



BERMUDA

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

2016 : 50

TABLE OF CONTENTS

1	Citation
2	Amends section 2
3	Inserts Part VIA
4	Amends Schedule 1
5	Amends Schedule 2
6	Consequential amendments

WHEREAS it is expedient to amend the Motor Car Act 1951 to include provisions for a minicar livery scheme including the types of minicars that are available as rentals, the specifications of and licence duty for those minicars, the licence fee applicable for the operation of a minicar livery and for connected purposes;

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 Motor Car Act 1951 (the "principal Act"), may be cited as the Motor Car Amendment (No. 2) Act 2016.

Amends section 2

2 Section 2 of the principal Act is amended by inserting the following in their proper alphabetical places—

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

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

---

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

Inserts Part VIA

3 The principal Act is amended by inserting the following after Part VI (section 101)—

“PART VIA  
MINICAR LIVERIES

Prohibition on operation of liveries

101A 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.

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—

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

---

- (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.

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.

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.”.

Amends Schedule 1

4 Schedule 1 to the principal Act is amended by inserting the following after line item J PRIVATE MOTOR CARS, INSTRUCTIONAL VEHICLES—

“ JA MINICARS

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

---

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	2	”.

Amends Schedule 2

5 Schedule 2 to the principal Act is amended by inserting the following after line item *B PRIVATE MOTOR CARS AND INSTRUCTIONAL VEHICLES*—

“		
	<i>BA LIVERY MINICARS</i>	
Any minicar	\$167.90	”.

Consequential amendments

6 (1) The Government Fees Regulations 1976 are amended in Head 42 by inserting the following after paragraph (20)—

“ (21) Issuing an annual licence to operate a minicar livery under section 101B (fee is per 25 minicars registered or part thereof)	\$500	”.
---	-------	----

(2) The Public Holidays Act 1947 is amended in section 11(c) by inserting “a minicar livery,” after “cycle livery,”.

(3) The Traffic Offences Procedure Act 1974 is amended by repealing section 14 and replacing it with—

“Liability of driver

14 Where a parking offence is committed—

- (a) in respect of a vehicle owned by the Crown;
- (b) in respect of an auxiliary bicycle owned by an auxiliary bicycle livery licensed under section 16 of the Auxiliary Bicycles Act 1954; or
- (c) in respect of a minicar owned by a minicar livery licensed under section 101B of the Motor Car Act 1951,

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

[Assent Date: 16 December 2016]

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

---

[Operative Date: 16 December 2016]