed exclusively in the transport of water	
	Where the dimensions—	
	do not exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width	$928.08
	exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width but do not exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width	$1,236
	exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width but do not exceed 5334 mm (210 in.) in length and 1931 mm (76 in.) in width	$1,650
	exceed 5334 mm (210 in.) in length and 1931 mm (76 in.) in width but do not exceed 6096 mm (240 in.) in length and 2032 mm (80 in.) in width	$1,962
	exceed 6096 mm (240 in.) in length and 2032 mm (80 in.) in width but do not exceed 6605 mm (260 in.) in length and 2286 mm (90 in.) in width	$2,380.32
	exceed 6605 mm (260 in.) in length and 2286 mm (90 in.) in width	$2,700
E	SELF-PROPELLED CONSTRUCTION MACHINES	
	Where the weight—	
	does not exceed 5,000 lbs.	$762
	exceeds 5,000 lbs. but does not exceed 10,000 lbs.	$951
	exceeds 10,000 lbs. but does not exceed 15,000 lbs.	$1,224
	exceeds 15,000 lbs.	$1,492.08
F	OMNIBUSES AND AIRPORT LIMOUSINES	

	Where the dimensions—	
	do not exceed 5812 mm (230 in.) in length and 1931 mm (76 in.) in width	$1,149
	do not exceed 9300 mm (366.14 in.) in length and 2300 mm (90.55 in.) in width	$2,290.08
G	BOAT TRAILERS	
	For commercial use only	$470.04
	For use by bona fide boat clubs or members thereof	$103.08
H	TRAILERS	
	Where the dimensions—	
Class A	do not exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width	$118.08
Class B	exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width but do not exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width	$245.04
Class C	exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width but do not exceed 5331 mm (201 in.) in length and 1931 mm (76 in.) in width	$493.08
I	TRACTOR TRAILERS	
	Any tractor trailer	$3,513
J	FARM TRACTORS	
	Any farm tractor - that is a tractor that is solely used for agricultural purposes	$24
K	SPECIAL GARBAGE COLLECTION VEHICLES, FUEL TANKERS, SANITATION, TOWING, UTILITY VEHICLES AND CEMENT TRUCKS	
	Any special garbage collection vehicle, sanitation, towing, utility vehicles and	$2,834.04
	cement trucks where the dimensions do not exceed 8001 mm (315 in.) in length	
	2388 mm (94 in.) in width	
L	COMMUNITY SERVICE VEHICLES	
	Any Community Service Vehicle	$829.08
M	MINIBUSES	
	Any minibus	$328.08
N	FUNERAL HOME LIMOUSINES	
	Any funeral home limousine	$1,626
O	LOANER VEHICLES—PRIVATE MOTOR CARS	
	Where the length overall—	

	does not exceed 3505 mm (138 in.)	$324
	exceeds 3505 mm (138 in.) but does not exceed 3658 mm (144 in.)	$442.08
	exceeds 3658 mm (144 in.) but does not exceed 3810 mm (150 in.)	$620.04
	exceeds 3810 mm (150 in.) but does not exceed 3963 mm (156 in.)	$766.08
	exceeds 3963 mm (156 in.) but does not exceed 4115 mm (162 in.)	$1,078.08
	exceeds 4115 mm (162 in.) but does not exceed 4217 mm (166 in.)	$1,240.08
	exceeds 4217 mm (166 in.) but does not exceed 4293 mm (169 in.)	$1,445.04
	exceeds 4293 mm (169 in.) but does not exceed 4445 mm (175 in.)	$1,678.08
P	LOANER VEHICLES—MOTOR TAXIS	
	Any motor taxi	$324
Q	LOANER VEHICLES—TRUCKS, TANK WAGONS AND TRACTORS (NOT ELSEWHERE SPECIFIED IN THIS SCHEDULE)	
	Where the dimensions—	
	do not exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width	$971.04
	exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width but do not exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width	$1,299
	exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width but do not exceed 5334 mm (210 in.) in length and 1931 mm (76 in.) in width	$1,725
	exceed 5334 mm (210 in.) in length and 1931 mm (76 in.) in width but do not exceed 6096 mm (240 in.) in length and 2032 mm (80 in.) in width	$2,065.08
	exceed 6096 mm (240 in.) in length and 2032 mm (80 in.) in width but do not exceed 6605 mm (260 in.) in length and 2388 mm (94 in.) in width	$2,491.08
R	AMPHIBIOUS VEHICLES	
	Any amphibious vehicle	$2,340
S	LIMOUSINES	
	Where the dimensions do not exceed 210 inches in length and 77 inches in width	$1,093.08

[Schedule 2 replaced by 1994:12 effective 1 April 1994; amended by 1995:22 effective 1 April 1995; replaced by 1997:14 effective 1 April 1997; amended by 1998:7 effective 1 April 1998; repealed and replaced by 1999:9 s.2 effective 1 April 1999; amended by 1999:38 s.10 effective 14 September 1999; repealed and replaced by 2001:11 s.2 effective 1 April 2001; repealed and replaced by 2004:8 effective 1 April 2004; amended by 2004:23 effective 20 August 2004 and repealed and replaced by 2006:8 effective 1 April 2006 amended by 2005:31 effective 1 September 2006; para FA inserted by 2006:22 s.8 effective 11 June 2007; Schedule 2 repealed and replaced by 2008:10 s.5 effective 1 April 2008; Item S inserted by 2009:30 s.5 effective 14 July 2009; amended by 2010 : 25 s. 2 effective 1 April 2010; amended by 2011 : 23 s. 4 effective 5 July 2011; Part B deleted and substituted by 2012 :

33 s. 4 effective 1 August 2012; repealed and replaced by 2013 : 12 s. 6 effective 1 April 2013; para BA inserted by 2016 : 50 s. 5 effective 16 December 2016; Schedule 2 repealed and replaced by 2018 : 14 s. 7 effective 1 April 2018; item BB inserted by 2018 : 43 s. 5 effective 30 July 2018; Schedule 2, Part B repealed and replaced by 2022 : 8 s. 2 effective 1 April 2022; Schedule 2 paragraph BB amended by 2022 : 17 s. 12 effective 17 June 2022; Schedule 2 paragraph B amended by 2024 : 17 s. 4 effective 15 July 2024; Schedule 2 paragraph B amended by 2026 : 7 s. 2 effective 1 April 2026]

SCHEDULE 3

MEDICAL REFERENCE COMMITTEE

1 The medical reference committee shall consist of five medical referees.

2 Each medical referee shall be a registered medical practitioner appointed by the Governor to hold office as such for such period as may be specified in his appointment, and each such medical referee shall be eligible for re-appointment:

Provided that if it at any time a medical referee becomes, in the opinion of the Governor, unfit or unsuitable to continue in office, the Governor may remove him from office.

3 There shall be a Chairman of the medical reference committee appointed by the Governor from among the medical referees to hold office for such period as may be specified in his appointment:

Provided that if the Chairman is unable for any cause to carry out his duties as such, the Governor shall appoint an Acting Chairman from among the remaining medical referees to hold office during the period of the Chairman's incapacity.

4 For the purpose of medically examining any person, the medical reference committee shall consist of the Chairman, or in the case of the incapacity of the Chairman, then of the Acting Chairman, and two other medical referees nominated by the Chairman or Acting Chairman, as the case may be.

5 The medical reference committee shall, in relation to the medical examination of any person in pursuance of this Act, take into account in their examination any questions which the Minister requires to be determined.

6 In the exercise of his powers under this Schedule the Governor may act in his discretion.

[Assent Date: 23 July 1951]

[This Act was brought into operation on 28 July 1951 by notice published in Gazette 30 of 1951]

[Amended by:

1946 : 46
1952 : 11
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