



BERMUDA

TRAFFIC OFFENCES PROCEDURE VALIDATION ACT 1998

1998 : 16

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WHEREAS it is expedient to validate certain parking notices purportedly issued under Part III of the Traffic Offences Procedure Act 1974, and to validate certain summary prosecutions purportedly brought under Part II of that Act in respect of parking offences, and to make provision for connected matters:

[words of enactment omitted]

Short title

1 This Act may be cited as the Traffic Offences Procedure Validation Act 1998.

Interpretation

2 In this Act, "the 1974 Act" means the Traffic Offences Procedure Act 1974, and expressions used in this Act which are also used in that Act shall have the meaning assigned by that Act.

Validation

3 (1) Where, before the enactment of this Act, a parking notice which was not in the form set out in Schedule 2 to the 1974 Act was purportedly issued under section 15 of that Act, it shall be deemed to have been in that form and to have been a valid parking notice.

(2) Where, before the enactment of this Act,—

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- (a) the penalty specified in a parking notice was not paid within seven days of the date on which the parking notice was issued, and
- (b) in consequence, a person was notified in writing of the date and time at which he should appear before the magistrates' court to answer to the parking offence to which the parking notice related,

proceedings for the parking offence shall be deemed to have been brought in accordance with the ticket summons procedure set out in Part II of the 1974 Act.

(3) Section 452 of the Criminal Code Act 1907 (time limits within which summary prosecutions must be begun) shall not apply to any proceedings to which subsection (2) relates.

(4) For the avoidance of doubt—

- (a) any payment received by the magistrates' court in respect of—
 - (i) a penalty specified in a parking notice validated by subsection (1), or
 - (ii) a fine imposed in any proceedings to which subsection (2) relates,shall be deemed to have been lawfully received by the Crown in respect of that parking notice or those proceedings; and
- (b) a fine imposed in any proceedings to which subsection (2) relates shall be enforceable in accordance with section 60 of the Criminal Jurisdiction and Procedure Act 2015.

[Section 3 subsection (4)(b) amended by 2015 : 38 s. 91 effective 6 November 2015]

[Assent Date: 14 April 1998]

[Amended by:

2015 : 38]