

A BILL

entitled

TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2013

WHEREAS it is necessary to amend the Traffic Offences (Penalties) Act 1976 to clarify the obligatory disqualification periods for impaired driving and dangerous driving offences; to insert the penalties for the offence of driving under the influence of a dangerous drug; to provide correct reference to the impaired driving offences in the Road Traffic Act 1947;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Traffic Offences (Penalties) Act 1976 ("the principal Act"), may be cited as the Traffic Offences (Penalties) Amendment Act 2013.

Amends section 9

2 Section 9 of the principal Act is amended in subsection (4) by deleting "4B" and substituting "4E".

Amends Schedule 1

3 Schedule 1 to the principal Act is amended—

(a) by repealing Head 6 of the items on sections 35AA, 35A and 36 of the Road Traffic Act 1947 and replacing it with—

" Head 6 if first offence - obligatory - 18 months
if second offence - obligatory - 3 years
if third or subsequent offence - obligatory - 5 years ";

(b) by inserting the following after the item on section 35A of the Road Traffic Act 1947—

" Head 1: Road Traffic Act 1947

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- Head 2: section 35B(1)
- Head 3: Driving a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any vehicle other than a motor car under the influence of a dangerous drug
- Head 4: summary
- Head 5: if first offence - \$1,500 or 12 months, or both
if second offence - \$2,500 or 18 months, or both
if third or subsequent offence - \$5,000 or 2 years, or both
- Head 6: if first offence - obligatory - 18 months
if second offence - obligatory - 3 years
if third or subsequent offence - obligatory - 5 years
- Head 7: if first offence - 8 to 10 points
if second offence - 10 to 12 points
if third or subsequent offence - 12 points

Related amendments

- 4 The Road Traffic Act 1947 is amended in section 35K—
- (a) in subsection 1(a) by deleting “section 35(1) or (2), section 35B or section 35C” and substituting “sections 35, 35A, 35AA, 35B or 35C”;
 - (b) in subsection 1(b) by deleting “12” and substituting “18”.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Traffic Offences (Penalties) Act 1976 (“the principal Act”) to clarify the disqualification periods for impaired driving and dangerous driving offences; to include penalties for the offence of driving under the influence of a dangerous drug; and to provide the correct reference to the impaired driving offences in the Road Traffic Act 1947.

Clause 1 provides for the title of the Bill.

Clause 2 amends section 9 of the principal Act to make the correct section reference.

Clause 3 amends Schedule 1 to the principal Act to include the word “obligatory” in Head 6 (the period of disqualification) of the items on impaired driving and dangerous driving offences in the Road Traffic Act 1947 and inserts the penalties for the offence of driving under the influence of a dangerous drug.

Clause 4 are related amendments to the Road Traffic Act 1947 to make the correct cross reference to the provisions on impaired driving offences.