

**TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

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**BERMUDA**

**2005 : 44**

**TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

Date of Assent: 30 December 2005

Operative Date: 1 November 2007

ARRANGEMENT OF SECTIONS

1	Short title	5	Amends section 9 of principal Act
2	Amends section 1 of principal Act	6	Replaces Schedule 1 to principal Act
3	Amends section 2 of principal Act	7	Commencement
4	Inserts sections 4A and 4B in principal Act		SCHEDULE

WHEREAS it is expedient to amend the Traffic Offences (Penalties) Act 1976:

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:

**Short title**

1 This Act, which amends the Traffic Offences (Penalties) Act 1976 (the "principal Act"), may be cited as the Traffic Offences (Penalties) Amendment Act 2005.

**Amends section 1 of principal Act**

2 Section 1 of the principal Act is amended by inserting in the appropriate alphabetical order the following definition —

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"demerit points" means demerit points recorded under section 4A;".

### **Amends section 2 of principal Act**

3 Section 2(2) of the principal Act is amended by deleting the full stop at the end of paragraph (d) and substituting a semi-colon and by inserting next after paragraph (d), the following paragraph —

"(e) head 7 of the Schedule shows the demerit points to be recorded under section 4A in respect of a person convicted of the offence."

### **Inserts sections 4A and 4B in principal Act**

4 The principal Act is amended by inserting next after section 4 the following sections —

#### **"Recording of demerit points**

4A (1) Where a person is convicted of a traffic offence, the court shall direct that the following number of demerit points be recorded in respect of the person —

- (a) the number of demerit points shown in head 7 of Schedule 1; or
- (b) if head 7 of Schedule 1 shows a range of demerit points, a number of demerit points, specified by the court, within the range.

(2) For the purposes of subsection (1)(b), the lowest and highest numbers of a range shall be deemed to be within the range.

(3) If a person is charged with a traffic offence in a ticket issued under Part II of the Traffic Offences Procedure Act 1974 and pleads guilty and pays the amount of the penalty specified in the ticket, the following shall apply —

- (a) the following number of demerit points shall be recorded in respect of the person —
  - (i) the number of demerit points shown in head 7 of Schedule 1; or
  - (ii) if head 7 of Schedule 1 shows a range of demerit points, the lowest number of the range;
- (b) if head 7 of Schedule 1 sets out different numbers or ranges of demerit points which depend on whether the offence was a first or subsequent offence, the number or range of demerit points for the first offence shall be used for the purposes of paragraph (a).

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(4) Demerit points expire two years after the date of the conviction in relation to which they were recorded.

(5) The Director shall keep a record of all demerit points.

(6) This section does not apply with respect to a parking offence within the meaning of Part III of the Traffic Offences Procedure Act 1974.

(7) This section applies only with respect to offences committed after this section comes into operation.

### **Disqualification if too many demerit points**

4B (1) Where a person is convicted of a traffic offence and the accumulated demerit points of the person, including any demerit points to be recorded as a result of that offence, equals or exceeds 12 points, the court shall order the person to be disqualified from driving all motor vehicles, including auxiliary bicycles.

(2) A disqualification under subsection (1) shall be for at least six months and shall continue thereafter until enough demerit points expire so that the accumulated demerit points of the person are less than 12 points.

(3) In this section “accumulated demerit points” means the total unexpired demerit points recorded in respect of a person.

(4) This section does not apply with respect to the following –

- (a) a conviction for a parking offence within the meaning of Part III of the Traffic Offences Procedure Act 1974; or
- (b) a conviction where a ticket was issued under Part II of the Traffic Offences Procedure Act 1974 and the person charged pled guilty and paid the amount of the penalty specified in the ticket.

(5) A disqualification under this section may be in addition to, or in lieu of, any other punishment imposed by the court in respect of the offence and the court may provide for the disqualification to run concurrent with, or consecutive to, any other disqualification.”.

### **Amends section 9 of principal Act**

5 Section 9 of the principal Act is amended by inserting next after subsection (3) the following subsection —

“(4) No application may be made under this section for the removal of a disqualification under section 4B.”.

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### **Replaces Schedule 1 to principal Act**

6 Schedule 1 to the principal Act is repealed and the Schedule 1 set out in the Schedule to this Act, is substituted.

### **Commencement**

7 This Act comes into operation on such day as the Minister may appoint by notice published in the Gazette.

## **SCHEDULE**

### "SCHEDULE 1

#### PROSECUTION AND PUNISHMENT OF OFFENCES (Section 2)

Head 1—Act

Head 2—Provision Creating Offence

Head 3—General Nature of offence

Head 4—Mode of Prosecution

Head 5—Punishment

Head 6—Disqualification

Head 7—Demerit points

Head 1: Road Traffic Act 1947

Head 2: section 4(4)

Head 3: using vehicle in contravention of order regulating use

Head 4: summary

Head 5: \$200

Head 6: discretionary 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 5(3)

Head 3: using vehicle in contravention of restriction or prohibition of use  
of highway

Head 4: summary

Head 5: \$50

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 6

Head 3: failing to move on etc. when required by police officer

Head 4: summary

Head 5: \$100

Head 7: 3 points

Head 1: Road Traffic Act 1947

Head 2: section 7(4)

Head 3: exceeding speed limit

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Head 4: summary

Head 5: if first offence - \$500 or 3 months, or both  
if second offence committed within 2 years of date of conviction of first offence - \$1,000 or 6 months, or both  
if second offence in any other case - \$500 or 3 months, or both  
if third or subsequent offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both  
if third or subsequent offence in any other case - \$500 or 3 months or both

Head 6: *[see section 3A and Schedule 4.]*

Head 7: if first offence - 4 to 7 points  
if second offence committed within 2 years of date of conviction of first offence - 10 points  
if second offence in any other case - 4 to 7 points  
if third or subsequent offence committed within 2 years of date of conviction of first offence - 12 points  
if third or subsequent offence in any other case - 7 to 10 points.

Head 1: Road Traffic Act 1947

Head 2: section 12

Head 3: neglecting traffic directions or signs

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 13(7)

Head 3: unlawful parking

Head 4: summary

Head 5: \$100

Head 1: Road Traffic Act 1947

Head 2: section 14

Head 3: leaving vehicle in dangerous position

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 15(2)

Head 3: failing to take proper steps in event of mechanical breakdown  
etc

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

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Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 16(2)

Head 3: failing to secure etc unattended vehicle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 17(2)

Head 3: failing to stop at intersection

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 18(4)

Head 3: unlawful riding by or carrying of passengers

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 5 points

Head 1: Road Traffic Act 1947

Head 2: section 19(3)

Head 3: unlawful sounding of warning device or playing of radio in motor car

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 20

Head 3: towing of motor cycle or person wearing roller skates

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 21(2)

Head 3: Failing to exhibit "L" plate

Head 4: summary

Head 5: \$50

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 22(3)

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Head 3: failing to exhibit "T" plate

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 23(3)

Head 3: unlawful towing of vehicle

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 25(12)

Head 3: Contravention of provisions as to lighting of vehicles

Head 4: summary

Head 5: \$200

Head 7: 4 to 7 points

Head 1: Road Traffic Act 1947

Head 2: section 26(4)

Head 3: Contravention of provisions as to loading of vehicles

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 4 to 7 points

Head 1: Road Traffic Act 1947

Head 2: section 27(4)

Head 3: Failing to stop or allow free passage at pedestrian crossing

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 27(5)

Head 3: Remaining on pedestrian crossing or failing to comply with signal of police officer

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 30(3)

Head 3: Failing to stop when requested by a police officer

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 5 points

Head 1: Road Traffic Act 1947

Head 2: section 31(2)

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Head 3: Failing to comply with order to put equipment in good working order

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 32(2)

Head 3: Owner failing to give information to police officer as to driver and occupants of vehicle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 34(1)

Head 3: Causing death by reckless or dangerous driving

Head 4: on indictment

Head 5: 5 years

Head 6: discretionary - 5 years

Head 7: 12 points

Head 1: Road Traffic Act 1947

Head 2: section 34(2)

Head 3: Causing injury by reckless or dangerous driving

Head 4: summary [*see below if on indictment*]

Head 5: if first offence - \$1,000 or 12 months, or both  
if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both  
if second offence in any other case - \$1,000 or 12 months, or both

if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both

if third or subsequent offence in any other case - \$1,000 or 12 months or both

Head 6: if first offence; discretionary - 5 years

if second offence committed within 2 years of date of conviction of first offence, discretionary - 5 years

if third or subsequent offence committed within 2 years of date of conviction of first offence; discretionary - 5 years

if third or subsequent offence in any other case; discretionary - 5 years

Head 7: if first offence - 10 to 12 points

if second offence committed within 2 years of date of conviction of first offence - 12 points

if second offence in any other case - 10 to 12 points

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if third or subsequent offence committed within 2 years of date of conviction of first offence - 12 points  
if third or subsequent offence in any other case - 10 to 12 points

Head 1: Road Traffic Act 1947

Head 2: section 34(2)

Head 3: Causing injury by reckless or dangerous driving

Head 4: on indictment [*see above if summary*]

Head 5: [*on indictment*] — 2 years

Head 6: [*on indictment*] if first offence; discretionary - 2 years

[*on indictment*] if second offence; discretionary - 3 years

[*on indictment*] if third offence; discretionary - 5 years

Head 7: 12 points

Head 1: Road Traffic Act 1947

Head 2: section 35(1)

Head 3: Driving or attempting to drive, or having the care or control of a motor car or an auxiliary bicycle while the ability to do so is impaired by alcohol or a drug

Head 4: summary

Head 5: if first offence - \$1,000 or 12 months, or both

if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both

if second offence in any other case - \$1,000 or 12 months, or both

if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both

if third or subsequent offence in any other case - \$1,000 or 12 months or both

Head 6: if first offence; obligatory - 12 months, discretionary - 5 years

if second offence committed within 2 years of date of conviction of first offence; obligatory - 3 years, discretionary—5 years

if third or subsequent offence committed within 2 years of date of conviction of first offence; obligatory - 5 years

if third or subsequent offence in any other case; obligatory—12 months; discretionary - 5 years

Head 7: if first offence - 10 to 12 points

if second offence committed within 2 years of date of conviction of first offence - 12 points

if second offence in any other case - 10 to 12 points

if third or subsequent offence committed within 2 years of date of conviction of first offence - 12 points

if third or subsequent offence in any other case - 10 to 12 points

Head 1: Road Traffic Act 1947

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Head 2: section 35(2)

Head 3: Driving or attempting to drive or having the care or control of a cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug

Head 4: summary

Head 5: \$1,000 or 6 months

Head 7: 10 to 12 points

Head 1: Road Traffic Act 1947

Head 2: section 35(3A)

Head 3: Causing grievous bodily harm by driving or attempting to drive, or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug, including a dangerous drug, or causing grievous bodily harm by driving or having the care or control of any such vehicle, whether it is in motion or not, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrammes of alcohol in 100 millilitres of blood, or while there is present in the body any dangerous drug

Head 4: on indictment

Head 5: Notwithstanding section 54(a), (b) and (d) of the Criminal Code 1907, not less than 1 and not more than 10 years

Head 6: obligatory - 3 years

Head 7: 10 to 12 points

Head 1: Road Traffic Act 1947

Head 2: section 35(3B)

Head 3: Causing death by driving or attempting to drive, or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug, including a dangerous drug, or causing death by driving or having the care and control of any such vehicle, whether it is in motion or not, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrammes of alcohol in 100 millilitres of blood, or while there is present in the body any dangerous drug

Head 4: on indictment

Head 5: notwithstanding section 54(a), (b) and (d) of the Criminal Code Act 1907, not less than 1 and not more than 14 years

Head 7: 12 points

Head 1: Road Traffic Act 1947

Head 2: section 35A(2)

Head 3: Failing to comply with the demand of a police officer

Head 4: summary

Head 5: if first offence - \$1,000 or 12 months, or both  
if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both

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- if second offence in any other case - \$1,000 or 12 months, or both
- if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both
- if third or subsequent offence in any other case - \$1,000 or 12 months or both
- Head 6: if first offence; obligatory - 12 months, discretionary - 5 years
- if second offence committed within 2 years of date of conviction of first offence; obligatory - 3 years, discretionary - 5 years
- if third or subsequent offence committed within 2 years of date of conviction of first offence; obligatory - 5 years
- if third or subsequent offence in any other case; obligatory — 12 months; discretionary - 5 years
- Head 7: if first offence – 7 to 10 points
- if second offence committed within 2 years of date of conviction of first offence – 10 points
- if second offence in any other case – 7 to 10 points
- if third or subsequent offence committed within 2 years of date of conviction of first offence – 10 points
- if third or subsequent offence in any other case – 7 to 10 points
- Head 1: Road Traffic Act 1947
- Head 2: section 35A
- Head 3: Driving or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car, having consumed alcohol in such a quantity that the proportion of alcohol exceeds 80 milligrammes in 100 millilitres of blood
- Head 4: summary
- Head 5: if first offence - \$1,000 or 12 months, or both
- if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both
- if second offence in any other case - \$1,000 or 12 months, or both
- if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both
- if third or subsequent offence in any other case - \$1,000 or 12 months or both
- Head 6: if first offence; obligatory - 12 months, discretionary - 5 years
- if second offence committed within 2 years of date of conviction of first offence; obligatory - 3 years, discretionary - 5 years

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if third or subsequent offence committed within 2 years of date of conviction of first offence; obligatory - 5 years  
if third or subsequent offence in any other case; obligatory — 12 months; discretionary - 5 years

Head 7: 10 to 12 points

Head 1: Road Traffic Act 1947

Head 2: section 35B(1)

Head 3: Driving, attempting to drive or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while there is present in the body any dangerous drug

Head 4: summary

Head 5: if first offence - \$1,000 or 12 months, or both

if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both

if second offence in any other case - \$1,000 or 12 months, or both

if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both

if third or subsequent offence in any other case - \$1,000 or 12 months, or both

Head 6: if first offence; obligatory - 12 months, discretionary - 5 years

if second offence committed within 2 years of date of conviction of first offence; obligatory - 3 years, discretionary - 5 years

if third or subsequent offence committed within 2 years of date of conviction of first offence; obligatory - 5 years

if third or subsequent offence in any other case; obligatory - 12 months, discretionary - 5 years

Head 7: 10 to 12 points

Head 1: Road Traffic Act 1947

Head 2: section 35F(3)

Head 3: Failing to comply with the demand of a police officer

Head 4: summary

Head 5: if first offence - \$1,000 or 12 months, or both

if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both

if second offence in any other case - \$1,000 or 12 months, or both

if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both

if third offence or subsequent offence in any other case - \$1,000 or 12 months, or both

Head 6: if first offence; obligatory - 12 months, discretionary - 5 years

if second offence committed within 2 years of date of conviction of first offence; obligatory - 3 years, discretionary - 5 years

if third or subsequent offence committed within 2 years of date of conviction of first offence; obligatory - 5 years

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- if third or subsequent offence in any other case; obligatory - 12 months, discretionary - 5 years
- Head 7: if first offence – 7 to 10 points
  - if second offence committed within 2 years of date of conviction of first offence – 10 points
  - if second offence in any other case – 7 to 10 points
  - if third or subsequent offence committed within 2 years of date of conviction of first offence – 10 points
  - if third offence or subsequent offence in any other case – 7 to 10 points
- Head 1: Road Traffic Act 1947
- Head 2: section 36(1)
- Head 3: Dangerous driving
- Head 4: summary
- Head 5: if first offence - \$1,000 or 12 months, or both
  - if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both
  - if second offence in any other case - \$1,000 or 12 months, or both
  - if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both
  - if third or subsequent offence in any other case - \$1,000 or 12 months or both
- Head 6: if first offence; discretionary - 5 years
  - if second offence committed within 2 years of date of conviction of first offence; discretionary - 5 years
  - if third or subsequent offence committed within 2 years of date of conviction of first offence; discretionary - 5 years
  - if third or subsequent offence in any other case; discretionary - 5 years
- Head 7: if first offence – 7 to 10 points
  - if second offence committed within 2 years of date of conviction of first offence – 10 points
  - if second offence in any other case – 7 to 10 points
  - if third or subsequent offence committed within 2 years of date of conviction of first offence - 10 points
  - if third or subsequent offence in any other case – 7 to 10 points
- Head 1: Road Traffic Act 1947
- Head 2: section 37(1)(2)
- Head 3: Driving without due care and attention or reasonable consideration
- Head 4: summary
- Head 5: if first offence \$500
  - if second offence \$750
  - if third or subsequent offence \$1,000 or 6 months, or both
- Head 6: if first offence; discretionary - 12 months
  - if second offence; discretionary - 12 months

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- if third or subsequent offence; discretionary - 18 months
- Head 7: if first offence - 5 to 7 points
  - if second offence - 5 to 7 points
  - if third or subsequent offence - 7 to 10 points
- Head 1: Road Traffic Act 1947
- Head 2: section 38
- Head 3: Opening door of vehicle in a dangerous manner
- Head 4: summary
- Head 5: \$300
- Head 7: 2 to 4 points
- Head 1: Road Traffic Act 1947
- Head 2: section 40(1)
- Head 3: Failing to give right of way to emergency vehicle
- Head 4: summary
- Head 5: \$300
- Head 6: discretionary - 6 months
- Head 7: 5 to 7 points
- Head 1: Road Traffic Act 1947
- Head 2: section 41
- Head 3: Driving of vehicle in a defective condition
- Head 4: summary
- Head 5: \$300
- Head 6: discretionary - 6 months
- Head 7: 2 to 4 points
- Head 1: Road Traffic Act 1947
- Head 2: section 42(2)
- Head 3: Failing to stop after accident, to give name and address or to report accident
- Head 4: summary
- Head 5: if first offence - \$300 or 6 months, or both
  - if second offence committed within 2 years of date of conviction of first offence - \$600 or 12 months, or both
  - if second offence in any other case - \$300 or 6 months, or both
- Head 6: if first offence; discretionary - 6 months
  - if second offence committed within 2 years of date of conviction of first offence; discretionary - 6 months
  - if second offence in any other case; discretionary - 6 months
- Head 7: if first offence - 5 to 7 points
  - if second offence committed within 2 years of date of conviction of first offence - 7 to 9 points
  - if second offence in any other case - 5 to 7 points
- Head 1: Road Traffic Act 1947
- Head 2: section 43(1)
- Head 3: Driving auxiliary bicycle while disqualified
- Head 4: summary
- Head 5: if first offence \$500 or 3 months

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if second offence committed within 2 years of the date of conviction of first offence \$1,000 or 6 months

Provided that a person under the age of 18 years shall not be liable to mandatory imprisonment for an offence under section 43(1)

if second offence in any other case \$500 or 3 months

if third or subsequent offence committed within 2 years of the date of conviction of first offence \$1,000 or 12 months

if third offence in any other case \$500 or 3 months

Head 6: if first offence; discretionary 3 years

if second offence committed within 2 years of the date of conviction of first offence; discretionary 5 years

if second offence in any other case; discretionary 3 years

if third or subsequent offence committed within 2 years of the date of conviction of first offence; discretionary 5 years

if third offence in any other case; discretionary 3 years

Head 7: if first offence - 7 to 9 points

if second offence committed within 2 years of the date of conviction of first offence - 10 points

if second offence in any other case - 7 to 9 points

if third or subsequent offence committed within 2 years of the date of conviction of first offence - 12 points

if third offence in any other case - 7 to 9 months

Head 1: Municipalities Act 1923

Head 2: section 46

Head 3: Contravention of municipal ordinance controlling traffic

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Parking of Vehicles (Designated Areas) Act 1973

Head 2: section 4

Head 3: Parking in contravention of notice

Head 4: summary

Head 5: \$50

Head 1: Parking of Vehicles (Designated Areas) Act 1973

Head 2: section 5

Head 3: Unauthorized parking in reserved area

Head 4: summary

Head 5: \$50

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9(1)

Head 3: Driving private auxiliary bicycle without a driver's licence

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

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Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9(2)

Head 3: Allowing unlicensed person to use private auxiliary bicycle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 10(2)

Head 3: Failing to produce driver's licence

Head 4: summary

Head 5: \$50

Head 7: 2 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 10A(2)

Head 3: Driving or riding auxiliary bicycle not wearing protective head-gear

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 11(1)

Head 3: Using or allowing use of auxiliary bicycle not equipped in accordance with regulations or with equipment not in working order

Head 5: \$200

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 12

Head 3: Using or allowing use of unsafe auxiliary bicycle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 13(1)

Head 3: Using or allowing use of auxiliary bicycle in condition causing undue noise

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

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Head 2: section 13(2)

Head 3: Using or allowing use of auxiliary bicycle in manner causing unnecessary noise

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 14(3)

Head 3: Using auxiliary bicycle while prohibition order in force

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 15(1)

Head 3: Using auxiliary bicycle while under the age of 16 years

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 15(2)

Head 3: Allowing person under the age of 16 years to use auxiliary bicycle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 17(2)

Head 3: Using or allowing the use of an unlicensed auxiliary bicycle on a highway or keeping or allowing or causing the keeping of an unlicensed auxiliary bicycle in a public place

Head 4: summary

Head 5: \$450

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 23

Head 3: Using or allowing use of unregistered auxiliary bicycle or auxiliary bicycle not bearing identification number

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

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Head 1: Auxiliary Bicycles Act 1954  
Head 2: section 37(1)  
Head 3: Failing to stop auxiliary bicycle when requested by police officer  
Head 4: summary  
Head 5: \$300  
Head 6: discretionary - 12 months  
Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954  
Head 2: section 38(1)  
Head 3: Failing to give name and address to police officer  
Head 4: summary  
Head 5: \$300  
Head 6: discretionary - 12 months  
Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954  
Head 2: section 38(2)  
Head 3: Failing to produce licence when required by police officer  
Head 4: summary  
Head 5: \$300  
Head 6: discretionary - 12 months  
Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954  
Head 2: section 45  
Head 3: Contravention of Head 1 or regulations or order, demand, requirement or direction made thereunder  
Head 4: summary  
Head 5: \$200  
Head 6: discretionary - 6 months  
Head 7: 5 to 7 points

Head 1: Cycles Act 1955  
Head 2: section 2  
Head 3: Riding improperly equipped pedal cycle  
Head 4: summary  
Head 5: \$100  
Head 7: 2 points

Head 1: Cycles Act 1955  
Head 2: section 3  
Head 3: Riding pedicar on highway  
Head 4: summary  
Head 5: \$100  
Head 7: 2 points

Head 1: Motor Car Act 1951  
Head 2: section 10(1)  
Head 3: Using or allowing use of motor car not in accordance with specifications

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

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Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 11(1)

Head 3: Using or allowing use of motor car of design, or colour or displaying advertising matter prohibited by regulations

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 11(2)

Head 3: Using or allowing the use of motor car not equipped in accordance with regulations or with equipment not in working order

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 12(1)

Head 3: Using or allowing use of unlawful motor car

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 20C

Head 3: failing to wear a seat belt

Head 4: summary

Head 5: \$200

Head 7: 5 to 7 points

Head 1: Motor Car Act 1951

Head 2: section 22(1)

Head 3: Using or allowing use of instructional vehicle without permit

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 24

Head 3: Unauthorized use of motor cycle

Head 4: summary

Head 5: \$300

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

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Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 25

Head 3: Unauthorised use of invalid chair

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 25B

Head 3: Unauthorised use of funeral home limousine

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 26

Head 3: Unauthorised use of motor car for hire or reward

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 33

Head 3: Unauthorised use of motor taxi

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 36

Head 3: Unauthorised use of airport limousine

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 40

Head 3: Unauthorised use of truck

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

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Head 2: section 41

Head 3: Unauthorised use of self-propelled constructional machine

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 4 to 6 points

Head 1: Motor Car Act 1951

Head 2: section 42

Head 3: Unauthorised use of tracked vehicle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 4 to 6 points

Head 1: Motor Car Act 1951

Head 2: section 44

Head 3: Unauthorised use of tank wagon etc

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 4 to 6 points

Head 1: Motor Car Act 1951

Head 2: section 47

Head 3: Unauthorised use of trailer

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 10 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(a)(i)

Head 3: using or allowing use of an unlicensed motor car other than a motor cycle

Head 4: summary

Head 5: \$1,000

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(a)(ii)

Head 3: Using or allowing use of unlicensed motor cycle

Head 4: summary

Head 5: \$450

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(b)

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

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Head 3: keeping or allowing the keeping of an unlicensed motor car,  
other than a motor cycle, in a public place

Head 4: summary

Head 5: \$1,000

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(c)

Head 3: keeping or allowing the keeping of an unlicensed motor cycle, in  
a public place

Head 4: summary

Head 5: \$450

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 53(2)

Head 3: Using motor car in contravention of conditions of licence

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 65

Head 3: Using unregistered motor car or motor car not bearing identifi-  
cation plate

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 74(1)

Head 3: Driving motor car without driver's licence or permitting unli-  
censed person to drive

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 10 points

Head 1: Motor Car Act 1951

Head 2: section 85(2)

Head 3: Failing to produce driver's licence when required by police offi-  
cer

Head 4: summary

Head 5: \$100

Head 7: 5 to 7 points

Head 1: Motor Car Act 1951

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

Head 2: section 111(1)

Head 3: Failing to stop motor car when requested or signalled by police officer

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Motor Car Act 1951

Head 2: section 112(1)

Head 3: Driver failing to give name and address when required by police officer

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 112(2)

Head 3: Driver failing to produce motor car licence when required by police officer

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 114

Head 3: Owner failing to give information to police officer as to driver and occupant of motor car

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 120

Head 3: Contravention of Act or regulations or order, demand, requirement or direction made thereunder

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 123

Head 3: Driving motor car while disqualified

Head 4: summary

Head 5: if first offence \$1,000 or 3 months  
if second offence committed within 2 years of the date of conviction of first offence \$1,000 or 6 months

## **TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2005**

- if second offence in any other case \$1,000 or 3 months
- if third or subsequent offence committed within 2 years of the date of conviction of first offence \$1,000 or 12 months
- if third offence in any other case \$1,000 or 3 months
- Head 6: if first offence; discretionary 3 years
  - if second offence committed within 2 years of the date of conviction of first offence; discretionary 5 years
  - if second offence in any other case; discretionary 3 years
  - if third or subsequent offence committed within 2 years of the date of conviction of first offence; discretionary 5 years
  - if third offence in any other case; discretionary 3 years
- Head 7: if first offence - 7 to 10 points
  - if second offence committed within 2 years of the date of conviction of first offence - 12 points
  - if second offence in any other case - 7 to 10 points
  - if third or subsequent offence committed within 2 years of the date of conviction of first offence - 12 points
  - if third offence in any other case - 7 to 10 points
- Head 1: Motor Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953
- Head 2: section 6(2)
- Head 3: Driving of riding motor cycle not wearing protective headgear
- Head 4: summary
- Head 5: \$100
- Head 6: discretionary - 6 months
- Head 7: 5 to 7 points”.