

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

MOTOR CAR AMENDMENT ACT 2012

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WHEREAS it is expedient to amend the Motor Car Act 1951 to provide that persons over the age of 65 years are exempt from paying duty in respect of the licensing or registration of private motor cars, to validate the extra-statutory exemption given to persons over the age of 65 years in respect of private motor cars since 2007, 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 Act 2012.

Amends section 59

2 In section 59(1) of the principal Act, delete "sections 60 and 61" and insert "sections 60, 61, 62A and 62B".

Inserts new section 62B

3 After section 62A of the principal Act insert—

"Exemptions in favour of senior car owners

62B (1) Subject to subsection (2), a person over the age of 65 years who is the owner of a private motor car (a "senior car owner") may apply to the Minister

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requesting an exemption from paying duty in respect of the licensing or registration of the private motor car.

(2) The exemption will not be granted unless the Minister is satisfied that—

- (a) the senior car owner is the sole driver of the car or, if not the sole driver, is the driver for most of the time the private motor car is in use; or
- (b) the car will be driven for the benefit of the senior car owner.”.

Amends Schedule 2

4 In Schedule 2 of the principal Act, delete Part B and insert—

“B PRIVATE MOTOR CARS AND INSTRUCTIONAL VEHICLES		
Class A	Where the length overall does not exceed 3505 mm (138 in.)	\$281.05
Class B	Where the length overall exceeds 3505 mm (138 in.) but does not exceed 3658 mm (144 in.)	\$386.90
Class C	Where the length overall exceeds 3658 mm (144 in.) but does not exceed 3810 mm (150 in.)	\$547.50
Class D	Where the length overall exceeds 3810 mm (150 in.) but does not exceed 3963 mm (156 in.)	\$675.25
Class E	Where the length overall exceeds 3963 mm (156 in.) but does not exceed 4115 mm (162 in.)	\$945.35
Class F	Where the length overall exceeds 4115 mm (162 in.) but does not exceed 4217 mm (166 in.)	\$1,095.00
Class G	Where the length overall exceeds 4217 mm (166 in.) but does not exceed 4293 mm (169 in.)	\$1,273.85
Class H	Where the length overall exceeds 4293 mm (169 in.) but does not exceed 4445 mm (175 in.)	\$1,551.25”

Validation

5 (1) Notwithstanding section 59 of the principal Act (licence duties), where licence duty was not paid during the savings period, on the basis of an extra-statutory exemption granted by the Minister, in respect of the licensing or registration of a vehicle falling within Part B of Schedule 2 owned by a person over the age of 65 years—

- (a) the private motor car is deemed to have been validly licensed or registered; and
 - (b) licence duty will not be required from that person in respect of the licensing or registration of that private motor car during the savings period.
- (2) In this section, the “savings period” is 1 April 2007 to 1 August 2012.

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Commencement

6 This Act comes into operation on 1 August 2012.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Motor Car Act 1951 (“the principal Act”) to provide that persons over the age of 65 years are exempt from paying duty in respect of the licensing or registration of private motor cars, and to validate the extra-statutory exemption given since 2007 to persons over the age of 65 years in respect of private motor cars.

Clause 1 provides the title of the Bill.

Clause 2 amends section 59 of the principal Act (licence duties) to insert a reference to new section 62B (inserted by clause 3). It also takes the opportunity to correct the missing reference to section 62A (exemptions in favour of physically disabled persons).

Clause 3 inserts new section 62B into the principal Act. Subsection (1) provides that a person over the age of 65 years who is the owner of a private motor car (a “senior car owner”) may apply to the Minister requesting an exemption from paying duty in respect of the licensing or registration of the private motor car. Subsection (2) provides that an exemption from licence duty will not be granted unless the Minister is satisfied that (a) the person over the age of 65 years is the sole driver of the car or, if not the sole driver, is the driver for most of the time the private motor car is in use or; (b) the car is being driven for the benefit of the person over the age of 65 years. This follows section 62A(5)(a)(ii) of the principal Act which contains a similar limitation of the exemption for physically disabled persons.

Clause 4 amends Part B of Schedule 2 to the principal Act to insert a reference to the Classes A to H of private motor cars. These are in common use at the Transport Control Department to distinguish the different lengths of car, but were not previously set out in the Act.

Clause 5 subsection (1) gives statutory validation until 1 August 2012 to the extra-statutory exemption from licence duty granted by the Minister of Transport since 1 April 2007 to persons over the age of 65 years in respect of the licensing or registration of a private motor car (of any of the Classes set out in Part B of Schedule 2).

Clause 6 provides for commencement on 1 August 2012.