



BERMUDA

TRAFFIC OFFENCES PROCEDURE ACT 1974

1974 : 53

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SCHEDULE 1 TRAFFIC OFFENCES TO WHICH TICKET PROCEDURE APPLIES

SCHEDULE 2 SECTION 15 PARKING NOTICE

SCHEDULE 3 SECTION 21 TRAFFIC OFFENCES PROCEDURE ACT 1974

[preamble and words of enactment omitted]

PART I INTERPRETATION

Interpretation

1 In this Act—

“appropriate officer” means such officer of the court as the Senior Magistrate may designate to perform functions conferred on the appropriate officer under this Act;

“auxiliary bicycle”, “driver”, “motor car”, “parking” and “vehicle” have the meanings respectively assigned to them in the Road Traffic Act 1947 [*title 21 item 3*];

“court” means a court of summary jurisdiction;

“Minister” means the Minister of Transport;

“ticket” means a ticket issued under Part II;

“traffic offence” means an offence under a provision of an Act, regulation or municipal ordinance specified in Schedule 1.

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PART II TICKET SUMMONS PROCEDURE

Interpretation of Part II

1A In this Part—

“police officer” and “officer” include a traffic officer and a traffic warden;

“traffic officer” means a person appointed as a traffic officer under section 7 of the Motor Car Act 1951 and includes, 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;

“traffic warden” means a person appointed as a traffic warden under section 29 of the Road Traffic Act 1947.

[section 1A inserted by 2006:30 s.2 effective 7 December 2006; amended by 2008:22 s.4 effective 26 June 2008]

Ticket summons

2 Without prejudice to the procedure set out in the Criminal Jurisdiction and Procedure Act 2015 for laying an information and for issuing a summons, an information may be laid and a summons issued for a traffic offence by means of a ticket in accordance with this Part.

[Section 2 amended by 2015 : 38 s. 91 effective 6 November 2015]

Form of ticket

3 (1) A ticket shall, subject to this Part, be in such form as the Minister may prescribe by regulations and shall consist of three parts, an information, a summons and a record of conviction.

(2) The use on a ticket of any word or expression set out in Schedule 1 in bold characters, or any word or expression substantially to the same effect, to designate the corresponding traffic offence against a provision of law specified in Schedule 1 in relation to the word or expression so set out is sufficient for all purposes in connection with proceedings for such offence to describe the offence so designated.

(3) The negative resolution procedure shall apply to regulations made under this section.

Issue of ticket

4 Where a police officer has reasonable cause to suspect that any person has committed a traffic offence he may issue a ticket under this Part.

Delivery of summons

5 (1) Upon completing the ticket the issuing officer shall affix his signature to the summons portion and shall deliver the summons portion to the person charged with the traffic offence.

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(2) The issuing officer shall request the person charged with the traffic offence to enter his signature on the information portion of the ticket and such signature shall be sufficient proof of receipt of the summons.

(3) If any person charged with a traffic offence refuses without reasonable excuse to accept delivery of the summons portion of the ticket under subsection (1), he commits an offence:

Punishment on summary conviction: a fine of \$100.

Payment of penalty out of court

6 (1) Subject to this section, there may be endorsed upon a summons a notice that the person to whom the summons is directed may, within seven days of the service of the summons, pay out of court a specified penalty.

(2) Where the traffic offence charged in the ticket is one for which the penalty may be paid out of court, as determined by the Senior Magistrate under section 9, the issuing officer may enter the amount of the penalty specified by the Senior Magistrate under that section in the place provided therefor on the ticket and such entry shall be sufficient endorsement for the purposes of subsection (1).

(3) Where a summons is endorsed in pursuance of subsection (1), it shall provide for a plea of guilty in the following form:—

PLEA OF GUILTY

I am aware that I have a right to a hearing in respect of the offence with which I am charged and that by signing this plea of guilty I am waiving my right to a hearing and my signature may result in a conviction against me without a hearing. I hereby plead guilty to the offence as charged and consent to be convicted of the offence in my absence.

[blank]

Signature of Defendant

(4) A signature affixed to the form of Plea of Guilty purporting to be that of the person to whom the summons is directed is prima facie proof that it is the signature of that person.

(5) Upon receipt of a summons duly signed with a plea of guilty made thereon and of the amount of the penalty specified therein, the appropriate officer shall issue an official receipt for the amount of such penalty and shall place the summons before the court.

(6) The court shall formally convict the person charged of the traffic offence specified in the summons and shall complete the record of conviction portion of the ticket.

(7) In any case in which the person charged does not desire to plead guilty to, or does not consent to be convicted in his absence of, the traffic offence charged, he shall appear at the time and place specified in the summons for the hearing of the charge, and,

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if he fails to appear, the court may proceed in accordance with section 3 of the Criminal Jurisdiction and Procedure Act 2015.

[Section 6 subsection (7) amended by 2015 : 38 s. 91 effective 6 November 2015]

Information

7 (1) Every ticket information shall be—

- (a) signed by the officer issuing the ticket;
- (b) signed by the informant and sworn before a justice of the peace; and
- (c) deposited, together with the ticket record of conviction with the court.

(2) A ticket information need not be sworn to before the summons portion is delivered and the informant need not be the same person as issued the summons.

Destination of record of conviction

8 Where the court makes a conviction on a ticket information in respect of a traffic offence, the court shall complete the record of conviction portion of the ticket and the appropriate officer shall cause a copy thereof to be forwarded to the Director of Transport Control and to the Commissioner of Police.

Amount of penalty for out of court settlement

9 (1) The Senior Magistrate may, with the approval of the Chief Justice, specify by notice in the Gazette the amount of the penalty for any traffic offence which may be entered by a police officer on a summons issued under this Part.

(2) Nothing in subsection (1) shall be taken to prevent the court imposing any penalty authorized by law in respect of a traffic offence in the event that either—

- (a) no amount is entered on the summons; or
- (b) the person charged does not plead guilty and pay the penalty specified in the summons.

PART III

PARKING OFFENCES PROCEDURE

Interpretation of Part III

10 In this Part—

“parking offence” has the meaning assigned in section 11;

“parking notice” means a parking notice issued under section 15;

“police officer” includes a traffic officer and a traffic warden;

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“registered owner” means the person in whose name a vehicle is registered under the Motor Car Act 1951 [*title 21 item 4*], the Auxiliary Bicycles Act 1954 [*title 21 item 7*] or the Public Carriage Act 1949 [*title 21 item 9*];

“traffic officer” means a person appointed as a traffic officer under section 7 of the Motor Car Act 1951;

“traffic warden” means a person appointed as a traffic warden under section 29 of the Road Traffic Act 1947 [*title 21 item 3*].

[*section 10 “police officer” amended, “traffic officer” inserted, by 2006:30 s.3 effective 7 December 2006*]

Parking offences

11 (1) The parking of a vehicle in contravention of the Parking of Vehicles (Designated Areas) Act 1973 [*title 21 item 11*], section 13(7) of the Road Traffic Act 1947 [*title 21 item 3*], any municipal ordinance, or such other provision of law as the Minister may specify by notice, shall constitute a parking offence for the purposes of this Part.

(2) A notice under subsection (1) shall be subject to the negative resolution procedure.

Liability of owner

12 (1) Subject to sections 13 and 14, the owner of a vehicle is guilty of a parking offence unless he proves to the satisfaction of the court that at the time of the offence the vehicle was not being driven or was not parked or left by him or by any person with his consent, express or implied.

(2) For the purposes of this Part the registered owner of any vehicle shall, unless the contrary is proved, be deemed to be the owner.

(3) Notwithstanding subsection (1), if the owner of the vehicle was not at the time of the offence driving the vehicle or the vehicle was not parked or left by him, he shall not be liable to imprisonment:

Provided that this subsection shall not prevent imprisonment on default of payment of a fine imposed on conviction of a parking offence.

Part-owners

13 Where more than one person is the owner of a vehicle in respect of which a parking offence is committed—

(a) each of the owners is guilty of the offence; and

(b) payment by any one or more of the owners of—

(i) the amount of the penalty specified in the parking notice; or

(ii) any fine imposed by the court,

shall have effect as a complete discharge of the liability of all other owners in respect of that offence.

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Liability of driver; Crown vehicle or livery auxiliary bicycle

14 Where a parking offence is committed—

- (a) in respect of a vehicle owned by the Crown; or
- (b) in respect of an auxiliary bicycle owned by an auxiliary bicycle livery licensed under section 16 of the Auxiliary Bicycles Act 1954 [*title 21 item 7*],

the driver of the vehicle or auxiliary bicycle, and not the owner, is guilty of the offence.

Parking notice

15 (1) Where a police officer has reasonable cause to suspect that a parking offence is being or has been committed he may issue a parking notice in the form set out in Schedule 2.

(2) The police officer may deliver the parking notice personally to the person in charge of the vehicle or may affix it to the vehicle in such a manner that it may reasonably be expected to be seen by the person in charge of the vehicle.

(3) The Minister may by order amend Schedule 2.

Unlawful removal of parking notice

16 (1) A parking notice affixed to a vehicle in pursuance of section 15 shall not be removed or interfered with except by or under the authority of the owner or the person in charge of the vehicle.

(2) Any person who contravenes subsection (1) commits an offence:

Punishment on summary conviction: a fine of \$50.

Opportunity to compound parking offence

17 A parking notice shall give the owner or, where section 14 applies, the driver of the vehicle an opportunity to compound the parking offence by payment of the penalty specified therein.

Minister may prescribe amount of penalty

18 The amount of the penalty specified in a parking notice shall be such sum not exceeding fifty dollars as the Minister may prescribe by order published in the Gazette.

Effect of compounding parking offence by payment of penalty

19 If the penalty specified in a parking notice is paid within seven days of the date on which the notice is issued to the Clerk of the Magistrates' Court, Hamilton, no proceedings shall be instituted for the parking offence in respect of which the parking notice is issued.

Effect of failure to compound parking offence by payment of penalty

20 If the penalty specified in the parking notice is not paid within seven days of the date on which the notice is issued a summons may be issued under Part II of this Act or

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the Criminal Jurisdiction and Procedure Act 2015 for the parking offence in respect of which the parking notice is issued.

[Section 20 amended by 2015 : 38 s. 91 effective 6 November 2015]

PART IV SUPPLEMENTARY PROVISIONS

Evidence by certificate

21 Without prejudice to section 29 of the Evidence Act 1905 [*title 8 item 10*], in any proceedings for a traffic offence—

- (a) a certificate in the form prescribed in Schedule 3 purporting to be signed by or on behalf of the Director of Transport Control and stating that the person specified in the certificate was at any particular time the registered owner of a particular vehicle;
- (b) a certificate in the form prescribed in Schedule 3 purporting to be signed by the head of any Government Department and stating that the person specified in the certificate was at any particular time the driver of a particular vehicle owned by the Crown; and
- (c) a certificate in the form prescribed in Schedule 3 purporting to be signed by the appropriate officer and stating that payment of the penalty specified in any ticket summons under Part II was not made before the date specified in the certificate,

shall be prima facie evidence of the facts stated in such certificate.

Amendment of 1930:28

22 *[omitted]*

Minister may by order amend list of traffic offences in Schedule 1

23 (1) The Minister may by an order under this section amend, by addition, deletion, alteration of the designation of any offence or otherwise, the list of traffic offences set out in Schedule 1.

(2) The negative resolution procedure shall apply to orders made under section 15(3), section 18 and this section.

Amendment of 1947:27

24 *[omitted]*

Commencement

25 *[omitted]*

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SCHEDULE 1

TRAFFIC OFFENCES TO WHICH TICKET PROCEDURE APPLIES

Road Traffic Act 1947

Contravening traffic order contrary to Road Traffic Act 1947 section 4(4)

Not moving on when required by a police officer contrary to Road Traffic Act 1947 section 6

Exceeding speed limit contrary to Road Traffic Act 1947 section 7(4)

Removing etc. traffic signs contrary to Road Traffic Act 1947 section 8(3)

Neglecting to conform to directions or signals of police officer regulating traffic or a traffic sign contrary to Road Traffic Act 1947 section 12

Parking in a prohibited place or manner contrary to Road Traffic Act 1947 section 13(7)

Leaving vehicle in dangerous position or condition contrary to Road Traffic Act 1947 section 14

Failing to take proper steps on stoppage of vehicle due to breakdown etc contrary to Road Traffic Act 1947 section 15(2)

Failing to secure unattended vehicle contrary to Road Traffic Act 1947 section 16(2)

Failing to stop at intersection contrary to Road Traffic Act 1947 section 17(2)

Unlawful carrying of passengers or carrying of passengers in unlawful positions contrary to Road Traffic Act 1947 section 18(4)

Unlawful sounding of warning device and playing of wireless sets fitted to a vehicle contrary to Road Traffic Act 1947 section 19(3)

Towing of motor cycle or person wearing roller skates contrary to Road Traffic Act 1947 section 20

Failing to exhibit distinctive mark on motor car whilst used for teaching contrary to Road Traffic Act 1947 section 21(2)

Failing to exhibit distinctive mark on a trailer contrary to Road Traffic Act 1947 section 22(3)

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Towing more than one vehicle or trailer contrary to Road Traffic Act 1947 section 23(3)

Failing to carry required lights or reflectors during the hours of darkness contrary to Road Traffic Act 1947 section 25(12)

Carriage of load in an unlawful manner contrary to Road Traffic Act 1947 section 26(4)

Failing to stop or allow free passage at pedestrian crossing contrary to Road Traffic Act 1947 section 27(4)

Remaining on pedestrian crossing or failure to comply with signal of police officer contrary to Road Traffic Act 1947 section 27(5)

Failing to stop when requested by police officer contrary to Road Traffic Act 1947 section 30(3)

Failing to comply with order to put equipment in good working order contrary to Road Traffic Act 1947 section 31(2)

Owner failing to give information to police officer as to driver and occupants of vehicle contrary to Road Traffic Act 1947 section 32(2)

Opening door of vehicle in a manner dangerous contrary to Road Traffic Act 1947 section 38

Failing to give right of way to emergency vehicle contrary to Road Traffic Act 1947 section 40(1)

Driving of vehicle in a defective condition contrary to Road Traffic Act 1947 section 41

Failing to stop after accident contrary to Road Traffic Act 1947 section 42(2)

Failing to give name and address contrary to Road Traffic Act 1947 section 42(2)

Failing to report accident causing personal injury contrary to Road Traffic Act 1947 section 42(2)

Parking of Vehicles (Designated Areas) Act 1973

Parking in contravention of notice contrary to Parking of Vehicles (Designated Areas) Act 1973 section 4

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Unauthorized parking in reserved area contrary to Parking of Vehicles (Designated Areas) Act 1973 section 5

Hamilton Traffic and Sidewalks Ordinance 1988

Parking for period in excess of permitted period contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 3

Improper parking of taxi at taxi stand contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 4

Parking improperly contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Articles 5,6,7

Parking alongside yellow line contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Articles 8,9

Parking in contravention of a sign restricting parking contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 10

Stopping or parking in loading zone contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 11

Parking in a taxi stand contrary to Hamilton Traffic and Sidewalks Ordinance Article 12

Stopping or parking so as to interrupt Traffic contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 13

Parking on sidewalk contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 14

Driving or riding on sidewalk contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 14

Parking at temporary sidewalk contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 16

Making "U" turn contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 17

Turning in a one-way street contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 18

Proceeding in one-way street other than in proper direction contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 18

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Horsedrawn vehicle improperly left in street contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 20

Exceeding 15 kilometres an hour speed limit on wharf contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 21

Vehicle without springs exceeding fifteen kilometres an hour contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 22

Driving tracked vehicle without permit contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 23

Washing vehicle in street contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 28(a)

Leaving derelict vehicle in street contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 28(b)

Hamilton Pay and Display Voucher Parking Ordinance 1995

Parking in pay parking street without displaying valid parking voucher, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 3 and 13

Parking for more than one hour in same place in pay parking street, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 3 and 13

Returning to same place in pay parking street before the expiry of one hour, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 3 and 13

Removing valid parking voucher from vehicle, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 6 and 13

Substituting parking voucher, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 6 and 13

Altering information on parking voucher, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 6 and 13

Parking in incorrect manner in pay parking street, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 7 and 13

Waiting in pay parking street when suspension sign in place, contrary to Hamilton Pay and Display Voucher Parking Ordinance 1995 Articles 9 and 13.

[Hamilton Pay and Display Voucher Parking Ordinance 1995 inserted by 1995:23 effective 10 April 1995]

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St. George's Traffic Ordinance 1967

3 Failure to give right of way contrary to St. George's Traffic Ordinance 1967 Article

Ordinance 1967 Article 4

Parking improperly contrary to St. George's Traffic Ordinance 1967 Article 5

Stopping or parking in loading zone contrary to St. George's Traffic Ordinance 1967 Article 6

Stopping or parking so as to interrupt traffic contrary to St. George's Traffic Ordinance 1967 Article 8

Stopping or parking facing wrong direction contrary to St. George's Traffic Ordinance 1967 Article 9

Improper parking of taxi at taxi stand contrary to St. George's Traffic Ordinance 1967 Article 10

Parking alongside yellow line contrary to St. George's Traffic Ordinance 1967 Article 11

Parking at temporary sidewalk contrary to St. George's Traffic Ordinance 1967 Article 12

Vehicle without springs exceeding 10 mph contrary to St. George's Traffic Ordinance 1967 Article 13

Driving tracked vehicle without permit contrary to St. George's Traffic Ordinance 1967 Article 14

Making "U" turn contrary to St. George's Traffic Ordinance 1967 Article 15

17 Turning in one-way street contrary to St. George's Traffic Ordinance 1967 Article

Unlawful right turn contrary to St. George's Traffic Ordinance 1967 Article 20

Driving in alley closed to vehicles contrary to St. George's Traffic Ordinance 1967 Article 21

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Improperly leaving horse-drawn vehicle contrary to St. George's Traffic Ordinance 1967 Article 22

Unnecessary sounding of horn contrary to St. George's Traffic Ordinance 1967 Article 23

Exceeding 5 mph on wharf contrary to St. George's Traffic Ordinance 1967 Article 24

Washing vehicle in street etc contrary to St. George's Traffic Ordinance 1967 Article 26(a)

Leaving horse-drawn vehicle in street contrary to St. George's Traffic Ordinance 1967 Article 26(b)

Auxiliary Bicycles Act 1954

Driving private auxiliary bicycle not having driver's licence or Bermuda youth licence contrary to Auxiliary Bicycles Act 1954 section 9(1) or section 9A

Allowing unlicensed person to use private auxiliary bicycle contrary to Auxiliary Bicycles Act 1954 section 9(2)

A person under 18 years of age driving an auxiliary bicycle while carrying a passenger contrary to the Auxiliary Bicycles Act 1954 section 9B(1)

Allowing a person under 18 years of age to drive an auxiliary bicycle while carrying passenger contrary to the Auxiliary Bicycles Act 1954 section 9B(2)

A passenger riding on an auxiliary bicycle contrary to the Auxiliary Bicycles Act 1954 section 9B(3)

A person under 18 years of age driving an auxiliary bicycle between 1:00 a.m. and 5:00 a.m. contrary to the Auxiliary Bicycles Act 1954 section 9C(1)

Allowing a person under 18 years of age to drive an auxiliary bicycle between 1:00 a.m. and 5:00 a.m. contrary to the Auxiliary Bicycles Act 1954 section 9C(2)

Non-resident under 18 years of age driving an auxiliary bicycle contrary to section 9D

Failing to produce driver's licence or Bermuda youth licence when required by police officer contrary to Auxiliary Bicycles Act 1954 section 10

Failing to wear protective headgear contrary to Auxiliary Bicycles Act 1954 section 10A(2)

Using improperly equipped or defective auxiliary bicycle contrary to Auxiliary Bicycles Act 1954 section 11(1)

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Using or allowing use of unsafe auxiliary bicycle contrary to Auxiliary Bicycles Act 1954 section 12

Using or allowing use of auxiliary bicycle in condition causing undue noise contrary to Auxiliary Bicycles Act 1954 section 13(1)

Using or allowing use of bicycle in manner causing unnecessary noise contrary to Auxiliary Bicycles Act 1954 section 13(2)

Using auxiliary bicycle while prohibition order in force contrary to Auxiliary Bicycles Act 1954 section 14(3)

Person under 16 using auxiliary bicycle contrary to Auxiliary Bicycles Act 1954 section 15(1)

Allowing person under 16 to use auxiliary bicycle contrary to Auxiliary Bicycles Act 1954 section 15(2)

Using or allowing use of auxiliary bicycle without a licence contrary to Auxiliary Bicycles Act 1954 section 17(2)

Using or allowing use of unregistered auxiliary bicycle contrary to Auxiliary Bicycles Act 1954 section 23

Failing to stop at request of police officer contrary to Auxiliary Bicycles Act 1954 section 37(1)

Driver failing to give name and address to police officer contrary to Auxiliary Bicycles Act 1954 section 38(1)

Failing to produce licence when required contrary to Auxiliary Bicycles Act 1954 section 38(2)

Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955

Carrying something liable to obstruct view of approaching traffic contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 3

Oversize handlebars contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 4

Defective braking system contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 5

No bell or warning device contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 6

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No front or rear light contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 7

Defective throttle control contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 8

Identification plate unreadable or obscured contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 10

Rear mudguard not painted with white reflective paint contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 11

Driving or causing or allowing another person to drive an auxiliary bicycle while using a hand-held mobile telephone, a hand-held device or a hand-held electronic entertainment device contrary to Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955 Paragraph 12

Auxiliary Bicycles (Examination, Licensing and Registration) Regulations 1955

Defacing or mutilating auxiliary bicycle licence contrary to Auxiliary Bicycles (Examination, Licensing and Registration) Regulations 1955 Paragraph 10

Alteration of particulars in auxiliary bicycle licence contrary to Auxiliary Bicycles (Examination, Licensing and Registration) Regulations 1955 Paragraph 11

Failure to notify Minister and return licence where auxiliary bicycle destroyed etc contrary to Auxiliary Bicycles (Examination, Licensing and Registration) Regulations 1955 Paragraph 12

Cycles Act 1955

Riding improperly equipped pedal cycle contrary to Cycles Act 1955 section 2

Riding pedicar contrary to Cycles Act 1955 section 3

Road Traffic (Western Section of the Railway Path) Order 1955

Using motor car on western section of railway path contrary to Road Traffic (Western Section of the Railway Path) Order 1955 Paragraph 3

Road Traffic (Use of Tracked Vehicles) Order 1960

Using tracked vehicle outside municipal area without permit contrary to Road Traffic (Use of Tracked Vehicles) Order 1960 Paragraph 2

Motor Car Act 1951

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Using vehicle of prohibited design, colour, or displaying prohibited signs, etc contrary to Motor Car Act 1951 section 11(1)

Using vehicle not equipped as required or with equipment not in working order contrary to Motor Car Act 1951 section 11(2)

Using, causing or allowing use of motor car with unauthorized tinted film, sunshading material or other coloured material affixed to windscreen or window of motor car contrary to Motor Car Act 1951 section 11(2)

[paragraph inserted by BR 6/1991 effective 1 May 1991]

Failing to wear a seat belt contrary to Motor Car Act 1951 Section 20 C

Using instructional vehicle without permit contrary to Motor Car Act 1951 section 22

Unauthorized use of instructional vehicle contrary to Motor Car Act 1951 section 23

Unauthorized use of motor cycle contrary to Motor Car Act 1951 section 24

Unauthorized use of invalid chair contrary to Motor Car Act 1951 section 25

Unauthorized use of a funeral home limousine contrary to Motor Car Act 1951 section 25B

Unauthorized use of motor car for hire or reward contrary to Motor Car Act 1951 section 26

Unauthorized use of motor taxi contrary to Motor Car Act 1951 section 33

Unauthorized use of airport limousine contrary to Motor Car Act 1951 section 36

Unauthorized use of truck contrary to Motor Car Act 1951 section 40

Unauthorized use of self-propelled constructional machine contrary to Motor Car Act 1951 section 41

Unauthorized use of tracked vehicle contrary to Motor Car Act 1951 section 42

Unauthorized use of tractor contrary to Motor Car Act 1951 section 43

Unauthorized use of tank wagon etc contrary to Motor Car Act 1951 section 44

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Unauthorized use of trailer contrary to Motor Car Act 1951 section 47

Use of unlicensed motor car contrary to Motor Car Act 1951 section 52(2)

Contravention of conditions of licence contrary to Motor Car Act 1951 section 53(2)

Use of unregistered motor car contrary to Motor Car Act 1951 section 65

Driving without licence or permitting unlicensed person to drive contrary to Motor Car Act 1951 section 74(1)

Failing to produce driver's licence when required by police officer contrary to Motor Car Act 1951 section 85

Failing to stop when requested by police officer contrary to Motor Car Act 1951 section 111(1)

Driver failing to give name and address contrary to Motor Car Act 1951 section 112(1)

Failing to produce vehicle licence when required by police officer contrary to Motor Car Act 1951 section 112(2)

Owner failing to give information to police officer as to driver and occupants of motor car contrary to Motor Car Act 1951 section 114

Making false statements etc contrary to Motor Car Act 1951 section 122

Driving while disqualified or suspended contrary to Motor Car Act 1951 section 123

Motor Car (Examination, Licensing and Registration) Regulations 1952

Defacing motor car licence contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 14

Altering particulars in motor car licence contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 15

Failure to notify Minister and return motor car licence where motor car destroyed etc contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 17

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Failing to carry motor car licence or produce for inspection on demand contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 19

Failure to exhibit licence certificate in required manner contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 21

Defacing licence certificate contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 22

Failure to surrender licence certificate contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 24

Failure to exhibit identification plate in required manner contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 27

Failure to exhibit trade plates in required manner contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 32

Failure to carry trade licence contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 33

Unauthorized person driving motor car under trade licence contrary Motor Car (Examination, Licensing and Registration) Regulations 1952 to Paragraph 34

Failure to carry journey book contrary to Motor Car (Examination, Licensing and Registration) Regulations 1952 Paragraph 35(3)

Motor Car (Construction, Equipment and Use) Regulations 1952

View to front obstructed contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 3

Defective springs contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 4

Defective brakes contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 6, 7, 8, 9,10

Defective coupling of trailers contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 11

Unable to reverse contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 12

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Defective mudguards contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 13

Emission of avoidable smoke contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 14

Defective tyres contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 15

Defective headlights contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 16

Defective speed indicator contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 17

Defective windscreen wipers contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 18

Defective mirror contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 19

Defective safety glass; unauthorized tinted film, sunshading material or other coloured material affixed to windscreen or window contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 20

[paragraph amended by BR 6/1991 effective 1 May 1991]

Defective horn contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 21

Defective silencer contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 22

Defective direction indicator contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 23

Defective stop light contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 24

Defective reversing light contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 25

Failure to carry fire extinguisher in public service vehicle contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 26

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Tare and maximum load improperly marked contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 27

Using over-loaded truck or trailer contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 28

Using truck with insecured tail board or flaps contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 29

Failure to maintain in safe condition contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 30

Failure to maintain steering gear and lights contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 31

Failure to maintain wheels and tyres contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 32

Failure to maintain glass contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 33

Flags, mascots etc. obscuring view of driver contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 34

Mascot likely to cause injury contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 35

Emission of avoidable smoke contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 36

Filling tank with petrol while engine running or person smoking contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 37

Dangerous carriage of explosives contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 38

Using excessively noisy vehicle contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 39

Driving so as to cause excessive noise contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 40

Failing to stop engine when stationary contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 41

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Sounding horn when stationary contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 42

Instructional vehicle being equipped with seating other than for the driver and person sitting next to the driver contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 43(b)

Failing to have painted on the side of an instructional vehicle letters showing that it is an instructional vehical contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 43(c)

Driving or causing or allowing another person to drive a motor car while using a hand-held mobile telephone, a hand-held device or a hand-held electronic entertainment device contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 44

Driving or causing or allowing another person to drive a motor car equipped with a television, computer or other device with a display screen visible to the driver contrary to Motor Car (Construction, Equipment and Use) Regulations 1952 Paragraph 45

Motor Car (Drivers' Licences) Regulations 1952

Alteration of driver's licence contrary to Motor Car (Drivers' Licences) Regulations 1952 Paragraph 14

Failure to notify change of address contrary to Motor Car (Drivers' Licences) Regulations 1952 Paragraph 16

Failure to return licence on ceasing to be member of household of owner contrary to Motor Car (Drivers' Licences) Regulations 1952 Paragraph 17

Motor Taxi Regulations 1952

Charging excessive fare contrary to Motor Taxi Regulations 1952 Paragraph 3

Unlawful starting or stopping of taxi meter contrary to Motor Taxi Regulations 1952 Paragraph 4

Carrying more than four passengers contrary to Motor Taxi Regulations 1952 Paragraph 6

Using taxi not properly lettered or equipped with lamp contrary to Motor Taxi Regulations 1952 Paragraph 7

Defective taxi meter contrary to Motor Taxi Regulations 1952 Paragraph 8

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Failure to display notices contrary to Motor Taxi Regulations 1952 Paragraph 9

Failure to illuminate equipment contrary to Motor Taxi Regulations 1952 Paragraph 10

Refusing to accept passenger for lawful journey contrary to Motor Taxi Regulations 1952 Paragraph 11

Improper dress; no badge; disrespect; smoking; using radio without consent contrary to Motor Taxi Regulations 1952 Paragraph 12

Displaying advertising matter contrary to Motor Taxi Regulations 1952 Paragraph 13

14 Improper charge for baggage contrary to Motor Taxi Regulations 1952 Paragraph 14

17 Failure to maintain record contrary to Motor Taxi Regulations 1952 Paragraph 17

Failure to produce record contrary to Motor Taxi Regulations 1952 Paragraph 18

Excessive time on duty contrary to Motor Taxi Regulations 1952 Paragraph 20

Fraudulently hiring taxi contrary to Motor Taxi Regulations 1952 Paragraph 22

Leaving taxi unattended contrary to Motor Taxi Regulations 1952 Paragraph 23
Motor-cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953

Failing to wear protective headgear contrary to Motor-cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953 section 6(2)

[Schedule 1 amended by BR 38/1999 effective 11 June 1999; by 1999:38 effective 14 September 1999; by BR 47/2000 effective 2 June 2000; by BR 65/2002 effective 13 December 2002; and by BR 34/2004 effective 11 June 2004; Schedule 1 amended by 2009 : 22 s. 11 effective 1 April 2010; amended by BR 42 / 2010 reg.2 effective 30 June 2010]

SCHEDULE 2

SECTION 15

PARKING NOTICE

(Part I)

NOTICE No. [blank] Date of Issue [blank]

Vehicle registration number [blank] was seen in [blank] from [blank] to/at [blank] on the [blank] day of [blank] 19 [blank] in circumstances giving me reasonable cause to believe that a parking offence, particulars of which are given at [blank] in Part II was being or had been committed,

If the penalty of [blank] dollars for this offence is paid to the Clerk at the Magistrates' Court, Hamilton 5-24, within seven days of the date of issue of this parking notice liability in respect of the offence will be discharged and no further proceedings taken. IF THE PENALTY IS NOT PAID A PROSECUTION MAY BE INSTITUTED.

[blank] Police Officer/Traffic Warden Number [blank]

PARKING NOTICE

(Part II)

- 1 Motor vehicle parked in a restricted parking area for a period in excess of the permitted period contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 3.
- 2 Taxi parked in a taxi stand during working hours when not plying for hire and driver not within thirty feet of taxi contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 4.
- 3 Taxi parked in taxi stand when not plying for hire and driver not within ten feet of taxi contrary to St. George's Traffic Ordinance 1967 Article 10.
- 4 Motor cycle or auxiliary cycle parked in restricted parking area during working hours outside cycle parking area contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 5.
- 5 Auxiliary bicycle parked more than two feet from curb contrary to St. George's Traffic Ordinance 1967 Article 5(a).
- 6 Motor cycle parked otherwise than in a designated area contrary to St. George's Traffic Ordinance 1967 Article 5(b).
- 7 Motor cycle, cycle or auxiliary cycle parked on any street, with any wheel more than one foot from the curb contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 6.

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8 Vehicle parked on a street during working hours alongside single yellow line contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 8.

9 Vehicle stopped or parked on sidewalk or street alongside yellow line contrary to St. George's Traffic Ordinance 1967 Article 11.

10 Vehicle parked on a street at any time alongside double yellow line contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 9.

11 Vehicle parked in contravention of sign restricting or limiting period of time for parking contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 10 or St. George's Traffic Ordinance 1967 Article 5(d).

12 Vehicle, other than a goods vehicle, parked in a loading zone during loading hours contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 11(1).

13 Vehicle other than a goods vehicle parked in a loading zone during working hours contrary to St. George's Traffic Ordinance 1967 Article 6.

14 Vehicle parked or stopped so as to obstruct or cause a danger to others contrary to Hamilton Traffic and Sidewalks Ordinance Article 7.

15 Goods vehicle parked in a loading zone during loading hours for more than one hour contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 11(2).

16 Goods vehicle parked in a loading zone during working hours for more than one hour contrary to St. George's Traffic Ordinance 1967 Article 6.

17 Vehicle, other than taxi, parked in taxi stand during working hours or when traffic sign prohibits contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 12.

18 Vehicle, except taxi actually on hire, parked in taxi stand contrary to St. George's Traffic Ordinance 1967 Article 5.

19 Vehicle parked on any street so as to cause an interruption of traffic contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 13 or St. George's Traffic Ordinance 1967 Article 8.

20 Vehicle parked otherwise than facing the direction of travel contrary to St. George's Traffic Ordinance 1967 Article 9.

21 Vehicle parked on sidewalk contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 14 or St. George's Traffic Ordinance 1967 Article 11.

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22 Vehicle, other than two wheeled vehicle, parked within cycle parking area contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 15 or St. George's Traffic Ordinance 1967 Article 5.

23 Vehicle parked alongside or opposite street obstruction or temporary sidewalk contrary to Hamilton Traffic and Sidewalks Ordinance 1988 Article 16 or St. George's Traffic Ordinance 1967 Article 12.

24 Vehicle parked in designated area in contravention of a notice prohibiting or restricting parking contrary to Parking of Vehicles (Designated Areas) Act 1973 Section 4.

25 Vehicle parked within an area reserved without permission contrary to Parking of Vehicles (Designated Areas) Act 1973 Section 5(2).

26 Vehicle parked in contravention of an Order contrary to Road Traffic Act 1947 Section 4.

27 Vehicle parked in contravention of a traffic sign contrary to Road Traffic Act 1947 Section 12.

28 Vehicle parked in a prohibited place or manner contrary to Road Traffic Act 1947 Section 13(7).

29 Parking in contravention of Pay and Display Parking Ordinance contrary to Municipalities (Hamilton Pay and Display Parking) Ordinance 1986 Section 16.

29A Parking in contravention of the Hamilton Pay and Display Voucher Parking Ordinance 1995 contrary to Article 13 of that Ordinance.

30 Other parking offence.

[Schedule II Part II amended by 1995:23 effective 10 April 1995; and by BR 65/2002 effective 13 December 2002]

PARKING NOTICE

(Part III)

PAYMENT SLIP

NOTICE No. *[blank]*

Date of Issue *[blank]*

INSTRUCTIONS FOR PAYMENT

The person paying the amount of the penalty specified in Part I of the notice should forward this Payment Slip intact with his remittance to—

The Clerk,
Magistrates' Court,

TRAFFIC OFFENCES PROCEDURE ACT 1974

Hamilton 5-24.

Cheques, postal orders and money orders should be made payable to the "Accountant General".

The office is open for payment Mondays to Fridays from 9.00 a.m. to 1.00 p.m. and 2.15 p.m. to 4.30 p.m. A receipt will be given and the name and address of the person to whom it is to be sent should be entered below.

Name *[blank]*

Last First Middle

(BLOCK CAPITALS)

Address *[blank]*

(BLOCK CAPITALS)

[blank]

THIS PAYMENT SLIP MUST BE SENT WITH THE REMITTANCE

TRAFFIC OFFENCES PROCEDURE ACT 1974

SCHEDULE 3

SECTION 21

TRAFFIC OFFENCES PROCEDURE ACT 1974

CERTIFICATE OF REGISTERED OWNER OF VEHICLE

This is to certify that on the [blank] day of [blank] 19 [blank] at about [blank] a.m./
p.m. the registered owner of vehicle registration number [blank] was [blank]

Name of registered owner [blank]

Registered address [blank]

Date [blank]

Director of Transport Control

CERTIFICATE OF DRIVER OF VEHICLE

This is to certify that on the [blank] day of [blank] 19 [blank] at about [blank] a.m./
p.m. the driver of motor vehicle registration number [blank] being a vehicle owned by the
Crown was

Name of driver [blank]

Address [blank]

Date [blank]

Head of Department

CERTIFICATE OF NON-PAYMENT OF PENALTY

This is to certify that no payment was made of the penalty for the traffic offence
specified in Ticket Summons No [blank] dated the [blank] day of [blank] 19 [blank] within
seven days of the date specified therein.

Date [blank]

Appropriate Officer

[Assent Date: 18 June 1974]

[This Act was brought into operation on 17 January 1975]

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[Amended by:

1977 : 35

SR&O No. 62/1975

SR&O No. 52/1976

Hamilton Traffic Ordinance 1976

BR 6 / 1991

1995 : 23

BR 38 / 1999

1999 : 38

BR 47 / 2000

BR 65 / 2002

BR 34 / 2004

2006 : 30

2008 : 22

2009 : 22

BR 42 / 2010

2015 : 38]