



BERMUDA

MOTOR CAR AND AUXILIARY BICYCLES  
(VALIDATION AND AMENDMENT) ACT 2021

2021 : 14

WHEREAS during the closure of the Transport Control Department from 18 March 2020 until 4 May 2020 due to the threat to public health caused by the communicable disease COVID-19, the examination required under section 54 of the Motor Car Act 1951 and section 18 of the Auxiliary Bicycles Act 1954 was deferred by licensing motor cars and auxiliary bicycles for a three-month period from the date of expiration of the motor car or auxiliary bicycle licence;

AND WHEREAS it is expedient to validate the deferral and to amend the Motor Car Act 1951 and the Auxiliary Bicycles Act 1954 to give the Minister the power to defer the examination of motor cars and auxiliary bicycles to permit by order published in the Gazette the licensing of motor cars and auxiliary bicycles for a specified period during a national emergency;

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 may be cited as the Motor Car and Auxiliary Bicycles (Validation and Amendment) Act 2021.

Validation; licence prior to examination

2 (1) The deferral of the examination and licensing of a motor car or an auxiliary bicycle during the public health threat caused by the communicable disease COVID-19 is hereby validated.

(2) For the avoidance of doubt, a motor car or auxiliary bicycle licensed during the closure of the Transport Control Department from 18 March 2020 to 4 May 2020 due to the

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public health threat COVID-19 without an examination was validly licensed for the three month period from the expiration of the motor car or auxiliary bicycle licence.

Amends the Motor Car Act 1951

3 The Motor Car Act 1951 is amended by inserting the following after section 53A—

“Licensing during a national emergency

53B (1) Where there is a national emergency, the Minister may, by order published in the Gazette, defer the examination of motor cars and allow the motor cars to be licensed for a period specified in the order.

(2) Prior to the expiration of the period specified in an order under subsection (1), the Minister shall publish an order to appoint the period within which motor cars shall be examined in accordance with section 54.

(3) A subsequent order may be published by the Minister prior to the expiration of an order under subsection (1) or (2), to extend the period specified in the order.

(4) Section 6 of the Statutory Instruments Act 1977 (which provides for parliamentary scrutiny) shall not apply to an order under this section.

(5) In this section—

“national emergency” means—

- (a) a natural disaster such as a hurricane, flood, earthquake or similar natural disaster or force majeure event;
- (b) an order declaring a public health emergency made by the Minister responsible for health under section 107A of the Public Health Act 1949;
- (c) a proclamation of emergency made by the Governor under section 14 of the Bermuda Constitution Order 1968.”.

Amends the Auxiliary Bicycles Act 1954

4 The Auxiliary Bicycles Act 1954 is amended by inserting the following after section 17A—

“Licensing during a national emergency

17B (1) Where there is a national emergency, the Minister may, by order published in the Gazette, defer the examination of auxiliary bicycles and allow the auxiliary bicycles to be licensed for a period specified in the order.

(2) Prior to the expiration of the period specified in an order under subsection (1), the Minister shall publish an order to appoint the period within which an auxiliary bicycle shall be examined in accordance with section 18.

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(3) A subsequent order may be published by the Minister, prior to the expiration of an order under subsection (1) or (2), to extend the period specified in the order.

(4) Section 6 of the Statutory Instruments Act 1977 (which provides for parliamentary scrutiny) shall not apply to an order under this section.

(5) In this section—

“national emergency” means—

- (a) a natural disaster such as a hurricane, flood, earthquake or similar natural disaster or force majeure event;
- (b) a public health emergency declared by the Minister responsible for health under section 107A of the Public Health Act 1949;
- (c) a proclamation of emergency made by the Governor under section 14 of the Bermuda Constitution Order 1968.”.

[Assent Date: 31 March 2021]

[Operative Date: 31 March 2021]