

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

ROAD TRAFFIC AMENDMENT AND VALIDATION ACT 2025

WHEREAS it is expedient to enable to the Minister responsible for transport to make approved instrument orders for speed detection devices used by the Bermuda Police Service and to validate speed detection devices and summons purportedly issued under the Road Traffic Act 1947;

Be it enacted by The King'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 Road Traffic Act 1947 may be cited as the Road Traffic Amendment and Validation Act 2025.

Amends section 1

2 Section 1 of the Road Traffic Act 1947 is amended by deleting paragraph (a) in the definition of “qualified technician” and substituting the following—

- “(a) a person designated by the Commissioner of Police as being qualified to operate—
 - (i) an approved breath analyzing instrument;
 - (ii) an approved breath testing device; or
 - (iii) an approved speed detection device;”.

Inserts section 7A

3 The Road Traffic Act 1947 is amended by inserting the following after section 7—

“Speed detection

7A (1) A police officer who is a qualified technician may, for the purpose of enforcing section 7, measure the speed of a vehicle by means of an approved speed detection device.

ROAD TRAFFIC AMENDMENT AND VALIDATION ACT 2025

(2) The speed of a vehicle as indicated or determined by a device in subsection (1) shall be admissible in evidence in any proceedings under this Act, unless the contrary is proved.

(3) In this section, an “approved speed detection device” means a device of a kind that is designed to ascertain the speed of vehicle and that has been approved by order of the Minister as suitable for the purposes of measuring speed.”.

Validation of speed detection devices and summons

4 (1) Every speed detection device used by the Bermuda Police Service before the commencement of this Act for the purpose of detecting or recording the speed of vehicles shall be deemed to have been an approved speed detection device under the Road Traffic Act 1947.

(2) Any summons purportedly issued or prosecution for a speeding offence commenced before the commencement of this Act that relied on a speed detection device is deemed to have been lawfully issued or commenced as if that device had been an approved speed detection device under the Road Traffic Act 1947.

(3) For the avoidance of doubt, no conviction, penalty or legal consequence arising from the use of speed detection devices before the commencement of this Act shall be rendered invalid solely because the device was not defined as an approved speed detection device at that time.

ROAD TRAFFIC AMENDMENT AND VALIDATION BILL 2025

EXPLANATORY MEMORANDUM

This Bill seeks to enable the Minister responsible for transport to make approved instrument orders for speed detection devices used by the Bermuda Police Service and to validate speed detection devices and summons purportedly issued under the Road Traffic Act 1947.

Clause 1 provides the title of the Bill.

Clause 2 amends the meaning of “qualified technician” to include persons designated by the Commissioner of Police as qualified to operate approved speed detection devices, ensuring that only authorised personnel may use these devices for enforcement purposes.

Clause 3 inserts section 7A to allow the police officers who are qualified technicians to measure the speed of vehicles using devices approved by the Minister and that the readings from such devices are admissible as evidence in proceedings under the Act, unless disproved.

Clause 4 retroactively validates the use of speed detection devices by the Bermuda Police Service before the commencement of the Bill. It ensures that any device used prior to the coming into operation of the Act is deemed to have been an approved speed detection device; any summons or prosecution based on such a device is deemed to have been lawfully issued or commenced; and no conviction, penalty or other legal consequence arising from the use of these devices is invalidated solely because the device was not formally defined as approved at that time.