

BERMUDA STATUTORY INSTRUMENT

SR&O 14/1952

PUBLIC GARAGE AND FILLING STATION REGULATIONS 1952

*[made under sections 98, 99 and 100 of the Motor Car Act 1951 [title 21
item 4] and brought into operation on 23 February 1952]*

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1 These Regulations may be cited as the Public Garage and Filling Station Regulations 1952.

Interpretation

2 In these Regulations—

"additions or alterations", in relation to premises used as a public garage or filling station, includes—

- (i) any material addition to any existing building or structure;
- (ii) any addition of a new building or structure to the premises; and
- (iii) any material alteration of any building or structure, or of the lay out of the existing buildings or structures;

and cognate expressions shall be construed accordingly;

"filling station" means any premises and any land appurtenant thereto, which is used for the supply of motor car fuel, directly into the tanks of motor cars, in connection with any business which consists of or includes any such purposes as aforesaid;

"garage application" has the meaning assigned to that expression in regulation 4;

"garage licence" has the meaning assigned to that expression in regulation 3;

"premises", in relation to any public garage or filling station, includes buildings, parts of buildings, and any other structures and land;

"public garage" means any premises and any land appurtenant thereto, which is used for the repair or servicing of motor cars, or for the keeping and storage of motor cars, in connection with any business or commercial undertaking, the activities of which consist of or include the repair or servicing of motor cars; and, for the purposes of these Regulations, the expression "motor car" shall be deemed to include an auxiliary bicycle;

"registered automobile mechanic" has the meaning assigned to that expression in regulation 22;

"structures", in relation to any public garage or filling station, includes fuel pumps and service pits.

Garage licence

3 (1) No person shall use any premises, or cause or allow any premises to be used, as a public garage or filling station, except under the authority and in accordance with the terms of a licence (hereinafter in these Regulations referred to as a "garage licence") granted by the Minister.

(2) No person—

(a) shall add to or alter any premises in respect of which a garage licence has been granted; or

(b) use as a public garage or filling station any such premises which have been added to or altered as aforesaid,

except under the authority of a further garage licence granted in respect of the addition to or alteration of the premises.

Application for licence

4 (1) Without prejudice to any of the succeeding provisions of these Regulations, every application to the Minister for the grant of a garage licence in respect of a proposed or existing public garage or filling station, or in respect of any proposed addition to or alteration of an existing garage or filling station—

(a) shall be in writing; and

(b) shall contain such particulars and specifications and shall be accompanied by such plans, relating to the location, siting, lay out, approaches, construction and equipment of the premises or, as the case may be, to the addition or alteration, as the Minister may from time to time consider necessary to enable him to deal satisfactorily with the application; and

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(c) shall be furnished in duplicate.

(2) An application to the Minister for a garage licence is hereinafter in these Regulations referred to as a "garage application".

Further information

5 Where, as respects the operation of regulation 4, any particulars, specifications or plans furnished in connection with a garage application are in the opinion of the Minister so imperfect as to prevent the Minister from dealing satisfactorily with the application, the Minister may, by written notice to the applicant, require such additions or corrections or such fresh particulars, specifications or plans as he considers necessary in order to enable him to deal satisfactorily with the application.

Refusal

6 (1) The Minister may refuse to grant a garage licence on the ground that the premises themselves, or by reason of their situation or use—

- (a) would be likely to entail risk or serious inconvenience to vehicular traffic on adjacent or near-by highways or estate roads; or
- (b) would be likely to prejudice the safety or health of persons using the premises or working thereon, or using the approaches thereto.

(2) Without prejudice to anything in regulation (1), the Minister shall refuse to grant a garage licence, unless, in the opinion of the Minister, the following conditions are fulfilled—

- (a) any driveway giving access for motor cars to or from the premises must be, at its point of contact with any highway or estate road, more than 20 feet from any intersection or omnibus stop;
- (b) any such driveway—
 - (i) must be, in respect of premises in a municipal area, not less than 12 feet in width throughout its length; or
 - (ii) must be, in respect of premises in any area other than a municipal area, not less than 20 feet in width where it joins any highway or estate road, or crosses a sidewalk of any highway or estate road, and not less than 12 feet in width at any other point,

and in either such case must be constructed of concrete or other suitable material and must be properly graded where it joins any other road or crosses a sidewalk;

- (c) the capacity of any tank on the premises designed for the storage of motor car fuel must not be unduly large, and must not in any event exceed 5,000 gallons;
- (d) the facilities for the storage and disposal of petroleum must, without prejudice to subparagraph (c), comply with any provision of law relating to petroleum.

Notice of decision

7 The Minister shall by written notice communicate to an applicant for the grant of a garage licence his decision with respect to the application and, in the event of the grant of a garage licence, shall forward the licence to the applicant; and where the Minister refuses to grant a garage licence he shall state in the notice the grounds upon which his refusal is based.

Form of licence

8 A garage licence shall be in such form and shall contain such particulars, specifications or conditions relating to the construction or use of the premises as the Minister may think fit.

Conditions

9 Where it appears to the Minister that there are grounds for the refusal of a garage licence, the Minister instead of refusing to grant a garage licence may, if he thinks fit, grant a garage licence subject to the observance of such conditions as he considers proper to impose.

Revocation

10 A garage licence may be revoked by the Minister where it appears to the Minister that the premises in respect of which the licence was granted are no longer being used as a public garage or filling station.

Inspection

11 Where any garage application has been received by the Minister or any garage licence has been granted by the Minister, in respect of any premises, any member of the Department or any person authorized by the Minister in that behalf may at all reasonable times enter the premises for the purpose of inspecting the premises or for ascertaining the manner in which the premises are being used.

Car lifts

12 (1) All elevator-type car lifts installed in a public garage or filling station shall be equipped with stop chocks designed to prevent motor cars from rolling forward or backward off the lift when it is elevated.

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(2) Any such stop chock may be placed in position either automatically or manually.

(3) Any person for the time being operating, or being in charge of the operation of, any elevating-type car lift shall ensure that the stop chocks provided in accordance with this regulation are, before the lift is elevated, duly placed in such a position as to prevent the movement of any motor car on the lift.

Safety devices for car lifts

13 (1) All elevating-type car lifts, other than the types of lift known as the "nut and screw type four post lift", shall be equipped with a safety leg of such design that, upon the lift being raised—

- (a) the leg comes into, and becomes locked in, a vertical position; and
- (b) the lift cannot be lowered while the leg remains so locked; and
- (c) the leg cannot be unlocked except by the operation of a trip line extending outside the line of vertical travel of the lift.

(2) Any person for the time being operating, or being in charge of the operating of, any elevating-type car lift mentioned in this regulation shall ensure—

- (a) that any trip line installed under this regulation is not operated so as to release a lift until it is desired to lower the lift; and
- (b) that no person is within the line of vertical travel of the lift when the trip line is operated.

Safety of service pits

14 Where a service pit is installed in a public garage or filling station it shall, whenever it is not in actual use and a motor car is not standing above it—

- (a) be kept covered; or
- (b) be kept adequately protected by guard rails not less than 42 inches in height,

and any cover or guard rails required under this regulation shall be of such type and pattern as the Minister may from time to time consider satisfactory.

Spray painting

15 Where any part of a building forming part of a public garage is used for spray painting—

- (a) the spray painting shall be carried on in a room completely partitioned off from other parts of the building; and
- (b) any such room shall be adequately ventilated, and, in any case where the Minister considers it necessary, shall be equipped with non-sparking exhaust fans of such number, design and situation as the Minister may in the circumstances direct; and any such fans installed in a room as aforesaid shall be operated whenever that room is used for spray painting.

Fire extinguishing apparatus

16 (1) There shall be kept on any premises used as a public garage or filling station, in such position and filled or charged in such a manner as to be readily available for use, suitable and efficient apparatus for extinguishing fire.

(2) Any such apparatus as aforesaid shall be of such pattern and such capacity, and shall be provided in such quantity, as the Minister may from time to time direct.

Inflammable substances

17 (1) No person shall, on any premises used as a public garage or filling station, cause or allow any petrol, spray coating or other inflammable liquid to be kept in any container other than a closed container.

(2) Any oily waste, oily rags or any inflammable rubbish shall be kept when not in use in a proper container.

(3) Any container used for keeping any inflammable substance mentioned in paragraphs (1) or (2) shall be maintained free of leaks, and, in the case of a self-closing container, shall be maintained in efficient working order.

Fire precautions when filling

18 No person shall, on any premises used as a public garage or filling station, pour or cause or allow to be poured, any petrol or other fuel into the tank of a motor car or into any receptacle whether or not the receptacle is on or off a motor car, or shall remove the filler cap, lid or other cover of the tank or receptacle—

- (a) in the case of a motor car, while the engine is running; or
- (b) in any case, while any person within 15 feet of the motor car, or, as the case may be, of the receptacle, is smoking or is carrying a naked light.

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Smoking

19 No person shall on any premises used as a public garage or filling station smoke, or allow any other person to smoke—

- (a) inside any building or other structure forming part of the premises:

Provided that nothing in this paragraph shall apply in relation to a separate room partitioned off from the remainder of the building or structure and used—

- (i) as an office; or
- (ii) as a rest room,

and in either case where there is no special risk of fire; or

- (b) within 15 feet of a fuel pump or motor car, when fuel is being discharged by the pump or is being poured into any tank or other receptacle on or off the motor car.

First aid equipment

20 First aid equipment of a type and in a quantity approved by the Minister shall be kept on any premises used as a public garage or filling station, and any such equipment shall at all times be kept in good order and available for immediate use.

Duty of Minister in relation to automobile mechanics

21 The Minister, in relation to the examination, registration, supervision and control of automobile mechanics shall have the powers and shall perform the duties respectively conferred or imposed upon him by or under these Regulations.

Register of automobile mechanics

22 The Minister shall cause to be kept and maintained a register of automobile mechanics (hereinafter in these Regulations referred to as "the register") in which shall be entered the names of those persons—

- (a) who have duly applied to be placed on the register or who have been duly examined in pursuance of the provisions of these Regulations; and
- (b) who have the qualifications required of a registered automobile mechanic;

and any person whose name is so entered in the register is hereinafter in these Regulations referred to as a "registered automobile mechanic".

Publication of list of registered automobile mechanics

23 (1) The Minister shall cause to be published in the Gazette as soon as may be after the first day of January in each year, a list of the names entered in the register on that day:

Provided that any such list shall not contain the name of any person who, upon that day, is suspended under regulation 31.

(2) The Minister may cause to be published at such other times as he thinks fit the names of persons whose names are from time to time entered in the register.

Application of qualified automobile mechanic to be registered

24 (1) Any person who is duly qualified may apply to the Minister in a form to be prescribed by the Minister, to have his name entered in the register.

(2) The Minister shall inspect the application, and in any case where it appears to him, after the production of such proof as he may require as to the facts stated therein that the applicant is a duly qualified applicant, he shall cause his name to be entered in the register.

(3) In this regulation "duly qualified applicant" means a person who possesses a certificate of competency in automobile mechanics from a body recognized by the Minister for that purpose.

Application to sit qualifying examination

25 [repealed]

[Regulation 25 repealed by 2004:38 s.19 effective 1 April 2005]

Qualifying examination for automobile mechanic

26 [repealed]

[Regulation 26 repealed by 2004:38 s.19 effective 1 April 2005]

Registration after passing examination

27 The Minister shall cause to be entered in the register the name of any person who, as a result of duly undergoing a qualifying examination, is, in the opinion of the Minister, of a proper competence to be registered under these Regulations.

Certificate of competence

28 [repealed]

[Regulation 28 repealed by 2004:38 s.19 effective 1 April 2005]

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Holding out an offence

29 Any person who, not being a registered automobile mechanic or being an automobile mechanic who has been suspended under regulation 30, holds himself out to be a registered automobile mechanic commits an offence against these Regulations.

Suspension of automobile mechanic

30 (1) Where it appears to the Minister that a registered automobile mechanic—

- (a) is not, and has not for a substantial period been, practising the trade of automobile mechanic; or
- (b) is not, while practising the trade of automobile mechanic, performing his work in a manner compatible with good practice in that trade,

the Minister may suspend the registration of that automobile mechanic.

(2) Any person who is so suspended shall, for the purposes of these Regulations, be deemed not to be a registered automobile mechanic during the period the suspension is in force.

(3) The Minister shall, upon so suspending a person, send him written notice of the suspension, and any such notice shall require him to return his certificate of competence to the Minister; and if any person, on receiving such notice, refuses or without reasonable excuse (the proof of which shall be upon him) fails within seven days to return his certificate of competence to the Minister, he commits an offence against these Regulations.

(4) The Minister shall cause a note of the suspension and the reasons therefor to be entered in the register.

(5) Any person who is so suspended may, at any time during his suspension, apply to the Minister to have his name restored to the register as a registered automobile mechanic, and the Minister shall have the power, if he thinks fit, to reinstate, subject to such conditions relating to further examination or otherwise as he may in the circumstances consider desirable, such person in the register as a registered automobile mechanic; and the Minister shall, in that event, return to him his certificate of competence.

(6) The Minister may cause notice of any suspension or reinstatement as aforesaid to be published in the Gazette.

Appeal

31 Any person who is aggrieved by any decision of the Minister under regulation 30(1) or (2) may within seven days of receiving a notice communicating that decision to him appeal to the Governor by notice in writing addressed to the Secretary to the Cabinet; and the Governor shall

take any such appeal into consideration, and may make such order as appears to him just; and the Minister shall govern himself accordingly.

Proportion of registered automobile mechanic to other mechanics employed

32 (1) Not less than one person in three of the persons employed as automobile mechanics in connection with the operation of a public garage or filling station shall be registered automobile mechanics.

(2) Any failure to comply with this regulation shall, for the purposes of these Regulations, be deemed to be a failure to comply with a condition inserted in a garage licence; and in the event of such failure the Minister may revoke accordingly any garage licence granted in respect of the public garage or filling station, as the case may be.

(3) In this regulation "automobile mechanic" means a person who is employed primarily in connection with the mechanical maintenance, repair, fitting or equipment of motor cars.

Cycle mechanics

33 (1) The Minister, in relation to the examination, registration, supervision and control of cycle mechanics, shall have the same powers and shall perform the same duties as are conferred or imposed upon him under these Regulations in respect of automobile mechanics, and the provisions of regulations 22 to 32 inclusive shall, in relation to cycle mechanics, be construed as if for the words "automobile mechanic" there were substituted the words "cycle mechanic".

(2) In this regulation, "cycle mechanic" means a person who is employed in connection with the mechanical maintenance, repair fitting or equipment of motorcycles or auxiliary bicycles.

Responsibility for contravention of regulations 12 to 20

34 In the event of any contravention of regulations 12 to 20 inclusive, the proprietor and the person in charge of a public garage or filling station shall, without prejudice to any proceedings that may be brought against any other person, be deemed to be guilty of the contravention unless he proves that the contravention occurred without his knowledge and that he used all due diligence to prevent the contravention.

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[Amended by:

SR&O 40/1964

1968 : 222

1974 : 42

2004 : 38]