

**GUYANA**

**REGULATIONS**

Made Under

**THE MOTOR VEHICLES AND ROAD TRAFFIC ORDINANCE  
(CHAPTER 280)**

**UNDER SECTION 103 OF THE MOTOR VEHICLES AND ROAD  
TRAFFIC ORDINANCE I HEREBY MAKE THE FOLLOWING RE-  
GULATIONS:—**

1. These Regulations may be cited as the Motor Cycles (Protective Helmets) Regulations, 1972, and shall come into operation on such day as the Minister may appoint by notice published in the Gazette and different days may be appointed for different provisions of these Regulations.

2. In these Regulations —

- (a) “helmet” includes any head-dress, and references in these Regulations to selling or offering for sale include respectively references to letting on hire and offering to let on hire; and
- (b) “Motor cycle” does not include a motor assisted pedal cycle the starting of which is by the act of pedalling and the engine of which is not more than 50 cubic centimetres.

3. (1) The driver of, and every person carried on, a motor cycle on a road shall wear a safety helmet capable of affording protection to the head of the wearer from injury in the event of an accident.

(2) The driver of a motor cycle on a road shall not carry any other person on that motor cycle unless that person is wearing a safety helmet as mentioned in paragraph (1).

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence.

4. The types of helmet which are capable of affording protection to the head of the wearer from injury in the event of an accident shall be as

Price 28c. (1/2d.) To be purchased from the Guyana Information Services, Georgetown, Guyana, and from the Crown Agents for Oversea Governments and Administrations, 4, Millbank, London, S.W.1.

prescribed by the Minister (by reference to shape, construction or any other quality) by notice published in the Gazette and in a newspaper circulating in Guyana.

5. Any person who sells, or offers for sale, a helmet as a helmet prescribed for the purposes of these Regulations, and the helmet is not of a type prescribed under regulation 4, shall be guilty of an offence.

6. (1) Subject to the provisions of this Regulation, in any proceedings for an offence under these Regulations it shall be a defence for the defendant to prove —

- (a) that he purchased the helmet in question as being of a type which under these Regulations could be lawfully sold or offered for sale, and with a written warranty to that effect, and
- (b) that he had no reason to believe at the time of the commission of the alleged offence that it was not of such type, and
- (c) that it was then the same state as when he purchased it.

(2) A warranty shall only be a defence in any such proceedings if —

- (a) the defendant —
  - (i) has, not later than three days before the date of the hearing, served on the complainant a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and
  - (ii) has also served a like notice of his intention to that person, and
- (b) in the case of a warranty given by a person resident outside Guyana, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein.

(3) Where the defendant is a servant of the person who purchased the helmet in question under a warranty, he shall be entitled to rely on the provisions of this regulation in the same manner as his employer would have been entitled to do if he had been the defendant.

7. (1) A defendant who in any proceedings for an offence under these Regulations wilfully applies to a helmet a warranty not given in relation to that helmet shall be guilty of an offence.

(2) A person who, in respect of a helmet sold by him, being a helmet in respect of which a warranty might be pleaded under regulation 6, gives to the purchaser a false warranty in writing, shall be guilty of an offence, but it shall be a defence if he proves that when he gave the warranty he had reason to believe that the statement or description contained therein was accurate.

Made this 12th day of July, 1972.

O. E. CLARKE,  
Minister of Home Affairs

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