Mauritius

Road Traffic Act

Act 22 of 1962

Legislation as at 30 June 2017

FRBR URI: /akn/mu/act/1962/22/eng@2017-06-30

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Mauritius

Road Traffic Act

Act 22 of 1962

Commenced on 1 January 1963

[This is the version of this document at 30 June 2017.]

EDITORIAL NOTE: The words "road traffic inspector" have been replaced by the words "road transport inspector" wherever they appear, by s. 15 of Act 38 of 1999 w.e.f. 1 December 2000.

Part I – Preliminary

1. Short title

This Act may be cited as the Road Traffic Act.

2. Interpretation

In this Act—

"**actual owner**", in relation to a vehicle, means the person who, under the civil law, is its owner;

"**Agreed Statement of Facts Form**" means the form specified in section 68B (1) (a);

"**articulated vehicle**" means a vehicle with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle and, when the trailer is uniformly loaded, not less than 20 per cent of the weight of its load is borne by the drawing vehicle;

"**authorised examiner**" means a person licensed by the Commissioner to operate an examination station for the examination of motor vehicles and trailers;

"**authorised officer**" means any officer who is designated, in writing, by the Commissioner to exercise such powers and discharge such duties as may be assigned by the Commissioner;

"**authorised vehicle**", in relation to any carrier's licence issued under Part VI, means the motor vehicle and any trailer authorised to be used under the licence;

"**Authority**" means the National Transport Authority established under section 73;

"**autocycle**" has the meaning assigned to it in section 4;

"**axle weight**", in relation to an axle of a vehicle, means the aggregate weight transmitted to the surface of the road or other base on which the vehicle moves or rests by the several wheels attached to that axle;

"**base**" means the place from which the holder of a licence is permitted to carry on his business;

"**breath test**" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Minister, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit;

"**bus**" has the meaning assigned to it in section 75;

"**carriage of goods**" includes the haulage of goods;

"**carriageway**"—

(a) means that part of a road designed for and constructed to be used by vehicular traffic or used or reasonably usable for that purpose; but

(b) does not include a cycle track;

"**certificate of fitness**" means a certificate of fitness issued under section 114;

"**Chief Examiner**" means the person appointed under this Act to be in charge of all vehicle examiners;

"**classic or vintage motor car**" means a motor car which has been registered before 1 January 1970;

"**Commissioner**" means the Road Transport Commissioner appointed under section 3;

"**Commissioner of Police**" includes any police officer not below the rank of Assistant Superintendent authorised by the Commissioner of Police, in writing, to exercise the powers vested by this Act in the Commissioner of Police;

"**Committee**" means the Motor Vehicle Insurance Arbitration Committee established under section 68F;

"**conductor**" means any person who—

(a) holds a valid conductor's licence issued by the Authority; and

(b) holds or is employed by the holder of, a road service licence;

"**contract bus**" has the meaning assigned to it in section 75;

"**Cumulative Road Traffic Convictions Certificate**" means the certificate set out in the Ninth Schedule;

"**current registration mark**" means a registration mark assigned as from 10 April 1992 by the Commissioner;

"**cycle**"—

(a) includes a bicycle, tricycle and other cycle not driven by mechanical power;

(b) does not include a perambulator or an invalid chair;

"**cycle track**" means a portion of a road, exclusive of the carriageway, set aside for use solely by persons riding cycles;

"**dangerous driving**" means—

(a) driving in a way that falls far below what is expected of a competent and careful driver; or

(b) driving a motor vehicle in a dangerous state,

such that there is a danger of injury to a person or of serious damage to property;

"**dealer**" means a dealer in motor vehicles;

"**diameter**", in relation to the wheel of a motor vehicle or trailer, means the overall distance measured between the 2 opposite points in the surface of a tyre which are furthest apart;

"**double cab pickup**" means a motor vehicle which has—

(a) a front passenger cabin which contains 2 rows of seats and is capable of seating a maximum of 4 persons excluding the driver;

(b) at least 2 doors capable of being opened separately; and

(c) an open pickup area behind the passenger cabin;

"**driver**" means—

(a) in respect of a vehicle, the person having control of its steering apparatus;

(b) in respect of a trailer, the person driving the vehicle by which the trailer is being drawn; and

(c) in respect of an animal drawn vehicle, the person driving the animal;

"**driving examiner**" means a person appointed under this Act to examine any person applying for a driving licence;

"**driving licence**"—

(a) means a licence to drive a motor vehicle, granted under Part IV and comprising a licence card in the form set out in the Tenth Schedule; and

(b) except in sections 41 to 45, includes a licence to drive a motor vehicle issued under any enactment relating to motor vehicles in Mauritius;

"**drug**" means any substance which, when consumed, inhaled, applied to or injected within a person's body, may influence the performance of a person to safely drive and which includes, but is not limited to, an intoxicating drink;

"**dual purpose vehicle**" means a vehicle, constructed or adapted for the carriage both of passengers and of goods or burden of any description, whose unladen weight does not exceed 2 tons and which—

(a) is so constructed or adapted that the driving power of the engine is or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle; or

(b) satisfies the following conditions as to construction—

(i) the vehicle is permanently fitted with a rigid roof, with or without a sliding panel;

(ii) the area of the vehicle to the rear of the driver's seat is—

(A) permanently fitted with at least one row of transverse seats (fixed or folding) for 2 or more passengers and those seats are properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle; and

(B) lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear; and

(iii) the distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in subparagraph (ii) (A) or, where there is more than one row of seats, the distance between the rearmost part of the steering wheel and the backrest of the rearmost row is, when the seats are ready for use, not less than one third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

"**duty-paid value**", in respect of a motor vehicle or a trailer, means—

(a) the value of the motor vehicle or trailer; and

(b) any duty, excise duty or taxes payable on the motor vehicle or trailer;

"**electric motor vehicle**" means a vehicle which is powered by an electric motor drawing current from—

(a) rechargeable storage batteries, fuel cells or other portable sources of electrical current; or

(b) a non-electrical source of power designed to charge batteries and their components;

"**emergency vehicle**" includes an ambulance or a vehicle belonging to the Police or the Mauritius Fire and Rescue Service and displaying such intermittently flashing identification lamp as may be prescribed;

"**examination station**" means an examination station approved by the Commissioner for the examination of motor vehicles and trailers;

"**fail**" includes refuse;

fare"—

(a) means the amount paid or payable for a passenger's conveyance in a public service vehicle or for the hire of a whole passenger carrying public service vehicle; and

(b) includes any sum paid or payable for the conveyance of luggage in excess of any free allowance and any other sum lawfully charged or chargeable by the owner of a public service vehicle or by his representative in connection with the conveyance of a passenger in that vehicle;

"**Fixed Penalty Notice**" or "FPN" means a notice referred to in section 191;

"**footpath**" means a portion of a road, exclusive of the carriageway, set aside for use solely by pedestrians;

"**full face protective helmet**" means a protective helmet which covers the entire head, including the base of the skull, the ears, lower front part of the face and which is provided with vision fitted with a plastic face shield, at the level of the eyes and nose;

"**goods**" includes burden of any description;

"**goods vehicle**" has the meaning assigned to it in section 83;

"**gross weight**" means the unladen weight of a motor vehicle or trailer, together with such weight of goods, passengers or both as the vehicle or trailer may be authorised to carry;

"**hard shoulder**" means a paved surface contiguous to the left side of a carriageway;

"**heavy goods vehicle**" means a heavy vehicle or a heavy trailer constructed or adapted for use for the carriage of goods;

"**heavy locomotive**" has the meaning assigned to it in section 4;

"**heavy trailer**" means a trailer of a gross weight of not less than 4,000 kilogrammes;

"**heavy vehicle**" means a motor vehicle of a gross weight of not less than 4,000 kilogrammes;

"**hospital**"—

(a) means a State-controlled or private medical institution which provides medical or surgical treatment for in-patients or outpatients; and

(b) includes a health centre;

"**hybrid motor vehicle**" means a motor vehicle which, for the purpose of its mechanical propulsion, has at least 2 different energy converters and 2 different on-vehicle energy storage systems;

"**hybrid electric vehicles**" means an electric vehicle which, for the purpose of its mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy or power—

(a) a consumable fuel; and

(b) an electric energy or power storage device;

"**insurance vignette**" means a vignette issued by an insurer certifying that a motor vehicle is covered by a policy of insurance or security in respect of third-party risks;

"**international driving permit**"—

(a) means an International Driving Permit; and

(b) includes a driving licence or permit issued by a competent foreign authority and made to have effect in Mauritius by virtue of regulations made under this Act;

"**intoxicating drink**" means any substance which, when consumed into a person's body, may influence the performance of a person to safely drive and which includes, but is not limited to, alcohol;

"**invalid carriage**" has the meaning assigned to it in section 4;

"**laden weight**" means the net weight of a motor vehicle or trailer, together with the actual weight of goods or passengers or both carried by the vehicle or trailer;

"**leased vehicle**" means a motor vehicle or trailer leased by an institution agreee for the purpose of article 2202-2 of the Code Civil Mauricien and which is the holder of a leasing licence;

"**licensing officer**" means a person designated by the Commissioner of Police to exercise the powers and carry out the duties, of licensing officer under Parts IV and VIIIA;

"**light locomotive**" has the meaning assigned to it in section 4;

"**light trailer**" means a trailer with pneumatic tyres, the gross weight of which is not more than 1,000 kilogrammes;

"**lighting-up time**" means the time from sunset to sunrise;

"**local authority**" means a municipal city or town council;

"**MIPD**" has the same meaning as in the Transcription and Mortgage Act;

"**Minister**" means the Minister to whom responsibility for the subject of land transport and road traffic is assigned;

"**Minor Road Accident Report Form**" means the form set out under in section 68C (1) (b);

"**motor car**" has the meaning assigned to it in section 4;

"**motorcycle**" has the meaning assigned to it in section 4;

"**motor tractor**" has the meaning assigned to it in section 4;

"**motor vehicle**" means a mechanically propelled vehicle intended for use or capable of being used, on roads unless the vehicle has, by regulations, been excluded from this definition;

"**NTC**" means the Corporation established under section 3 of the National Transport Corporation Act;

"**non-resident**" means a person who is not ordinarily resident in Mauritius;

"**offence code**" means the code specified in the third column of the Third Schedule;

"**old registration mark**" means a registration mark assigned prior to 10 April 1992 by the Commissioner;

"**owner**" means—

(a) the person in whose name a vehicle is registered or, where that person is deceased or absent from Mauritius or that vehicle is not registered, the person in possession of the vehicle; and

(b) in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, the person in possession of the vehicle under the agreement;

"**paid driver**" means a person who drives a motor vehicle in return for a salary or other remuneration;

"**park**", in relation to a vehicle, means keep it, whether occupied or not, stationary for a period greater than is reasonably necessary for—

(a) the taking up or setting down of passengers; or

(b) the loading or unloading of goods;

"**PEDN**" means a Photographic Enforcement Device Notice;

"**Permanent Secretary**" means the Permanent Secretary of the Ministry;

"**personalised registration mark**" means a registration mark, other than a current registration mark or an old registration mark, which is—

(a) composed by the owner of the vehicle in such manner as may be prescribed; and

(b) assigned by the Commissioner;

"**Photographic Enforcement Device Notice**" or "PEDN" means a notice issued pursuant to section 195;

"**policy of insurance**", in relation to Part V, includes a covering note in the prescribed form;

"**prescribed limit**" means, in relation to Part VINA—

(a) 23 micrograms of alcohol in 100 milliliters of breath;

(b) 50 milligrams of alcohol in 100 milliliters of blood;

(c) 67 milligrams of alcohol in 100 milliliters of urine; or

(d) such proportion as may be prescribed;

"**provisional driving licence**" means a provisional driving licence granted under section 44 (2);

"**public place**" includes a public way or place, other than a building, to which the public is entitled or permitted to have access, with or without condition;

"**public service vehicle**" means a motor vehicle used for carrying passengers for hire or reward;

"**RDDS**" has the same meaning as in the Registration Duty Act;

"**registration fee**" means the fee payable under this Act and includes any surcharge on the fee or any penalty imposed by this Act;

"**registration mark**" means a registered number or a registered letter and number or registered letters and number or numbers assigned to a motor vehicle or trailer by the Commissioner;

"**rehabilitation course**" means a course referred to in section 123AI;

"**road**" means—

(a) a public street, road, bridge and thoroughfare;

(b) a place over which the public has a right of way for motor vehicles;

(c) any other road to which the public is granted access; and

(d) a road reserve not under cultivation or occupied by buildings;

"**Road Development Authority**" means the Road Development Authority established under the Road Development Authority Act;

"**road transport inspector**" means an officer appointed under section 3 (2) who is assigned in writing by the Commissioner to exercise the powers and duties of a road transport inspector;

"**stand**" means a place at which a vehicle is authorised to stop for a longer time than is necessary for—

(a) the taking up or setting down of passengers; or

(b) the loading or unloading of goods;

"**stand regulator**" means any person who—

(a) holds a valid stand regulator's licence issued by the Authority; and

(b) is employed by the holder of a road service licence;

"**statutory attendant**" means a person employed under section 147 for attending to a locomotive or a trailer;

"**stopping place**" means a place at which a vehicle is authorised under this Act to stop for so long as is necessary for taking up or setting down passengers;

"**structure**" includes—

(a) a building, pole, power line, petrol pump, machinery, wall, plantation or hedge and any other object which could in like manner cause an obstruction; and

(b) an external alteration or addition to a structure;

"**taxi**" has the meaning assigned to it in section 75;

"**ton**" means a metric ton of 2200 pounds avoirdupois;

"**total piston displacement**", in relation to the engine of a motor vehicle, means—

(a) where the engine has not been modified after manufacture and—

(i) the total piston displacement has been specified by the manufacturer in cubic centimetres, the total piston displacement so specified; or

(ii) the total piston displacement has been specified by the manufacturer in cubic inches, the total piston displacement so specified multiplied by 16.39;

(b) where the engine has been modified after manufacture, the total piston displacement as determined by the Commissioner; and

(c) in any other case, the total piston displacement as determined by the Commissioner;

"**traffic**" includes vehicles, pedestrians, processions and bodies of troops and all animals being ridden, driven or led;

"**traffic sign**"—

(a) means an object or device on a road, whether fixed or portable, for conveying warnings, information, requirements, restrictions, prohibitions of any description prescribed or authorised under this Act to traffic or a specified description of traffic; and

(b) includes a line or mark on a road for conveying the warnings, information, requirements, restrictions or prohibitions;

"**traffic warden**" means an officer appointed under section 3 (2) who is assigned, in writing, by the Commissioner to exercise the powers and duties of a traffic warden and to enforce any regulations made under section 190 (4) (n);

"**trailer**"—

(a) means a vehicle which has no independent motive power of its own and which is drawn or designed to be drawn, by a motor vehicle; and

(b) does not include a sidecar attached to a motorcycle and a farm implement that is not constructed or adapted for the conveyance of goods or burden of any description;

"**use**" means use on a road;

"**vehicle**" includes an engine, wagon, dray, cart, carriage, bicycle or other means of carrying goods or persons by land, having 2 or more wheels, whether drawn or propelled by human, animal, steam, electric or other power;

"**vehicle examiner**" means an officer appointed under section 3 (2) who is assigned, in writing, by the Commissioner the exercise of the powers and duties of a vehicle examiner;

"**vehicle tester**" means a qualified person employed by an authorised examiner to carry out examination of motor vehicles;

"**weight unladen**" means the weight of a vehicle which—

(a) includes the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road; but

(b) excludes the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or of loose tools and loose equipment.

[S. 2 amended by s. 3 of Act 23 of 1991 w.e.f. 6 July 1991; s. 3 of Act 30 of 1995 w.e.f. 2 December 1995; s. 30 (2) (a) of Act 6 of 1998 w.e.f. 21 July 1998; s. 3 of Act 38 of 1999 w.e.f. 1 December 2000; s. 3 of Act 46 of 2002 w.e.f. 1 August 2004; s. 3 of Act 9 of 2003 w.e.f. 1 September 2003; s. 5 (a) of Act 20 of 2003 w.e.f. 23 July 2003; s. 3 of Act 36 of 2003 w.e.f. 1 August 2004; s. 3 of Act 21 of 2011 w.e.f. 1 November 2011; s. 3 of Act 29 of 2008 w.e.f. 15 October 2009; s. 23 (a) of Act 27 of 2012 w.e.f. 22 December 2012; s. 4 of Act 17 of 2012 w.e.f. 10 May 2013; s. 21 (a) of Act 26 of 2013 w.e.f. 19 May 2014; s. 4 of Act 7 of 2015 w.e.f. 27 July 2015; s. 45 (a) of Act 9 of 2015 w.e.f. 2 July 2015; s. 3 of Act 19 of 2016 w.e.f. 3 November 2016.]

3. Appointment of officers

(1) There shall be appointed a Road Transport Commissioner, who shall, subject to the general directions of the Minister, exercise such powers as are conferred and perform such duties as are imposed, upon him by this Act or any other enactment.

(2) There may also be appointed such other officers, subject to the control of the Commissioner, as may be necessary to exercise such powers and perform such duties, as may be assigned to them by the Commissioner.

4. Classification of motor vehicles

(1) For the purposes of this Act, motor vehicles shall be divided into the following classes—

(a) heavy locomotives, that is to say mechanically propelled motor vehicles which are not constructed themselves to carry any load other than water, fuel, accumulators and other equipment and material used for the purpose of propulsion, loose tools and loose equipment and the unladen weight of which exceeds 11% tons;

(b) light locomotives, that is to say mechanically propelled motor vehicles which are not themselves constructed to carry any load other than any of the articles specified in paragraph (a) and the unladen weight of which does not exceed 11 % tons, but exceeds 7% tons;

(c) motor tractors, that is to say mechanically propelled vehicles which are not constructed themselves to carry any load other than any of the articles specified in paragraph (a) and the unladen weight of which does not exceed 7% tons;

(d) heavy motor cars, that is to say mechanically propelled vehicles, other than vehicles classified under this section as motor cars, which are constructed themselves to carry a load or passengers and the unladen weight of which exceeds $2^1/2$ tons;

(e) motor cars, that is to say mechanically propelled vehicles, other than vehicles classified under this section as motorcycles or invalid carriages, which are constructed themselves to carry a load or passengers and the unladen weight of which —

(i) in the case of vehicles which are—

(A) constructed solely for the carriage of passengers and their effects;

(B) adapted to carry not more than 7 passengers exclusive of the driver; and

(C) fitted with tyres of the prescribed type, does not exceed 3 tons; and

(ii) in any other case, does not exceed $2^1/2$ tons;

(f) motorcycles, that is to say mechanically propelled vehicles, other than autocycles or vehicles classified under this section as invalid carriages, with not more than 4 wheels and the unladen weight of which does not exceed 400 kilograms;

(g) invalid carriages, that is to say mechanically propelled vehicles the unladen weight of which does not exceed 250 kilograms and which are specially designed and constructed and not merely adapted, for the use of persons suffering from a physical defect or disability and are used only for those persons; and

(h) autocycles, that is to say, two-wheeled motor vehicles, with or without pedals, the engine capacity of which does not exceed 50 cubic centimetres.

(2) The Minister may make regulations for—

(a) subdividing any class mentioned in subsection (1), whether according to weight, construction, dimension, nature of tyres, use or otherwise;

(b) making different provision with respect to each subdivision; and

(c) varying, in respect of any class, the maximum or minimum weight fixed by this section.

(3) A reference in this Act to a class of motor vehicles includes a reference to a subdivision of the class.

(4) For the purposes of this Act—

(a) where a motor vehicle is so constructed that a trailer may, by partial super-imposition, be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself construed to carry a load;

(b) where a motor vehicle is fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to form part of the vehicle; and

(c) where a sidecar attached to a motorcycle complies with the prescribed conditions, it shall be regarded as forming part of the vehicle to which it is attached.

[S. 4 amended by s. 4 of Act 43 of 1991 w.e.f. 11 December 1991.]

Part II – Registration of motor vehicles and trailers

5. Registration of vehicles

(1) (a) Subject to this Act, no person shall use, on a road or otherwise, a motor vehicle or trailer unless the vehicle or trailer is registered in accordance with this Act.

(b) A person shall not commit an offence under this section if he proves that the motor vehicle or trailer has been in his ownership only for the period that might reasonably be required for registration.

(2) An application for the registration of a motor vehicle or trailer shall be made by the owner in the prescribed form.

(3) (a) The Commissioner shall—

(i) cause to be entered in a register to be kept for that purpose particulars of the motor vehicle or trailer and, in the case of a leased vehicle, the name of the lessor and of the lessee and the fact that the motor vehicle or trailer is leased; and

(ii) assign to the motor vehicle or trailer a registration mark.

(b) No motor vehicle or trailer shall be registered unless it—

(i) complies with this Act with regard to the maximum limits permitted for axle weights, gross weight, height, length and width of motor vehicles or trailers; or

(ii) has been exempted by the Commissioner from compliance with the limits under subparagraph (i).

(4) (a) (i) Subject to subparagraph (ii), the Commissioner shall, on payment of the prescribed fee supply, to any person applying for it, a copy of such entries from the register as that person shows he has reasonable cause to require.

(ii) No fee shall be payable where a copy is supplied to a public officer or an officer of a local authority for official purposes.

(b) The Commissioner shall allow a police officer authorised by the Commissioner of Police to inspect his register at any time and permit the officer to take a copy of an entry in the register relating to a specified motor vehicle or trailer.

(5) The owner of a motor vehicle or trailer registered under this section shall—

(a) pay the fee prescribed for registration; and

(b) obtain from the Commissioner a registration book containing such particulars as may be prescribed.

(6) The loss, theft or destruction of a registration book shall be immediately reported to the Commissioner by the registered owner of the motor vehicle or trailer in respect of which it has been issued.

(7) (a) Where it appears to the satisfaction of the Commissioner that—

(i) the registration book issued to a person has been lost or destroyed or is in a state of dilapidation;

(ii) essential particulars have been accidentally defaced; or

(iii) space is lacking for essential particulars,

the Commissioner may, on payment of the prescribed fee, issue a duplicate of the book with the word "Duplicate" written on it.

(b) Where there is no space available in a registration book for additional essential particulars, no fee shall be charged for the issue of a duplicate.

(8) Before a duplicate registration book is issued on account of defacement, dilapidation or lack of space for essential particulars, the old registration book shall be delivered to the Commissioner.

(9) Where a new licence is issued in respect of a motor vehicle or trailer under section 25, the Commissioner shall amend the register and issue a new registration book.

(10) Where a motor vehicle or trailer does not bear on it a registration mark as provided under this section, this fact shall be regarded as *prima facie* evidence that the motor vehicle or trailer has not been registered and the Police may detain the vehicle or trailer until inquiries have been made.

[S. 5 amended by s. 4 of Act 23 of 1991 w.e.f. 6 July 1991; s. 23 (b) of Act 27 of 2012 w.e.f. 22 December 2012.]

5A. Leased vehicles

Where a leased vehicle has been registered in accordance with section 5, the lessee of the vehicle shall, for the purposes of this Act, be deemed to be the owner of the leased vehicle and shall incur the liabilities and obligations imposed under this Act or under any other enactment, as if he were the owner of the vehicle.

[S. 5A inserted by s. 5 of Act 23 of 1991 w.e.f. 6 July 1991.]

6. Change of ownership

(1) (a) Subject to subsections (3) and (4), on the change of ownership of a motor vehicle or trailer—

(i) the registered owner and the new owner shall forthwith jointly give notice by registered letter to the Commissioner of the change of ownership, of the date of the change and of the name and address of the new owner;

(ii) the registered owner shall forthwith give a similar notice to the person from whom he holds a policy of insurance or security in respect of third-party risks as required under Part V;

(iii) the registered owner shall forthwith deliver to the new owner the registration book and the licence relating to the motor vehicle or trailer; and

(iv) the new owner shall, within 14 days of the change of ownerhip, deliver the registration book and other relative documents to the Commissioner who shall, subject to subsection (5), register him as the owner of the motor vehicle or trailer.

(b) Where a person is, under section 7, entered in the register kept by the Commissioner and in the registration book, as the actual owner of a motor vehicle or trailer, the Commissioner shall consult him before registering a person as the new owner of the motor vehicle or trailer.

(2) (a) An application for registration of a new owner may be made before the actual transfer of the motor vehicle or trailer.

(b) The registration of a new owner shall not be effective until the registration book has been surrendered to and reissued by, the Commissioner.

(3) On the death of the registered owner of a motor vehicle or trailer, the person into whose custody the motor vehicle or trailer has come shall, within 14 days of its coming into his custody, give notice of the fact to the Commissioner.

(4) On the change of ownership of a motor vehicle or trailer by reason of the motor vehicle or trailer being lawfully seized under a hire purchase agreement—

(a) (i) the registered owner or his representative shall, within 7 days of the seizure, deliver the motor vehicle or trailer licence and the registration book to the usher who has effected the seizure of the motor vehicle or trailer; and

(ii) the usher shall, within 7 days of the seizure, inform the Commissioner in writing of the change of ownership;

(b) the person on whose behalf the seizure has been effected shall, within 7 days of receiving the motor vehicle or trailer licence and the registration book, apply to the Commissioner to be registered as the new owner and shall be registered unless the Commissioner thinks fit to order otherwise; and

(c) (i) where the Commissioner is satisfied that a person whose name has been entered in the register and registration book, under section 7, as the actual owner of the motor vehicle or trailer is unable, within 7 days of the seizure, to procure the motor vehicle or trailer licence and the registration book from the registered owner or his representative, he shall supply to that person, on request, duplicates of the licence and book; and

(ii) that person shall thereafter be deemed to be the registered owner and the Commissioner shall accept his signature as such until the next change of ownership is affected.

(5) On the registration of a new owner, the Commissioner shall charge the prescribed fee and make the necessary alterations to the registration book and deliver the altered book to the new registered owner or issue a new registration book to him.

7. Right of actual owner

(1) Where a person entitled to the possession of a motor vehicle or trailer is not the actual owner, but is registered as the owner, any person claiming to be the actual owner may apply to the Commissioner to enter his name in the register and in the registration book of the motor vehicle or trailer as the actual owner in addition to the name of the registered owner.

(2) (a) On receipt of an application under subsection (1), the Commissioner shall—

(i) make inquiries into the matter;

(ii) make such order as he may determine; and

(iii) communicate his order in writing to the registered owner and to the claimant.

(b) A person aggrieved by an order under paragraph (a), may, within 10 days of the notification to him of the order, appeal to the Minister, whose decision shall be final.

(3) Where an order made under subsection (2) requires that the name of the claimant be entered in the registration book, the registered owner shall, on demand, produce the book for the entry to be made.

(4) (a) Where a person, whose name has been entered in the register and registration book as the actual owner of a motor vehicle or trailer, ceases to be the actual owner, he shall inform the Commissioner who shall thereupon make the necessary amendment in the register and registration book.

(b) The Commissioner may make the amendment mentioned in paragraph (a) otherwise than upon the information given under paragraph (a) where he is satisfied that the person has ceased to be the actual owner of the motor vehicle or trailer.

(c) Any person aggrieved by an amendment under this subsection may, within 10 days of the notification to him of the amendment, appeal to the Minister, whose decision shall be final.

8. Duty of Commissioner

Notwithstanding this Act, the Commissioner shall not—

(a) in the case of a motor vehicle or trailer which is not on the register of motor vehicles, register the vehicle unless he is satisfied that—

(i) the deed, declaration or electronic deed or declaration registered in the RDDS, relating to the transfer of the ownership of the vehicle to the person by whom or on whose behalf the application for registration is made has been registered with the Registrar-General; or

(ii) that person is exempted under this Act from registration; and

(b) in the case of a motor vehicle or trailer which has already been registered in the register of motor vehicles, register or continue the registration of the vehicle under a new owner's name unless he is satisfied that the deed or declaration relating to the transfer of ownership of the vehicle to the new owner and the last previous owner has been registered with the Registrar-General.

[S. 8 amended by s. 45 (b) of Act 9 of 2015 w.e.f. 2 July 2015.]

9. Proof of transfer of ownership

(1) The transfer of ownership of a motor vehicle or trailer shall be established—

(a) by the production of the deed or electronic deed registered in the RDDS, witnessing the transfer of the vehicle; or

(b) where there is no deed, by a declaration or an electronic declaration registered in the RDDS, signed by the owner of the vehicle.

(2) The deed or declaration shall be drawn up on paper of A4 size and of not less than 90 grammes and shall state—

(a) (i) the price or consideration for which the transfer of the vehicle was effected; or

(ii) where the transfer has been effected without consideration, the actual value of the vehicle; and

(b) the make, model, engine number and capacity, chassis number and registration mark of the vehicle and

(c) the name and address, including the postcode, of the transferor and that of the transferee.

(2A) The deed or declaration may be—

(a) prepared, concluded and saved in the RDDS; or

(b) scanned and saved in the RDDS.

(2B) Any deed or declaration submitted to the Registrar-General and registered in the RDDS shall be considered to be the original.

(2C) Any deed scanned for the purpose of the RDDS shall be scanned in—

(a) Portable Document Format (PDF);

(b) 300 dots per inch (DPI) Image Resolution; and

(c) text-searchable format by applying Optical Character Recognition (OCR).

(3) —

(4) The deed, declaration or electronic deed or declaration registered in the RDDS shall be registered with the Registrar-General and registration duty shall be paid in accordance with Part VI of the First Schedule to the Registration Duty Act.

(5) Every person to whom the ownership of a motor vehicle or trailer has been transferred shall, within 14 days of the transfer—

(a) present to the Registrar-General for registration the deed, declaration or electronic deed or declaration registered in the RDDS referred to in subsection (2), together with—

(i) in the case of a motor vehicle or trailer registered in Mauritius, the registration book delivered under section 5 (5); and

(ii) in any other case, the original of a registration document or a certified copy issued by the relevant authority of the country where the motor vehicle or trailer is registered and the paid customs bill of entry; and

(b) pay to the Registrar-General the duty provided under subsection (4).

(6) Where a person fails to comply with subsection (4), there shall be levied on the registration of the deed or declaration, in addition to the duty provided under subsection (3), a penalty at the rate specified in the Sixth Schedule to the Registration Duty Act.

(7) No deed, declaration or electronic deed or declaration registered in the RDDS regarding the transfer of a motor vehicle or trailer shall be registered unless it complies with this section.

(8) —

(9) The deed, declaration or electronic deed or declaration registered in the RDDS referred to in subsection (5) (a) shall be returned to the transferee and an electronic version of the deed or declaration shall be registered and saved for a period of not less than 5 years in the MIPD.

(10) The return of a duly registered electronic deed or declaration under subsection (9) shall be effected electronically through the RDDS.

[S. 9 amended by s. 3 of Act 23 of 1985 w.e.f. 1 May 1985; s. 8 of Act 15 of 1988 w.e.f. 1 July 1998; s. 8 (1) of Act 37 of 1990 w.e.f. 1 January 1991; s. 13 of Act 25 of 1994 w.e.f. 27 July 1994; s. 5 (b) of Act 20 of 2003 w.e.f. 23 July 2003; s. 25 of Act 38 of 2011 w.e.f. 15 December 2011; s. 21 (b) of Act 26 of 2013 w.e.f. 19 May 2014; s. 45 (c) of Act 9 of 2015 w.e.f. 2 July 2015.]

9A. Motor vehicles or trailers already registered in Rodrigues

Where—

(a) a deed or declaration relating to the transfer of ownership of a motor vehicle or trailer is registered in Rodrigues under the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act; and

(b) the motor vehicle or trailer is brought to and used on a road in, the Island of Mauritius,

the deed or declaration shall be registered anew, but subject to such derogations or exceptions from, modifications of or adaptations to, section 9, as may be specified in regulations made under this section.

[S. 9A inserted by s. 16 (3) of Act 19 of 1997 w.e.f. 22 December 1997.]

9B. Registration of unregistered vehicles

(1) Notwithstanding section 9 (5), where a person is the owner of an unregistered motor vehicle or trailer which is used on the road, he shall within 3 months of 15 May 2003—

(a) present to the Registrar-General for registration, the deed or declaration referred to in section 9 (2), together with—

(i) the original of a registration document or a certified copy issued by the relevant authority of the country where the motor vehicle or trailer has been registered as new in that country and the paid customs bill of entry; or

(ii) where the motor vehicle or trailer was imported as a new motor vehicle or trailer, the particulars of the engine number and capacity, chassis number and age of the motor vehicle or trailer, as certified by a dealer or by the Authority; and

(b) pay the duty provided under section 9 (4).

(2) Where the owner of the motor vehicle fails to register the deed of sale or declaration within the time limit specified in subsection (1), he shall be liable, in addition to the duty provided under section 9 (4), to a penalty at the rate specified in the Sixth Schedule to the Registration Duty Act.

[S. 9B inserted by s. 4 of Act 46 of 2002 w.e.f. 15 May 2003; amended by s. 21 (c) of Act 26 of 2013 w.e.f. 19 May 2014.]

10. ***

[S. 10 amended by s. 4 of Act 35 of 1983 w.e.f. 5 November 1983; repealed by s. 5 (c) of Act 20 of 2003 w.e.f. 23 July 2003.]

11. ***

[S. 11 repealed by s. 5 (c) of Act 20 of 2003 w.e.f. 23 July 2003.]

12. Weight and dimension of vehicles

(1) (a) Every owner of a motor vehicle or trailer shall, at the request of the Commissioner, furnish such evidence as he may reasonably have available or obtain with regard to the weight

unladen and the maximum weight, including its own weight, that the manufacturer of the motor vehicle or trailer states that the vehicle or trailer has been built to carry, including the recommended distribution of the weight over the several axles of the vehicle or trailer and the height, length and width of the motor vehicle or trailer.

(b) Any person who contravenes paragraph (a) shall commit an offence.

(2) (a) The Commissioner may require—

(i) a dealer in motor vehicles or trailers to furnish a sworn declaration specifying the weight unladen, the maximum weight, including its own weight, that the manufacturer of the motor vehicle or trailer states that the vehicle or trailer has been built to carry, including the recommended distribution of the weight over the several axles of the vehicle or trailer and the height, length and width of any motor vehicle or trailer sold by him; and

(ii) a builder of motor vehicles or trailer bodies to furnish a declaration concerning the weight and the dimensions of the body he has built.

(b) Any dealer or builder who contravenes paragraph (a) shall commit an offence.

13. ***

[S. 13 repealed by s. 4 of Act 19 of 2016 w.e.f. 3 November 2016.]

14. ***

[S. 14 amended by s. 3 of Act 11 of 1990 w.e.f. 1 July 1990; repealed by s. 4 of Act 19 of 2016 w.e.f. 3 November 2016.]

15. ***

[S. 15 repealed by s. 4 of Act 19 of 2016 w.e.f. 3 November 2016.]

16. ***

[S. 16 repealed by s. 4 of Act 19 of 2016 w.e.f. 3 November 2016.]

17. Owner to notify destruction of vehicles

(1) Where a motor vehicle or trailer is—

(a) destroyed; or

(b) removed permanently from Mauritius,

the person who, at the material time, is the owner of that motor vehicle or trailer shall, within 14 days of the destruction or removal, notify the Commissioner and surrender to him the registration book.

(2) The Commissioner may, on receipt of the notification and the registration book, assign the registration mark of the motor vehicle or trailer, where the registration mark is an old registration mark, to any other motor vehicle or trailer which he subsequently registers.

(3) (a) Where a motor vehicle or trailer is intended to be—

(i) dismantled;

(ii) broken up; or

(iii) scrapped,

the person who, at the material time, is the owner of the vehicle shall, not later than 7 days before the dismantling, breaking up or scrapping of the vehicle, where the registration make is an old registration mark, give notice in writing to the Commissioner, together with such particulars as the latter may require and surrender to him the registration book relating to the vehicle.

(b) Where the Commissioner is satisfied that the vehicle has been dismantled, broken up or scrapped, he may assign the registration mark, where the registration mark is an old registration mark, of the vehicle to any motor vehicle or trailer which he subsequently registers.

(4) Where a motor vehicle or trailer has not, for a period of 12 consecutive months, been licensed or exempted from being licensed, the Commissioner shall—

(a) cancel its registration; and

(b) assign its registration mark, where the registration mark is an old registration mark, to any motor vehicle or trailer which he subsequently registers.

[S. 17 amended by s. 23 (c) of Act 27 of 2012 w.e.f. 22 December 2012.]

18. Exemption from registration

There shall be exempted from registration—

(a) subject to this Act relating to motor vehicle dealer's licences, motor vehicles or trailers in the possession of manufacturers of or licensed dealers in, motor vehicles or trailers;

(b) motor vehicles or trailers brought into Mauritius by visitors, whether used under the authority of an international certificate or not and exempted from registration under regulations made under this Act;

(c) trailers used exclusively for agricultural purposes and not used on a road; and

(d) such other motor vehicle or trailer as may, by regulations, be exempted from registration.

19. Registration marks

(1) There shall be fixed and maintained on every motor vehicle and trailer, in such manner as may be prescribed, the registration mark referred to in section 5 (3).

(2) Where a motor vehicle is being used to tow—

(a) a trailer, its registration mark shall also be fixed at the rear of the trailer; or

(b) more than one trailer, its registration mark shall also be fixed at the rear of the last trailer,

in such manner as may be prescribed.

(3) No other figure, letter or design shall be placed on or within such distance as may be prescribed from, a registration mark fixed on a motor vehicle under this section.

(4) Nothing which may be mistaken for a registration mark shall be placed on a motor vehicle.

20. Offences relating to registration marks

(1) Where a registration mark is fixed and maintained—

(a) in contravention of this Act; or

(b) in such a way as to be obscured, rendered or allowed to become not easily distinguishable,

the driver of the motor vehicle or trailer and its owner shall commit an offence.

(2) It shall be a defence for any person prosecuted under subsection (1) (b) to prove that he has taken all steps reasonably practicable to prevent the mark from being obscured or rendered not easily distinguishable.

Part IIA – Provisions relating to vehicle crime

[Part IIA inserted by s. 4 of Act 21 of 2011 w.e.f. 1 November 2011.]

20A. Vehicle identity checks

(1) The Commissioner may—

(a) refuse to issue a new registration book in respect of a registered vehicle if he is not satisfied that the vehicle for which the document is being sought is the registered vehicle;

(b) cause any vehicle for which a new registration book is being sought, to be examined for the purpose of ascertaining whether the vehicle is the registered vehicle concerned;

(c) require any information in relation to any vehicle for which a new registration book is being sought, for the purpose of ascertaining whether the vehicle is the registered vehicle concerned.

(2) The Commissioner may use—

(a) information which has been obtained under subsection (1)—

(i) to check the accuracy of relevant records; or

(ii) where appropriate, to amend or supplement information contained in those records;

(b) information contained in relevant records to check the accuracy of any information obtained under subsection (1).

(3) In subsection (2)—

"relevant records" means records maintained by the Commissioner in connection with any functions exercisable by him under or by virtue of this Act.

20B. Access to certain motor insurance information

The Commissioner may require any insurer to provide to him, within such period as may be specified, such relevant information as may be required to be kept under regulation 11 of the Motor Vehicles (Third Party Risks) Regulations 1963 or under this Act.

Part III – Vehicle licensing

21. Using vehicle without licence

(1) Any person who—

(a) (i) uses or keeps; or

(ii) causes or permits to be used or kept,

on a road a motor vehicle or trailer for which a licence under this Part is not in force; or

(b) being the holder of a motor vehicle dealer's licence or any other licence issued under this Part, uses at any one time a greater number of motor vehicles or trailers than he is authorised to use by virtue of his licence,

shall commit an offence and shall, on conviction, be liable to a fine of not less that 3,000 rupees and not more than 10,000 rupees or to imprisonment for term not exceeding 6 months.

(2) Proceedings for an offence under subsection (1) may be brought at any time within a period of 12 months from the date on which the offence was committed.

(3) Where—

(a) a licence has been taken out for a motor vehicle or trailer to be used solely for a certain purpose; and

(b) the motor vehicle or trailer is, at any time during the period for which the licence is in force, used for some other purpose, whether or not the motor vehicle or trailer is constructed or adapted to be used for that other purpose,

the person using that motor vehicle or trailer or causing or permitting it to be used, shall commit an offence and shall, on conviction, be liable to a fine of not less than 3,000 rupees and not more than 10,000 rupees or to imprisonment for a term not exceeding 6 months.

(4) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a prosecution under this section.

[S. 21 amended by s. 5 of Act 46 of 2002 w.e.f. 1 June 2002.]

22. Application for licence

(1) An application for the licensing of a motor vehicle or trailer shall be made in such form and manner as may be prescribed.

(2) On applying for a licence under this Part, the applicant shall—

(a) make such declaration and furnish such particulars with respect to the motor vehicle or trailer as may be prescribed; and

(b) produce to the Commissioner such evidence as may be prescribed that—

(i) on the date when the licence comes into operation there will be in force during the period for which the licence is issued the policy of insurance or the security required by this Act in relation to the use of the motor vehicle or trailer by the applicant or by other persons on his order or with his permission; or

(ii) the motor vehicle or trailer is a vehicle to which section 55 (3) does not apply where it is driven by its owner or by any of his servants in the course of his employment or who is otherwise subject to the control of the owner.

(3) (a) Subject to the provisions of this Act relating to motor vehicle dealer's licences, every licence shall be issued in respect of the motor vehicle or trailer specified in the application for the licence and shall not enable the person to whom it is issued to use any other motor vehicle or trailer under that licence.

(b) The Commissioner shall not issue a licence for which application is made unless he is satisfied that—

(i) the licence applied for is the proper licence for the motor vehicle or trailer specified in the application;

(ii) in the case of a public service vehicle and a goods vehicle, the motor vehicle has been licensed under Part VI for a period not less than that during which the licence applied for will have effect; and

(iii) in the case of an application for a licence for a motor vehicle or trailer purporting to be the first application for a licence in respect of that vehicle or trailer, a licence has not previously been issued in respect of that vehicle or trailer.

(4) (a) Every person who becomes the owner of a motor vehicle or trailer in respect of which no licence under this Part is in force shall, if he does not intend to take out a licence in respect of that motor vehicle or trailer, within 7 days of the date on which he becomes its owner, give notice by registered letter to the Commissioner of his intention not to take out a licence and furnish him with the address and particulars of the premises on which the motor vehicle or trailer is kept.

(b) Every owner or actual owner of a motor vehicle or trailer in respect of which a licence under this Part is in force shall, if he does not intend to renew the licence at the date of its expiry, on or before that date, give notice by registered letter to the Commissioner of his intention not to have the licence renewed and furnish him with the address and particulars of any premises on which the motor vehicle or trailer is intended to be kept after that date.

(c) A notice shall, where forwarded under—

(i) paragraph (a), be valid as from the first day of the month on which the person giving the notice became the owner of the motor vehicle or trailer; and

(ii) paragraph (b), be valid as from the date of the expiry of the licence.

(d) The onus of proving that a notice under this subsection has been given shall lie on the owner or the actual owner, as the case may be.

(5) (a) The Commissioner or a police officer authorised by the Commissioner of Police, may cause seals to be affixed to a motor vehicle or trailer referred to in a notice forwarded under subsection (4) (a) or (b) in such a way that the vehicle or trailer is incapable of being used without the seals affixed to it being broken.

(b) (i) Where an unlicensed vehicle, other than a vehicle covered by a motor vehicle dealer's licence, has to be removed from the premises where it is kept to other premises, the owner shall apply in the prescribed form, to the Commissioner for permission to remove the vehicle.

(ii) The Commissioner may, subject to such conditions as he thinks fit to impose, issue the permission, in the prescribed form, on payment of the prescribed fee.

(6) Subject to subsection (10), where a person does not give notice under subsection (4) (a) or (b), as the case may be and fails—

(a) within 15 days of the day on which he becomes the owner of a motor vehicle or trailer, to take out a licence in respect of the motor vehicle or trailer; or

(b) within 15 days of the day of the expiry of a licence issued in respect of a motor vehicle or trailer of which he is the owner or actual owner, to renew the licence,

he shall commit an offence.

(7) Any person whose unlicensed motor vehicle or trailer is—

(a) not found on the premises specified with respect to it in any notice referred to in subsection (4) (a) or (b); or

(b) found with the seals referred to in subsection (5) (a) broken or removed from it,

shall commit an offence.

(8) A person who commits an offence under this section shall, on conviction, be liable to a fine which shall not be less than twice nor more than 3 times the amount of tax payable in respect of the vehicle.

(9) Proceedings for an offence under this section may be brought at any time within a period of 12 months from the date on which the offence was committed.

(10) (a) Any person who—

(i) becomes the owner of a motor vehicle or trailer in respect of which no licence under this Part is in force and fails to give the notice under subsection (4) (a); or

(ii) being or becoming the owner or actual owner of a motor vehicle or trailer in respect of which a licence under section 23 is in force, fails to give a notice under subsection (4) (b) and fails to renew the licence within 15 days of the date of its expiry,

shall be liable on the issue or renewal of the licence, as the case may be, to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer unless proceedings have, prior to the issue or renewal, been instituted against that person under section 21 or this section.

(b) No proceedings shall be instituted where a licence is issued or renewed, as the case may be, after payment of a surcharge.

(11) In this section, "renew", when used in relation to a licence, means take out a licence in respect of a vehicle which has at any time been licensed under Part III.

[S. 22 amended by s. 6 of Act 46 of 2002 w.e.f. 15 May 2003.]

22A. Jurisdiction of Court

(1) Notwithstanding section 114 of the Courts Act, a Magistrate shall have jurisdiction to try all charges relating to offences under sections 21 and 22 and may impose all fines provided for under those sections.

(2) (a) In any proceedings for an offence under section 22, the Court may, where the person charged proves to its satisfaction that his default was not due to carelessness or an intention to defraud the revenue, mitigate the penalty prescribed for the offence.

(b) No mitigated penalty imposed by the Court under this subsection shall, in any case, be less than 25 rupees.

23. Issue of licences

(1) Subject to this Part, every licence in respect of a motor vehicle and trailer shall be issued by the Commissioner.

(2) The Commissioner shall—

(a) satisfy himself that the application form has been correctly completed; and

(b) enter on the licence such particulars as may be prescribed, including the purpose for which the vehicle or trailer is being licensed.

24. Conditions for issue of licence

The Commissioner shall not—

(a) issue a motor vehicle or trailer licence unless the motor vehicle or trailer has been duly registered; or

(b) renew a motor vehicle or trailer licence unless he is satisfied that the particulars of the motor vehicle or trailer do not differ in any respect from the particulars entered in the register.

25. Application for new licence

(1) Where—

(a) the holder of a motor vehicle or trailer licence desires to use the motor vehicle or trailer for a purpose not authorised by the licence; or

(b) after the issue of a licence, a motor vehicle or trailer is altered so that a different rate of tax becomes payable,

the existing licence shall become void and the holder shall apply for a new licence.

(2) Where a new licence is applied for under subsection (1), it shall not be issued until the old licence has been surrendered.

(3) The Commissioner shall—

(a) require the holder to pay; or

(b) refund to him,

any difference in tax between the old and new licences for the unexpired period of the old licence.

(4) In the case of a refund, the sum of 100 rupees shall be deducted.

[S. 25 amended by s. 25 (a) of Act 20 of 2002 w.e.f. 1 July 2002.]

25A. Suspension of licence

(1) Where the holder of a licence issued under section 23 is convicted under section 21 (3), the Court before which he is convicted shall, without prejudice to any penalty that may be incurred under that section order that the licence held by him be suspended for a period—

(a) in the case of a first conviction, of not less than 3 months nor more than 6 months; and

(b) in the case of a second or subsequent conviction, of not less than 6 months nor more than 12 months.

(2) (a) Where a Court orders that a licence be suspended under subsection (1), the Commissioner of Police or a police officer authorised by him shall send notice of the order to the Commissioner within 14 days of such order.

(b) Where a licence has been suspended under subsection (1)—

(i) the holder of the licence shall surrender it to the Commissioner;

(ii) the vehicle in respect of which it has been issued shall not be used, caused or permitted to be used, during the period of the suspension; and

(iii) the Commissioner may cause seals to be affixed to the vehicle for the period of suspension.

(3) Any unauthorised person who breaks the seals affixed under subsection (2) or causes or permits such seals to be broken, shall commit an offence.

(3A) Any person who drives a vehicle during the period of suspension under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 10,000 rupees.

(3B) Section 153 of the Criminal Procedure Act shall not apply to a person liable to be sentenced under subsection (3A).

(4) A person whose licence is suspended by virtue of an order of a Court under this section may appeal against the order in the same manner as against a conviction and the Court may, if it thinks fit, suspend the operation of the order pending the determination of the appeal.

26. ***

[S. 26 repealed by s. 5 of Act 19 of 2016 w.e.f. 3 November 2016.]

27. Duplicate licence

(1) Where a motor vehicle or trailer licence is—

(a) lost;

(b) defaced;

(c) mutilated; or

(d) rendered illegible,

the Commissioner shall issue a duplicate licence on payment of the prescribed fee.

(2) (a) Where a licence which has been lost is subsequently found, the holder of the duplicate shall forthwith surrender the duplicate to the Commissioner.

(b) Any person who knowingly retains or has in his possession, an original licence and its duplicate shall commit an offence.

28. Provisions as to licences

(1) A licence, other than a motor vehicle dealer's licence issued under this Part, may be taken out—

(a) for a period specified in the First Schedule running from the first day of the month on which the licence first has effect; or

(b) in respect of any vehicle for which the issue of a carrier's licence for the transport of sugar cane and sugar cane crop requisites has been approved by the Authority, for a period specified in the First Schedule.

(2) The period referred to in subsection (1) (b) shall—

(a) where the licence is taken out before the crop season, run from the first day of the crop season; or

(b) where the licence is taken out during the crop season, run from the date of actual payment of the prescribed fee.

(3) A licence issued under subsection (1) (b) may, on payment of the prescribed fee, be extended for one or more periods specified in the First Schedule during the crop season.

(4) For the purposes of this section, "crop season" means such period as the Minister may prescribe.

[S. 28 amended by s. 25 (b) of Act 20 of 2002 w.e.f. 1 July 2002.]

29. Tax

(1) The tax payable in respect of a licence for a motor vehicle or a trailer shall be as specified in the First Schedule.

(2) (a) The holder of a licence issued under this Part for any period of 12 months shall, on surrendering it to the Commissioner for cancellation, be entitled to a refund of one twelfth of the tax payable on the licence in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender.

(b) No fraction of a rupee shall be refunded.

(c) The total amount of the refund shall not exceed the difference between the cost of the licence and the cost of 2 licences for 3 months.

(d) A sum of 100 rupees shall be deducted from the total amount so computed.

(3) For the purpose of ascertaining the rate of tax payable in respect of a motor vehicle or trailer, the Commissioner may direct that the motor vehicle or trailer be examined by an authorised examiner or a vehicle examiner, as the case may be.

(4) Any person who—

(a) fails to comply with a direction given or

(b) obstructs an authorised examiner or a vehicle examiner in the performance of his duties,

under subsection (3) shall commit an offence.

[S. 29 amended by s. 25 (c) of Act 20 of 2002 w.e.f. 1 July 2002; s. 6 of Act 19 of 2016 w.e.f. 3 November 2016.]

29A. Payment by cheque

(1) The Commissioner or any person authorised by him, may, if he thinks fit, grant a licence under this Part on receipt of a cheque for the amount of the tax payable in respect of the licence.

(2) (a) Where a licence is granted in respect of a vehicle on receipt of a cheque and the cheque is subsequently dishonoured or stopped by the drawer, the licence shall be void as from the date when it was granted.

(b) The Commissioner shall thereupon send to the registered owner, by registered letter addressed to him at the address mentioned in the register, a notice requiring him to surrender the licence within 7 days of the date on which the notice was posted.

(c) Any registered owner who fails to surrender the licence within the period referred to in under paragraph (b) shall commit an offence.

(3) Where a licence has not been surrendered in accordance with subsection (2) (b), the Commissioner may, in addition, refuse to renew the licence for a subsequent period specified in the First Schedule until such time as the amount remaining due on account of a cheque being dishonoured or stopped by the drawer has been settled, together with any surcharge payable.

[S. 29A amended by s. 23 of Act 27 of 2012 w.e.f. 22 December 2012.]

30. Licence to be carried on vehicle

(1) (a) Every motor vehicle or trailer licence shall be carried on the vehicle or trailer in the prescribed manner when it is in use.

(b) A trailer licence may be carried in or on the motor vehicle drawing it at the time.

(2) Every motor vehicle or trailer licence may be inspected on demand by—

(a) a police officer; or

(b) any other person authorised, in writing, by the Commissioner.

31. False licence or token

Any person who—

(a) manufactures any false licence or token;

(b) is in possession of any false licence or token;

(c) affixes to a vehicle a false licence or token; or

(d) affixes a licence or token to a vehicle, other than the vehicle in respect of which it was issued,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 6 months.

32. Motor vehicle dealer's licence

(1) (a) Notwithstanding this Part, the Authority may, on the application of a dealer in or manufacturer or repairer of, a motor vehicle or trailer, issue to him a motor vehicle dealer's licence.

(b) A motor vehicle dealer's vehicle licence shall—

(i) be in the prescribed form; and

(ii) subject to the payment of the prescribed fee, to sections 33 to 36 and to any other conditions which may be prescribed, authorise the use of such number of motor vehicles or trailers as may be specified in it.

(2) A person aggrieved by the refusal of the Authority to issue him a licence under this section may, within 7 days of the notification of the refusal to him, appeal to the Minister, whose decision shall be final.

33. Use of motor vehicle dealer's licence

(1) A motor vehicle dealer's licence shall authorise the use of a motor vehicle or trailer which is being—

(a) driven to the motor dealer's place of business after delivery to him;

(b) tested by the motor dealer or repairer; or

(c) tested or used for the purpose of effecting a sale or for such other purpose as may be prescribed.

(2) The Minister may make regulations for—

(a) the issue of more than one type of motor vehicle dealer's licence; and

(b) assigning a general identification mark to a person holding a licence issued under this section.

34. Motor vehicle dealer's identification plates

(1) The Commissioner shall—

(a) assign such identification number, disc or other token, in the prescribed form, as may be necessary to identify all vehicles and trailers used under the authority of a motor vehicle dealer's licence; and

(b) enter the number under paragraph (a) in the licence.

(2) The plates bearing the assigned identification number shall be—

(a) issued by the Commissioner;

(b) interchangeable between all vehicles or trailers in the motor vehicle dealer's possession when used for a purpose specified in section 33; and

(c) fixed or suspended on the vehicle or trailer in the prescribed manner.

35. Duration of motor vehicle dealer's licence

(1) A motor vehicle dealer's licence shall continue in operation from the date when it is granted until the following 31 December.

(2) Where the motor vehicle dealer ceases to carry on business, the licence shall cease to be valid.

36. Fee for motor vehicle dealer's identification numbers

For each separate identification number included in a motor vehicle dealer's vehicle and for each set of identification plates, such fee shall be charged as may be prescribed.

37. Cancellation of motor vehicle dealer's licence

Where the holder of a motor vehicle dealer's licence is convicted before a Court for an offence under this Act relating to his licence, the Court may, in addition to imposing any other penalty order the cancellation of his licence.

38. ***

39. Exemptions

This Part shall not apply to—

(a) a motor vehicle or trailer held by a manufacturer of or licensed dealer in, motor vehicles or trailers for the purposes of sale only, except sections 21 and 32 to 36;

(b) a motor vehicle or trailer for which a licence is required under any other enactment;

(c) a motor vehicle or trailer owned by the Government;

(d) a motor vehicle or trailer brought into Mauritius by a visitor, whether used under the authority of an international certificate or not and exempted from being licensed under this Act in accordance with any regulations made under it; and

(e) such motor vehicle or trailer or class of motor vehicles or trailers, as may be prescribed.

Part IV – Driving licences

40. Driving without licence

(1) No person shall—

(a) drive a motor vehicle on a road unless he is the holder of a driving licence authorising him to drive a vehicle of that class or description; or

(b) permit or employ any person to drive a motor vehicle on a road unless that person is the holder of a driving licence mentioned under paragraph (a).

(2) Where any person contravenes this section, he shall commit an offence.

(3) This section shall not apply to a person who is the holder of—

(a) an international driving permit; or

(b) a provisional driving licence where that person has complied with all the conditions subject to which the provisional driving licence was granted.

[S. 40 amended by s. 5 of Act 7 of 2015 w.e.f. 27 July 2015.]

41. Issue of driving licence

(1) On payment of the prescribed fee, a driving licence shall, subject to this Part, be issued to a person applying for it in the prescribed form and manner to the licensing officer.

(2) (a) The applicant shall furnish with his application 2 copies of his photograph and, where the application is made by a paid driver or by a person who desires or intends to be a paid driver, shall allow his fingerprints to be taken in such manner as the licensing officer directs.

(b) The licensing officer may, where he considers it necessary, require an applicant to furnish, on an application for renewal of a driving licence, 2 copies of a recent photograph of the applicant.

(3) On an application for the grant of a driving licence, the applicant shall, in addition to any declaration required under this Act, state whether—

(a) he has held an international driving permit in any part of the world;

(b) any permit under paragraph (a) has been endorsed, suspended or cancelled;

(c) he has been disqualified from holding a driving licence; or

(d) he is, under this Act disqualified by reason of age or otherwise, from obtaining the licence for which he is applying.

(4) (a) Subject to this Part as to tests of competence to drive and as to the physical fitness of applicants for driving, the licensing officer shall, except in the case of an applicant who is disqualified under subsection (8), on payment of the prescribed fee, grant a driving licence to the person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is not disqualified by reason of age or otherwise from obtaining the licence for which he is applying.

(b) The licensing officer may refuse to grant or renew any driving licence where he is satisfied that, by reason of the character, conduct or record of convictions of the applicant, the driving of any motor vehicle or class of motor vehicles by that applicant is likely to be a source of danger or prejudice to the public.

(5) A driving licence may authorise its holder to drive—

(a) all classes of motor vehicles; or

(b) such class or such type within a class as the licensing officer may specify in it.

(6) Where under this Part an applicant is subject to a restriction with respect to the driving of any class of motor vehicles, the extent of the restriction shall be specified in the prescribed manner on the driving licence.

(7) Subject to the provisions of this Act with respect to provisional driving licences, a driving licence shall, unless previously revoked or suspended, remain in force for such period as may be prescribed from the date on which it is granted.

(8) A person shall be disqualified from obtaining a driving licence—

(a) where another driving licence granted to him is in force, whether the licence is suspended or not; and

(b) where he is, by a conviction under this Act or any other enactment or by an order of a Court, disqualified from holding or obtaining a driving licence.

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(9) In any proceedings, the fact that a driving licence has been granted to a person shall be evidence that that person, for the purpose of obtaining that licence, made a declaration that he was not disqualified from holding or obtaining the licence.

[S. 41 amended by s. 6 of Act 7 of 2015 w.e.f. 27 July 2015.]

42. Licence to drive heavy motor vehicle

No licence shall be issued to a person to drive a heavy motor vehicle unless he has been the holder of a licence to drive motor cars for at least 6 months.

43. Age of driver

(1) A person under the age of 15 shall not drive a motor vehicle on a road.

(2) A person under the age of 17 shall not drive a motor vehicle other than an autocycle on a road.

(3) A person under the age of 18 shall not drive a motor vehicle other than an autocycle, a motorcycle or an invalid carriage on a road.

(4) A person under the age of 18 shall not drive on a road in—

(a) a public service vehicle;

(b) a locomotive;

(c) a motor tractor; or

(d) a heavy motor car.

(5) The burden of establishing a person's age shall rest on the applicant for a driving licence.

(6) Any person who—

(a) drives; or

(b) causes or permits any other person to drive,

a motor vehicle in contravention of this section shall commit an offence.

(7) A person who is prohibited, under this section, by reason of his age, from driving a motor vehicle or a motor vehicle of any class shall, for the purpose of this Part, be deemed to be disqualified under this Part from holding or obtaining any licence, other than a licence to drive the motor vehicle which he is not, by this section, forbidden to drive.

44. Test of competence to drive

(1) (a) Subject to paragraph (b), a driving licence shall not be granted to an applicant unless he satisfies the licensing officer that he has either, at sometime—

(i) passed the prescribed test of competence to drive; or

(ii) within 3 years before the date on which he makes the application, held an international driving permit in any country authorising him to drive motor vehicles of the class or description which he would be authorised under the licence which he has applied for.

(b) Where a licence is issued in Rodrigues, the licensing officer may require the applicant to undergo the prescribed test of competence to drive.

(2) (a) For the purpose of enabling an applicant for a driving licence to learn to drive a motor vehicle with a view to passing a test under this section, the licensing officer may, on payment

of the prescribed fee, grant to the applicant a provisional driving licence, which shall be in the prescribed form and subject to such terms and conditions as may be prescribed.

(b) Where a person to whom a provisional driving licence is granted fails to comply with any of the conditions subject to which it is granted, he shall commit an offence.

(3) The Court before which a person is convicted of an offence under section 123A or 123C may, whether he has previously passed the prescribed test of competence to drive or not and even if the Court does not make an order under section 52 disqualifying him from holding or obtaining a licence to drive a motor vehicle order him to be disqualified from holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed the test.

(4) The provisions of this Act, which have effect where an order disqualifying a person from holding or obtaining a driving licence is made, shall have effect in relation to a disqualification by virtue of an order under this section subject to the following modifications—

(a) notwithstanding section 41 (8) or 53 (3), the person disqualified shall, unless he is disqualified from holding or obtaining a driving licence otherwise than by virtue of an order under this section, be entitled to—

(i) obtain and hold a provisional driving licence to be granted, where the person disqualified is the holder of a driving licence granted by the licensing officer, under subsection (2); and

(ii) drive a motor vehicle in accordance with the conditions subject to which the provisional driving licence is granted;

(b) the disqualification shall be deemed to have expired on production to the licensing officer of evidence that the person has, since the order was made, passed the prescribed test; and

(c) on the return to the person disqualified of a driving licence held by him or on the issue to him of that licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

[S. 44 amended by s. 4 of Act 9 of 2003 w.e.f. from 1 September 2003; s. 7 of Act 7 of 2015 w.e.f. 27 July 2015.]

45. Fitness of applicant

(1) On an application for the grant or renewal of a driving licence, the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from—

(a) such disease or physical disability as may be specified in the form; or

(b) any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a motor vehicle of such class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) (a) Subject to paragraphs (b) and (c) where, from the declaration or on inquiry from other information, it appears that the applicant is suffering from a disease or disability referred to in subsection (1), the licensing officer shall refuse to grant the driving licence.

(b) A licence limited to driving an invalid carriage may be granted to an applicant where the licensing officer is satisfied that he is fit to drive that carriage.

(c) The applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive.

(d) Where the applicant passes the prescribed test and is not otherwise disqualified, the driving licence shall not be refused by reason only of this subsection, except that if the test proves

his fitness to drive motor vehicles of a particular construction or design only, the driving licence shall be limited only to the driving of those vehicles.

(3) Where the applicant is of the age of 60 or more, the licensing officer may, before issuing or renewing a driving licence, if he thinks fit, require the applicant to produce a satisfactory medical certificate in such form as may be prescribed, signed by a medical practitioner.

46. Production of driving licence

(1) Any person driving a motor vehicle on a road shall, at the request of a police officer or an officer appointed under section 3 (2), produce his driving licence or an up-to-date photocopy in the actual size of the original driving licence, showing the latest endorsement, if any.

(2) Any person who contravenes subsection (1) shall commit an offence.

(3) Where a driver—

(a) fails to produce his driving licence or an up-to-date photocopy in the actual size of the original driving licence, showing the latest endorsement, if any; or

(b) produces a photocopy of his driving licence,

following a request made under subsection (1), the police officer or officer appointed under section 3 (2), may require him to produce his driving licence within 5 days at such police station as the driver may specify.

(4) Any person who fails to comply with a requirement made under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

[S. 46 repealed and replaced by s. 3 of Act 9 of 2004 w.e.f. 1 August 2004; amended by s. 3 of Act 14 of 2006 w.e.f. 7 August 2006; s. 5 of Act 17 of 2012 w.e.f. 10 May 2013.]

47. Delivery of licence to licensing officer

(1) (a) Where a licensing officer has reasonable cause to believe that a driving licence is in the possession of any person, other than the one to whom it was issued, he may, by notice in writing served personally on the person in whose possession the licence is alleged to be, require that person forthwith to deliver the licence to him.

(b) The licensing officer shall, in the absence of any reason to the contrary, deliver the driving licence to the person to whom it was issued.

(2) Any person who, without reasonable cause, fails to comply with a notice under this section shall commit an offence.

48. Paid drivers

(1) Every paid driver shall, at the request of a licensing officer—

(a) made in writing, attend at the office of the licensing officer; and

(b) allow his fingerprints to be taken; and

(c) produce his driving licence.

(2) Any person who, without reasonable cause, fails to comply with subsection (1) shall commit an offence.

49. Driving test fees

(1) (a) Every person applying to undergo a driving test shall pay the prescribed fee.

(b) Where a person fails to present himself for the test for which he has applied, the fee paid shall be forfeited unless he gives 48 hours' notice of his inability to attend the test, in which case the fee paid shall be refunded to him.

(2) No fee shall be payable in respect of a test carried out as a result of an order given under section 50 (1) (c).

50. Revocation of driving licence

(1) Notwithstanding this Act, a licensing officer may—

(a) revoke a driving licence or an endorsement authorising its holder to drive a public service vehicle, where it appears to him that the conduct or character of the holder is such as to render him unfit to drive the vehicle, regard being had to the safety of the public;

(b) revoke the driving licence of a person who appears to him to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public; and

(c) (i) where, at any time, he has reason to believe that a person who holds a driving licence is no longer competent to drive a motor vehicle, call upon that person to submit himself to a further test as to his competence; and

(ii) where that person fails to submit himself to or does not pass, the test, revoke or refuse to renew the licence, as the case may be.

(2) No revocation may be made under this section unless the licence holder has first been given an opportunity to make representations on his behalf to the licensing officer.

(3) (a) An order made under this section shall be in writing and shall be sent or delivered to the licence holder.

(b) Where an order to revoke a driving licence or an endorsement of the licence has been made, the licence holder shall, within 14 days of—

(i) the receipt of the order; or

(ii) the failure of an appeal against the order, deliver or send the licence to the licensing officer.

51. Appeal

(1) (a) Where a person is aggrieved by—

(i) the refusal of the licensing officer to grant or renew a driving licence; or

(ii) the revocation of a driving licence under section 50,

he may, within 8 days of the notification to him of the decision of the licensing officer, cause a summons to be served upon the licensing officer calling upon him to show cause before the Magistrate of the District Court of Port Louis (First Division) why his decision should not be reversed, modified or suspended.

(b) The Magistrate may hear and determine the case as though it were a civil matter.

(2) Where an appeal is made under subsection (1), the decision of the Magistrate shall be final.

51A. Credit for disqualification

A Court before which a person is convicted of an offence under this Act shall—

(a) in determining the period for which the person is to be disqualified from driving a motor vehicle, give credit to the person for the period during which he was disqualified from driving a motor vehicle pursuant to section 123LA (4) (a); and

(b) indicate in its judgment that such credit has been given to the person.

[S. 51A inserted by s. 3 of Act 23 of 2016 w.e.f. 8 December 2016.]

52. Powers of Court

(1) (a) Subject to section 123AG, a Court before which a person is convicted of an offence under this Act—

(i) may, where it is declared to be permissible by the Second Schedule and, unless the Court for special reasons thinks fit to order otherwise, shall, where it is declared to be obligatory by that Schedule, subject to any limitation specified in relation to that offence in that Schedule—

(A) where the convicted person holds a driving licence or provisional driving licence, declare that person disqualified from holding or obtaining a licence in Mauritius for such time as the Court may determine or cancel the licence and declare that person disqualified; or

(B) where the convicted person holds an international driving permit, declare that person disqualified from driving in Mauritius for such time as the Court may determine; or

(C) where the convicted person does not hold a driving licence, provisional driving licence or an international driving permit, declare that person disqualified from holding or obtaining a licence in Mauritius for such time as the Court may determine;

(ii) may, where it is declared to be permissible by the Second Schedule and shall, where it is declared to be obligatory by that Schedule order that particulars of the conviction and of any cancellation of his driving licence or provisional driving licence and of any disqualification to which that person has become subject shall be endorsed on the licence held by that person; and

(iii) may, in all cases of cancellation of a licence or of disqualification, further order that the convicted person be disqualified from holding or obtaining a licence in Mauritius unless and until he has, since the date of the order, passed a driving test.

(b) —

(1A) (a) Where a person is disqualified under this Part, the Court shall—

(i) order that person to surrender his driving licence, provisional driving licence or international driving permit, as the case may be, to the Court within 5 days of the date of the order;

(ii) order that person to follow a rehabilitation course—

(A) in the case of a person referred to in subsection (1) (a) (i) (A), before restoration of his licence or for holding or obtaining a driving licence;

(B) in the case of a person referred to in subsection (1) (a) (i) (B), before restoration of his permit; or

(C) in the case of a person referred to in subsection (1) (a) (i) (C), before holding or obtaining a driving licence,

pursuant to section 123AI; and

(iii) (A) where there is no appeal, forward the surrendered licence or permit to the licensing officer after 21 days from the date on which the licence or permit is surrendered; or

(B) where there is an appeal, return the surrendered licence or permit to the holder on production of his National Identity Card or, where he is the holder of an international driving permit, his passport.

(b) Where a person against whom an order is made pursuant to paragraph (a) (i) is the holder of both—

(i) a driving licence and an international driving permit; or

(ii) a provisional driving licence and an international driving permit,

he shall surrender both the licence and permit to the Court.

(c) Any person who fails to surrender his licence or permit within the period specified in paragraph (a) (i) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) A person who, by virtue of an order of a Court under this Part—

(a) is disqualified from holding or obtaining a driving licence;

(b) has had his driving licence or provisional licence cancelled; or

(c) is disqualified from driving in Mauritius,

may appeal against the order in the same manner as against a conviction and the Court may, pending the appeal, suspend the operation of the order.

[S. 52 amended by s. 6 of Act 17 of 2012 w.e.f. 10 May 2013; s. 8 of Act 7 of 2015 w.e.f. 27 July 2015.]

53. Disqualification

(1) (a) Where a person who is the holder of a driving licence or provisional driving licence is disqualified by virtue of a conviction or order under this Part, the licence shall be retained by the licensing officer as long as the disqualification is in force and the licence shall be suspended as from the date of disqualification until the restoration of the licence to its holder under section 123AI (3).

(b) Where a person who is the holder of an international driving permit is disqualified by virtue of a conviction or order under this Part, the permit shall be retained by the licensing officer as long as the disqualification is in force and until its restoration to the holder under section 123AI (4).

(2) A driving licence or provisional driving licence suspended by virtue of this Part shall, during the time of suspension, be of no effect in Mauritius.

(3) (a) A person who, by virtue of a conviction or order under this Part and section 123AG, is disqualified from holding or obtaining a driving licence or provisional driving licence or is disqualified from driving in Mauritius, may, at any time after the expiry of 6 months from the date of the conviction or order and on his completion of a rehabilitation course, apply to the Court before which he was convicted or by which the order was made to remove the disqualification.

(b) Where an application is made under paragraph (a), the Court may, if it thinks proper, having regard to—

(i) the character of the person disqualified;

(ii) his conduct subsequent to the conviction or order;

(iii) the nature of the offence; and

(iv) any other circumstances of the case,

by order, remove the disqualification as from such date as may be specified in the order or refuse the application.

(c) Where an application under this subsection is refused, a further application shall not be entertained if made within 3 months after the date of the refusal.

(d) Where the Court orders a disqualification to be removed, the Court—

(i) shall cause particulars of the order to be endorsed on any licence previously held by the applicant; and

(ii) may order the applicant to pay the whole or any part of the costs of the application.

(4) Where a person who is disqualified under this Part and section 123AG from holding or obtaining a driving licence or provisional driving licence or is disqualified from driving in Mauritius—

(a) applies for or obtains a driving licence;

(b) drives a motor vehicle on a road; or

(c) where the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives a motor vehicle of that class or description on a road, he shall commit an offence and shall, on conviction, be liable —

(i) to imprisonment for a term not exceeding 2 years;

(ii) where the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding 2,000 rupees; or

(iii) to both imprisonment for a term not exceeding 2 years and a fine not exceeding 2,000 rupees,

and a driving licence obtained by any disqualified person shall be of no effect.

(5) Proceedings for an offence under subsection (4) may be instituted—

(a) within a period of 6 months from the date of the commission of the alleged offence; or

(b) within a period, which does not exceed—

(i) 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed; or

(ii) one year from the date of the commission of the offence, whichever period is the longer.

[S. 53 amended by Act 4 of 1988; s. 7 of Act 17 of 2012 w.e.f. 10 May 2013; s. 9 of Act 7 of 2015 w.e.f. 27 July 2015.]

54. Endorsement

(1) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on the driving licence held by the offender shall, whether the

offender is at the time the holder of a driving licence or not, operate as an order that any driving licence he may then hold or subsequently obtain shall be so endorsed until he becomes entitled, under this section, to have a driving licence free from endorsement issued to him.

(2) (a) Where an order is made requiring a driving licence held by an offender to be endorsed, the offender shall—

(i) where he is at the time the holder of a driving licence, produce, if the Court so orders, the driving licence within 5 days or such longer time as the Court may determine, for the purpose of endorsement; and

(ii) where he is not the holder of a driving licence but subsequently obtains a driving licence, within 5 days after obtaining the driving licence, produce it to the Court for the purpose of endorsement.

(b) Any person who contravenes paragraph (a) shall commit an offence and, where the driving licence is not produced for the purpose of endorsement within the period specified under paragraph (a), it shall be suspended from the expiry of that period until it is produced for the purpose of endorsement.

(3) On the issue of a new driving licence to any person, the particulars endorsed on a previous driving licence held by him shall be copied on the new driving licence, unless he has previously become entitled, under this section, to have a driving licence free from endorsement issued to him.

(4) Any person—

(a) whose driving licence has been ordered to be endorsed; and

(b) who has not previously become entitled, under this section, to have a driving licence free from endorsement issued to him,

who applies for or obtains a driving licence without giving particulars of the order, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 3 months and the driving licence which he has obtained shall be of no effect.

(5) (a) Where an order has been made in respect of a person under this Part requiring the endorsement of a driving licence held by him, he shall be entitled, on applying for the grant of a driving licence under this Part or on payment of the prescribed fee and the surrender of any subsisting driving licence, to have issued to him a new driving licence free from endorsement—

(i) where he has, during a continuous period of 3 years or more since the order was made, had no order made against him or no order, other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at speed exceeding a speed limit; or

(ii) where the order was made by reason only of a conviction under subparagraph (i) and immediately before the order was made, he was the holder of or was entitled to have issued to him, a driving licence, free from any endorsement, other than that of particulars in relation to the conviction if he has during a continuous period of one year or more since the order was made, had no order requiring endorsements made against him.

(b) In reckoning the continuous period of 3 years and one year respectively under paragraph (a), any period during which the applicant was, by virtue of the order, disqualified from holding or obtaining a driving licence shall be excluded.

(6) (a) Where-

(i) a Court orders particulars to be endorsed on a driving licence held by a person; or

(ii) by a conviction or order of a Court, a person is disqualified from holding or obtaining a driving licence,

the Court shall send notice of the conviction or order to the licensing officer.

(b) Where a person is disqualified under paragraph (a), the Court shall also, on the production of the driving licence for the purpose of endorsement, retain the driving licence and forward it to the licensing officer.

(c) The licensing officer shall keep the driving licence until—

(i) the disqualification has expired or been removed; and

(ii) the person entitled to the driving licence has made a demand in writing for its return to him.

(d) Where the disqualification to which a person has become, subject is limited to the driving of a motor vehicle of a particular class or description, the licensing officer shall forthwith, after receiving the driving licence of that person under paragraph (b), issue to that person a new driving licence.

(e) The new driving licence shall indicate, in the prescribed manner, the class or description of vehicle which the holder of the driving licence is not authorised to drive and shall remain in force for—

(i) the unexpired period of the original driving licence; or

(ii) the period of the disqualification, whichever is the shorter.

(7) (a) Where on an appeal against an order made under this section, the appeal is allowed or the conviction quashed, the appellate Court shall send notice of the fact to the licensing officer.

(b) The Registrar or other officer of the Court shall, as may be necessary, cancel or amend an endorsement made on the driving licence.

Part V – Compulsory third party insurance

55. Using uninsured vehicle

(1) Subject to this Part, no person shall—

(a) use; or

(b) cause or permit any other person to use,

a motor vehicle, unless there is in force in relation to the use of that vehicle by that person or that other person, as the case may be, such policy of insurance or such security in respect of third-party risks as complies with this Part.

(2) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) This section shall not apply to a vehicle—

(a) owned by and used for the purpose of, the Government;

(b) owned by a person who has deposited and keeps deposited with the Accountant-General such sum as the Accountant-General considers sufficient where it is—

(i) driven by the owner or by a servant of the owner in the course of his employment; or

(ii) otherwise, subject to the control of the owner; or

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(c) driven for police purposes—

(i) by or under the direction of a Superintendent of Police; or

(ii) by a person employed in the Police Force.

[S. 55 amended by s. 4 of Act 14 of 2006 w.e.f. 7 August 2006.]

56. Defence

A person charged with using a motor vehicle in contravention of section 55 shall not commit an offence if he proves that—

(a) the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan;

(b) he was using the vehicle in the course of his employment; and

(c) he neither knew, nor had reason to believe, that there was not in force in relation to the vehicle such policy of insurance or security as complies with this Part.

57. Policy of insurance

(1) In order to comply with this Part, a policy of insurance shall—

(a) be issued by an insurer licensed under the Insurance Act;

(b) notwithstanding any other enactment, insure such person, persons or classes of persons as may be specified in the policy in respect of any liability of not less than 150 million rupees, for each occurrence or event, which may be incurred by him or them in respect of the death of or bodily injury to, any person caused by or arising out of, the use of the motor vehicle; and

(c) not be required to cover—

(i) any liability in respect of the death of or bodily injury to, a person in the employ of any person insured by the policy, where the death or bodily injury arises out of and in the course of his employment;

(ii) except in the case of a motor vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of, a contract of employment, liability in respect of the death of or bodily injury to, a person being carried in or upon or entering or getting on or alighting from, the vehicle at the time of the occurrence of the event out of which the claim arises; or

(iii) any contractual liability.

(2) Notwithstanding any other enactment, a person issuing a policy of insurance under this section shall be liable to indemnify up to the maximum amount specified under section 57 (1) (b) the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(3) (a) A policy shall be of no effect for the purpose of this Part unless and until there is issued, by the insurer, in favour of the person by whom the policy is effected, a certificate of insurance in the prescribed form—

(i) issued from a counterfoil book of certificates numbered serially and signed by the insurer or his authorised representative whose specimen signature shall be furnished to the Commissioner; and

(ii) containing such particulars of any conditions subject to which the policy is issued and of such other matters as may be prescribed.

(b) In a policy of insurance issued under paragraph (a), different forms and different particulars may be prescribed in relation to different cases or circumstances.

(4) (a) The Commissioner or the Commissioner of Police or any officer deputed by either of them in writing, may, at any time, call at the office of an insurer and require the production, for the purpose of inspection, of the records kept by him in connection with a certificate of insurance issued by him and of the policy to which the certificate relates.

(b) Where an inspection under paragraph (a) is refused, the insurer shall commit an offence.

(c) Where an inspection under paragraph (a) is refused, the Court may compel the production of the records and the policy.

[S. 57 amended by s. 132 (4) (a) and (b) of Act 21 of 2005 w.e.f. 28 September 2007.]

57A. Insurance vignette

(1) Every insurer who issues a policy of insurance under this Part shall also issue to the person insured an insurance vignette, which shall be in such form and contain such particulars as may be prescribed.

(2) No person shall drive a motor vehicle on a road unless an insurance vignette issued in respect of that motor vehicle under subsection (1) is affixed to and conspicuously displayed on—

(a) the near side of the front seat of motorcycles and autocycles; or

(b) the left corner of the windscreen of any other vehicle.

(3) Where an insurance vignette is affixed to and conspicuously displayed on, a motor vehicle, the person driving the motor vehicle shall not be required to produce a certificate of insurance for the purposes of section 68 (1) (a) (ii) or (2) (a) (ii).

[S. 57A inserted by s. 9 of Act 46 of 2002 w.e.f. 1 August 2004.]

58. Security

(1) In order to comply with this Part, a security shall—

(a) be given by—

(i) an insurer licensed under the Insurance Act; or

(ii) somebody of persons approved by the Minister, which carries on the business of giving securities of a similar nature and has deposited and keeps deposited with the Accountant-General the sum of 300,000 rupees in respect of that business; and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified in the security and up to the amount—

(i) in the case of an undertaking relating to the use of a public service vehicle, of not less than 250,000 rupees; and

(ii) in any other case, of not less than 100,000 rupees,

any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security and to duly discharge such liability as is required to be covered by a policy of insurance under section 57, which may be incurred by him or them.

(2) (a) A security shall be of no effect for the purposes of this Part unless and until there is issued, by the person giving the security, to the person to whom it is given, a certificate of security in the prescribed form and containing particulars of any conditions subject to which the security is issued and of such other matters as may be prescribed.

(b) In a security given under paragraph (a), different forms and different particulars may be prescribed in relation to different cases or circumstances.

[S. 58 amended by Act 48 of 1991 w.e.f. 12 March 1992; s. 132 (4) (c) of Act 21 of 2005 w.e.f.28 September 2007.]

59. Void conditions of policy or security

(1) A condition in a policy or security issued or given under this Part, providing that—

(a) no liability shall arise under the policy or security;

(b) any liability arising under the policy or security shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security,

shall be of no effect in connection with such claims as specified in section 57 (1) (b).

(2) Nothing in this section shall render void a provision in a policy or security requiring the insured or secured person to repay to the insurer or the giver of the security any sum which—

(a) the insurer or the giver of the security may have become liable to pay under the policy or security; or

(b) has been applied to the satisfaction of the claim of a third party.

60. Avoidance of restrictions

(1) Where a certificate of insurance has been issued under section 57 (3) to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured by reference to—

(a) the age, physical or mental condition of a person driving the vehicle;

(b) the fact that a person driving the vehicle is not licensed to drive a motor vehicle;

(c) the fact that a person driving the vehicle does so without the owner's consent;

(d) the condition of the vehicle;

(e) the number of persons that the vehicle carries;

(f) the weight or physical characteristics of the goods that the vehicle carries;

(g) the time at which or the areas within which, the vehicle is used;

(h) the horsepower, cubic capacity or value of the vehicle;

(i) the transportation on the vehicle of a particular apparatus; or

(j) the transportation on the vehicle of any particular means of identification other than that required under Part II,

shall, as respects such liabilities as are required to be covered by a policy under section 57 (1) (b), be of no effect.

(2) Nothing in this section shall require an insurer to pay any sum in respect of the liability of a person otherwise than in or towards the discharge of that liability.

(3) Any sum paid by an insurer in or towards the discharge of any liability of a person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

60A. Liability of non-resident drivers

(1) Notwithstanding any other enactment or any term or condition of an insurance policy or an agreement—

(a) where liability to a third party arises in respect of a motor vehicle while it is being used by a non-resident, whether under a contract of hire between the non-resident and the owner of the motor vehicle or with the authorisation of the owner of the motor vehicle—

(i) the non-resident shall be deemed to be the agent ("*préposé*") of the owner of the motor vehicle; and

(ii) the owner of the motor vehicle shall indemnify the third party in respect of the liability;

(b) where—

(i) the owner of a motor vehicle is required to indemnify a third party under paragraph (a) (ii); and

(ii) there is in force, at the material time, in relation to the use of the motor vehicle, such policy of insurance or such security in respect of third-party risks as complies with this Part;

the policy of insurance or security in respect of third-party risks shall have effect as if the motor vehicle was being used by the owner of the motor vehicle and not by the non-resident,

(c) subject to paragraph (d), a third party shall not be required to institute proceedings for the recovery of compensation or damages in respect of the liability under paragraph (a) against any person other than the owner of the motor vehicle;

(d) the insurer shall be joined as a defendant in any proceedings under paragraph (c); and

(e) where an insurer has, under this section, paid compensation to a third party, he shall have no right of indemnity for any sum paid out to the third party against—

(i) the owner of the motor vehicle in respect of which the policy was issued; or

(ii) the non-resident who was using the motor vehicle at the time the liability was incurred.

(2) Subsection (1) shall not apply to a motor vehicle belonging to a nonresident and in respect of which a visitor's licence has been issued.

61. Liability of insurers

(1) Where, after a certificate of insurance has been issued, under section 57(3), to the person by whom a policy has been effected, judgment in respect of such liability as is required to be covered by a policy under section 57(1) (b), being a liability covered by the policy, is obtained against any person insured by the policy, the insurer shall, notwithstanding that he may be entitled to avoid or cancel or may have avoided or cancelled, the policy, but subject to this section, pay to the persons entitled to the benefit of the judgment any sum payable in respect of—

(a) the liability;

(b) costs; and

(c) interest by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under subsection (1)—

(a) in respect of a judgment, unless before or within 14 days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the proceedings;

(b) in respect of a judgment, as long as its execution is stayed pending an appeal; or

(c) in connection with any liability, where, before the occurrence of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained in it and the Commissioner was informed of the cancellation and—

(i) before the occurrence of the event, the certificate was surrendered to the insurer or the person to whom the certificate was issued, made a declaration stating that the certificate had been lost or destroyed;

(ii) after the occurrence of the event, but before the expiry of a period of 14 days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or the person to whom the certificate was issued made the declaration under subparagraph (i); or

(iii) either before or after the occurrence of the event, but within the period of 14 days specified in subparagraph (ii), the insurer has commenced proceedings under this Part in respect of the failure to surrender the certificate.

(3) (a) No sum shall be payable by an insurer under subsection (1) where, in an action commenced before or within 3 months after the commencement of the proceedings in which the judgment was given, he has obtained a declaration that—

(i) apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by the representation of fact, which was false in some material particular; or

(ii) where he has avoided the policy on the ground specified in subparagraph (i), he was entitled so to do apart from any provision contained in it.

(b) An insurer who has obtained a declaration under paragraph (a) in an action shall not become entitled to the benefit of any judgment obtained in proceedings commenced before the commencement of that action unless, before or within 7 days after, the commencement of that action, he had given notice to the person who is the plaintiff in those proceedings, specifying the non-disclosure or false representation on which he proposes to rely and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party to it.

(4) Where the amount which an insurer becomes liable, under this section, to pay, in respect of a liability of a person insured by a policy, exceeds the amount for which he would, apart from this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section—

"liability covered by the policy" means a liability which would be covered by the policy but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled, the policy;

"material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions.

(6) In this Part, references to a certificate of insurance in any provision relating to the surrender, loss or destruction of a certificate of insurance shall be construed—

(a) in relation to policies under which more than one certificate is issued, as references to all the certificates; and

(b) where a copy has been issued of a certificate, as including a reference to that copy.

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(7) (a) Where—

(i) a policy of insurance has been issued or a security has been given in respect of third-party risks in relation to the use of a motor vehicle; and

(ii) during the continuance of the policy or security under subparagraph (i), the vehicle is sold,

the policy or security shall, notwithstanding the sale and the non-issue of a certificate of insurance or a certificate of security to the purchaser, be deemed for the purposes of this Part to have been effected by or been given to, the purchaser.

(b) The policy or security shall have effect and remain in force until—

(i) 2 days after the Commissioner has received notification in writing from the insurer or the giver of the security that the policy or security has been cancelled; or

(ii) the expiration of the policy or security, as the case may be.

62. Rights of third parties

(1) Where, under a policy issued under this Part—

(a) a person is insured against any liability to a third party and—

(i) becomes bankrupt; or

(ii) makes a composition or arrangement with his creditors;

(b) a company is insured against any liability to a third party and—

(i) a winding up order is made;

(ii) a resolution for a voluntary winding up is passed with respect to the company;

(iii) a receiver or manager of the company's business or undertaking is appointed; or

(iv) possession is taken by or on behalf of the holders of any debentures secured by a floating charge over any property comprised in or subject to the charge,

the rights of that insured person or company against the insurer under the policy in respect of the liability shall, if any liability is incurred before or after the events specified in paragraphs (a) and (b), be transferred to and vest in the third party to whom the liability was incurred.

(2) Any condition in a policy issued under this Part purporting, directly or indirectly—

(a) to avoid the policy; or

(b) to alter the rights of the party under the policy for the occurrence to the insured person or company of any of the events specified in subsection (1),

shall be of no effect.

(3) (a) Upon a transfer under subsection (1), the insurer shall, subject to section 64, be under the same liability to the third party as he would have been under to the insured person or company.

(b) Where the liability of the insurer to the insured person or company—

(i) exceeds the liability of the insured person or company to the third party, the right of the insured person or company against the insurer shall not be affected in respect of the excess;

(ii) does not exceed the liability of the insured person or company to the third party, the rights of the third party against the insured person or company shall not be affected in respect of the balance.

(4) (a) In sections 62, 63 and 64, "liability to the third party", in relation to a person insured under a policy of insurance, does not include any liability of that person in the capacity of insurer under some other policy of insurance.

(b) Sections 62, 63 and 64 shall not apply—

(i) where a company is wound up voluntarily merely for the purpose of reconstruction or of amalgamation with another company; or

(ii) in any case where the Workmen's Compensation Act or the National Pensions Act would apply.

63. Duty to give information to third parties

(1) A person against whom a claim is made in respect of such liability as is required to be covered by a policy under section 57 (1) (b) shall, on demand by or on behalf of the person making the claim—

(a) state whether or not—

(i) he was insured; or

(ii) he would have been insured if the insurer had not avoided or cancelled the policy,

in respect of that liability by any policy having effect under this Part and

(b) give such particulars with respect to that policy as were specified in the certificate of insurance issued under section 57 (3).

(2) (a) Where—

(i) a person becomes bankrupt or makes a composition or arrangement with his creditors;

(ii) a winding up order is made or a resolution for a voluntary winding up is passed with respect to any company;

(iii) a receiver or manager of the company's business or undertaking is appointed; or

(iv) possession is taken by or on behalf of the holders of any debentures secured by a floating charge or any property comprised in or subject to a charge,

the bankrupt, debtor, personal representative of the deceased debtor or company and, as the case may be, the trustee, liquidator, receiver, manager or person in possession of the property shall, at the request of any person claiming that the bankrupt, debtor, deceased debtor or company is under a liability to him, give such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him under this Act and enforcing any such rights.

(b) A contract of insurance, in so far as it purports, whether directly or indirectly—

(i) to avoid the contract or alter the rights of the parties under it upon the giving of any information under paragraph (a); or

(ii) otherwise, to prohibit or prevent the giving of any information under paragraph (a),

shall be of no effect.

(3) Where the information given to any person under subsection (2) discloses a reasonable ground for supposing that there have or may have, been transferred to him under this Act rights against any particular insurer, that insurer shall be subject to the same duty as is imposed under subsection (2).

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(4) The duty to give information under this section shall include a duty to allow all contracts of insurance, receipts for premiums and other relevant documents in the possession or power of the person on whom the duty is imposed to be inspected and copies to be taken.

(5) Any person who, without reasonable excuse—

(a) fails to comply with this section; or

(b) wilfully makes any false or misleading statement in reply to a demand under this section,

shall commit an offence.

64. Settlement

(1) Where—

(a) a person who is insured under a policy issued under this Part has become bankrupt; or

(b) a winding up order has been made or a resolution for a voluntary winding up has been passed with respect to a company which is insured under a policy issued under this Part,

no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to, the insured after the commencement of the bankruptcy or winding up, shall be effective to defeat or affect the rights transferred to the third party under this Act.

(2) The rights under subsection (1) shall be the same as if no agreement, waiver, assignment, disposition or payment had been made.

65. Claims by third parties not affected

(1) Where a certificate of insurance has been issued, under section 57 (3), to the person by whom a policy has been effected, the occurrence, in relation to any person insured by the policy, of such event as is mentioned in section 62 (1) or (2) shall, notwithstanding this Act, not affect such liability of that person as is required to be covered by a policy under section 57 (1) (b).

(2) Nothing in this section shall affect any rights against the insurer conferred, under sections 67 to 69, on the person to whom the liability was incurred.

66. Additional rights of third parties

(1) No settlement by an insurer in respect of a claim which might be made by a third party in respect of such liability as is required to be covered by a policy under section 57 (1) (b) shall be valid unless the third party is a party to the settlement.

(2) A policy issued under this Part shall, as if the insured person were still alive, remain in force and available for third parties, notwithstanding the death of any person insured under section 57 (1) (b).

67. Cancellation of policy

(1) Where a certificate of insurance has been issued, under section 57 (3), to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of a provision in the policy, the person to whom the certificate was issued shall, within 7 days from the taking effect of the cancellation—

(a) surrender the certificate to the insurer; or

(b) where the certificate has been lost or destroyed, make a declaration to that effect.

(2) Any person who fails to comply with subsection (1) shall commit an offence.

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68. Production of certificate of insurance

(1) (a) A person driving a motor vehicle on a road shall, on being so required by a police officer—

(i) give his name and address and the name and address of the owner of the vehicle; and

(ii) produce his certificate.

(b) Subject to paragraph (c), any person who fails to comply with paragraph (a) shall commit an offence.

(c) Where the driver of a motor vehicle, within 5 days after the date on which the production of his certificate was required under paragraph (a), produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not commit an offence under paragraph (b) by reason only of the failure to produce his certificate to the police officer.

(2) (a) Where owing to the presence of a motor vehicle on a road—

(i) an accident occurs involving personal injury to another person; and

(ii) the driver of the vehicle does not at the time produce his certificate to a police officer or to some person who, having reasonable grounds for so doing, has required its production,

the driver shall, as soon as possible and in any case within 24 hours of the occurrence of the accident, report the accident at a police station or to a police officer and produce his certificate.

(b) Subject to paragraph (c), any driver who fails to comply with paragraph (a) shall commit an offence.

(c) A person shall not commit an offence under paragraph (b) by reason only of failure to produce his certificate if, within 5 days after the occurrence of the accident, he produces his certificate in person at such police station as may be specified by him at the time the accident was reported.

(3) (a) The owner of a motor vehicle shall give such information as he may be required by or on behalf of the Commissioner of Police to give for the purpose of determining whether the motor vehicle was or was not being driven in contravention of section 55 on any occasion when the driver was required under this section to produce his certificate.

(b) Any owner who fails to comply with paragraph (a) shall commit an offence.

(4) In this section, "produce his certificate" means produce for examination—

(a) the relevant certificate of insurance or certificate of security; or

(b) such other evidence that the motor vehicle is not or was not being driven in contravention of section 55 as may be prescribed.

68A. Motor vehicle damaged in road accidents

Notwithstanding any other enactment or anything to the contrary in an insurance contract, sections 68B to 68J shall apply to every road traffic accident between 2 motor vehicles which does not involve—

(a) bodily injury to persons travelling in the motor vehicles;

(b) injury or other prejudice to any other person;

(c) damage to other structure or property;

(d) a motor vehicle which does not have a valid insurance vignette;

(e) a motor vehicle being driven by a person not holding a valid driving licence;

(f) a motor vehicle being driven by a person under the influence of alcohol or drugs;

(g) a State-owned vehicle.

[S. 68A inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68B. Agreement between parties

(1) Where the drivers of the motor vehicles agree on the circumstances of the accident, they—

(a) shall record, in 2 originals, the facts of the accident on the Agreed Statement of Facts Form substantially set out in Part A of the Fifth Schedule and sign the form; or

(b) may call at the nearest police station where a police officer shall give all reasonable assistance in filling up the form after which they and the police officer shall sign such form.

(2) Each driver shall—

(a) keep one of the signed original Agreed Statement of Facts Form;

(b) as soon as possible and not later than 5 days of the accident—

(i) notify the insurer of the motor vehicle driven by him of the accident; and

(ii) forward a copy of the Agreed Statement of Facts Form to the insurer.

(3) For the purposes of subsection (1), every driver of a motor vehicle shall carry in his vehicle an Agreed Statement of Facts Form.

(4) Where an Agreed Statement of Facts Form has been filled in accordance with this section, the drivers of the motor vehicles shall not be required to report the accident to the police as required by section 140.

(5) Any person who contravenes subsection (2) (b) or (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

[S. 68B inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68C. Drivers unable to agree

(1) Where the drivers of the motor vehicles involved in an accident described in section 68A are unable to agree on the circumstances or cause of the accident and any one of the drivers requests a police officer to attend at the spot of the accident, the police officer shall—

(a) make such preliminary investigations on the circumstances of the accident as may be necessary; and

(b) record the relevant facts on such Minor Road Accident Report Form as may be approved by the Commissioner of Police.

(2) The police officer shall, not later than 10 days after the occurrence, make available to the insurers of the vehicles involved a copy of the Minor Road Accident Report Form upon payment of the prescribed fee.

[S. 68C inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68D. Liability of insurers

The liability of an insurer to compensate one or more of the owners of the motor vehicles involved in the accident shall be determined—

(a) on the basis of the Agreed Statement of Facts Form or, as the case may be, of the report of the police on the facts observed and recorded by them;

(b) in accordance with the scales of liabilities specified in Part B of the Fifth Schedule;

(c) within 21 days of the date on which the Agreed Statement of Facts Form or the Minor Road Accident Report Form is received by the 2 insurers, whichever is the later.

[S. 68D inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68E. Settlement of dispute

Notwithstanding any other enactment, where a dispute arises between 2 insurers or between a policy holder and an insurer, regarding their respective liability or the amount of compensation to be paid, the dispute shall, if it has not been resolved amicably within the period specified in section 68D (c), be referred to the Motor Vehicle Insurance Arbitration Committee for determination.

[S. 68E inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68F. Motor Vehicle Insurance Arbitration Committee

(1) There is established for the purposes of this Act a Motor Vehicle Insurance Arbitration Committee.

(2) The Committee shall consist of—

(a) a Chairperson and one or more Vice-Chairpersons who shall be barristers of not less than 5 years' standing; and

(b) such other members having suitable qualifications or wide experience in transport, traffic management, insurance, automobile engineering or motor surveying.

(3) The Chairperson, the Vice-Chairpersons and the members shall be appointed by the Minister on such terms and conditions as may be determined by the Minister.

(4) (a) For the purpose of determining any dispute referred to the Committee under section 68E, the Committee may sit in one or more divisions.

(b) A division shall consist of the Chairperson or a Vice-Chairperson and 2 other members to be selected by the Chairperson or the Vice Chairperson in the absence of the Chairperson.

(5) A decision of the Committee shall be taken by at least 2 members including the member presiding at the meeting of the Committee.

(6) Every member of the Committee shall be paid such remuneration or allowances as may be determined by the Minister.

(7) There shall be a Secretary to the Committee who shall be paid such remuneration or allowances as may be determined by the Minister.

(8) The Secretary shall ensure that the Committee obtains such administrative, secretarial or other assistance as the Committee may require.

(9) The Chairperson or a Vice-Chairperson may be appointed on a parttime basis.

(10) For the avoidance of doubt, a decision of the Committee shall be subject to judicial review by the Supreme Court.

[S. 68F inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68G. Conflict of interest

Where a member of the Committee has any interest, direct or indirect, in any matter which is the subject of arbitration before the Committee, he shall disclose his interest to the Committee and shall not take part in the arbitration.

[S. 68G inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68H. Proceedings of Committee

(1) The Committee shall sit at such place and time as the Chairperson of the Committee may determine.

(2) The Committee shall, subject to the Sixth Schedule, regulate its proceedings in such manner it thinks fit.

(3) The findings of the Committee shall be complied with within 21 days from the date of its communication to the interested parties.

[S. 68H inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

68I. ***

[EDITORIAL NOTE: Omitted in section 4 of Act 36 of 2003.]

68J. Removal of obstruction

(1) Where an accident to which section 68A applies occurs and the vehicles involved are likely to cause an obstruction on the road, each driver shall move his vehicle to allow the free passage of traffic after he has clearly marked on the surface of the road the position and the registration mark of his vehicle.

(2) For the purpose of marking the position and registration mark of his vehicle on the surface of the road, a driver shall carry in his vehicle a yellow indelible chalk or other appropriate yellow indelible marker.

(3) Where a driver wilfully and fraudulently marks a position other than the true position of his vehicle involved in the accident under subsection (1), he shall commit an offence and shall, on conviction, be liable to imprisonment for a term of not less than 3 months nor more than 2 years.

[S. 68J inserted by s. 4 of Act 36 of 2003 w.e.f. 1 August 2004.]

69. Deposits under Part V

Where a sum is deposited by a person under section 55 or as a condition of approval by the President under section 58, no part of that sum shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part, which have been incurred by him, have not been discharged or otherwise provided for, be applicable in the discharge of any other liabilities incurred by him.

[S. 69 amended by Act 48 of 1991.]

70. Making false statement

Where any person, for the purpose of obtaining a policy under section 55—

(a) makes a false statement in consequence of which the policy is liable to be avoided; or

(b) wilfully performs an act which disentitles him to claim under the policy,

he shall, unless he satisfies the Court that he acted without intention to deceive, commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

71. Regulations

(1) The Minister may make regulations prescribing anything which may be prescribed under this Part and generally for the purpose of carrying this Part into effect.

(2) Without prejudice to the generality of the power under subsection (1), the Minister may provide for —

(a) the forms to be used under this Part;

(b) (i) the application for and the issue of, certificates of insurance and any other documents which may be prescribed; and

(ii) the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect to those records or documents to the Minister, the Commissioner of Police or the Commissioner;

(c) the issue of copies of any certificates or other documents specified in paragraph (b) which are lost or destroyed;

(d) the custody, production, cancellation and surrender of any such certificates or other documents;

(e) any provision of this Part to have effect subject to such modifications and adaptations as may be prescribed in relation to a motor vehicle brought into Mauritius from abroad by a temporary visitor to Mauritius; and

(f) (i) the payment and investment of and dealing with, deposits under this Part;

(ii) the deposit of stocks or other securities in lieu of money;

(iii) the payment of the interests or dividends accruing or due on any securities in which deposits are being invested; and

(iv) the withdrawal and transfer of deposits.

72. Application of Part V to securities

(1) This Part shall apply in relation to securities having effect under this Part as they apply in relation to policies of insurance.

(2) Any reference in this Part, in relation to a security under subsection (1) to—

(a) being insured;

(b) a certificate of insurance;

(c) an insurer; and

(d) persons insured,

shall be construed respectively as a reference to the being in force of the security, to the certificate of security, to the giver of the security and to the person whose liability is covered by the security.

Part VI – Public service vehicles and carriers

73. National Transport Authority

(1) There is established for the purposes of this Act a National Transport Authority.

(2) The Authority shall—

(a) exercise such powers and perform such duties as are conferred or imposed upon it by this Act;

(b) be responsible for the issue of licences under this Part; and

(c) hold such meetings and inquiries in public or in private as it thinks necessary for the proper exercise of its functions.

(3) (a) The Authority shall consist of—

(i) a Chairperson, who shall be a law practitioner;

(ii) the Commissioner;

(iii) the Permanent Secretary of the Ministry responsible for the subject of land transport or his representative;

(iv) a representative of the Prime Minister's Office;

(v) a representative of the Ministry responsible for the subject of finance;

(vi) —

(vii) the Commissioner of Police or his representative; and

(viii) 4 other persons having no direct or indirect interest in the road transport industry, the motor trade or the motor insurance business, to represent the general public.

(b) (i) Subject to subparagraph (ii), the Chairperson and the members representing the general public shall be appointed annually by the Minister.

(ii) Notwithstanding the expiry of their term of office under paragraph (i), the members shall continue in office until such time as other members are appointed in their stead.

(4) The appointment of any person to serve as a member of the Authority shall be published in the *Gazette*.

(5) The Chairperson and every member shall be paid such fees and allowances as the Minister may determine.

(6) No appointed member shall be deemed to hold a public office by reason only of his appointment.

(7) Where the Minister is of the opinion that any member, other than an *ex officio* member—

(a) is guilty of improper conduct;

(b) is incapacitated by prolonged physical or mental illness; or

(c) is, for any other reason, unable or unfit to discharge his duties, he may terminate the appointment of the member.

(8) The office of an appointed member shall become vacant—

(a) on his death;

(b) 7 days after the date on which he gives notice in writing to the Minister of his intention to resign his office;

(c) where, without the permission of the Chairperson, he is absent from 3 consecutive meetings of the Authority of which he has had notice;

(d) on the termination of his appointment under subsection (7); or

(e) where he acquires an interest in the road transport industry, the motor trade industry or the motor insurance business.

(9) The Authority may delegate to the Commissioner such of its powers as are necessary to effectively transact the day-to-day business of the Authority in accordance with such instructions as may be given by the Authority.

[S. 73 amended by s. 4 of Act 11 of 1990 w.e.f. 1 July 1990; s. 3 of Act 11 of 1996 w.e.f. 8 June 1996.]

74. Meetings of Authority

(1) The Authority shall meet at least twice a month for the performance of its duties.

(2) In the absence of the Chairperson, the members shall elect a Chairperson from among themselves.

(3) The meetings of the Authority shall be convened by the Chairperson or, in his absence, by the Permanent Secretary of the Ministry responsible for the subject of land transport.

(4) No member shall take part in any proceedings at a meeting of the Authority if, in the opinion of the Chairperson, he has a personal or direct interest in any matter referred to that meeting of the Authority.

(5) Everything authorised or required to be done by the Authority shall be decided by a simple majority of the members present and voting.

(6) At any meeting of the Authority, each member shall have one vote on the matter in question and, in the event of an equality of votes, the Chairperson of the meeting shall have a casting vote.

(7) At any meeting of the Authority, the Chairperson and 3 members shall form a quorum.

(8) Subject to this section, the Authority shall regulate its meetings and proceedings in such manner as it thinks fit.

[S. 74 amended by s. 5 of Act 11 of 1990 w.e.f. 1 July 1990; s. 4 of Act 11 of 1996 w.e.f. 8 June 1996.]

75. Public service vehicles

(1) Public service vehicles shall, for the purpose of this Part and any regulations made under it, be divided into—

(a) buses, being motor vehicles having a seating capacity for 7 or more passengers and carrying passengers for hire or reward at separate fares;

(b) contract buses, being motor vehicles having a seating capacity for 7 or more passengers and carrying passengers for hire or reward under a contract, express or implied, for the use of a vehicle as a whole;

(c) taxis, being motor vehicles having a seating capacity for not more than 6 passengers and carrying passengers and their effects for hire or reward whether under a contract, express or implied, for the use of the vehicle as a whole or at separate fares; and

(d) contract cars, being motor vehicles constructed solely for the carriage of passengers and having a seating capacity for not more than 6 persons, excluding the driver and let out for hire or reward for a period of not less than 6 consecutive hours under a contract in writing with the condition, express or implied, that the vehicle shall be used for the carriage of passengers and their effects otherwise than at separate fares and be driven by the hirer or any other person authorised by him.

(2) Where persons are carried in a motor vehicle, other than a bus or taxi, for a journey in consideration of separate payments made by them, whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a bus whether the payments are solely in respect of the journey or not.

76. Public service vehicle licence

(1) (a) (i) No person shall use or cause or permit to be used, a motor vehicle as a bus, contract bus, taxi or contract car, unless there is in force in relation to that motor vehicle a public service vehicle licence to use it as a vehicle of that class in accordance with this Part.

(ii) A vehicle having a seating capacity for 7 or more passengers which is licensed as a bus may also be licensed as a contract bus.

(b) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 3 months.

(2) A public vehicle licence may—

(a) be refused; or

(b) where it has already been granted, be suspended or revoked by the Authority if, having regard to—

(i) the character or conduct of the applicant or holder of the licence; or

(ii) the manner in which the vehicle is being used,

it appears to the Authority that he is not a fit and proper person to hold the licence.

(3) A public service vehicle licence—

(a) shall not be granted or renewed; or

(b) where it has already been granted or renewed, may be suspended or revoked by the Authority,

if the prescribed conditions as to fitness are not fulfilled in respect of the vehicle.

(4) Where a public service vehicle licence is suspended or revoked under subsection (2) or (3), the Authority shall cause seals to be affixed to the motor vehicle during the period of suspension or revocation.

(5) Any unauthorised person who breaks a seal affixed under subsection (4) or causes or permits a seal to be broken, shall commit an offence.

(6) The Authority may—

(a) attach to a public service vehicle licence such conditions; and

(b) vary the conditions under paragraph (a), as it thinks fit.

(7) Where the driver, owner or conductor of any public service vehicle wilfully or negligently fails to comply with any of the conditions attached to the public service vehicle licence issued in respect of that vehicle, he shall commit an offence.

[S. 76 amended by s. 3 of Act 2 of 1995 w.e.f. 24 June 1995.]

77. Road service licence

(1) Subject to this section, the Authority may—

(a) grant to any person who wishes to provide a service of buses, a road service licence, which shall be in the prescribed form and shall authorise its holder to provide such road service as may be specified in the licence;

(b) vary the provisions of a road service licence on the application of its holder or of any person of a class of objector mentioned in subsection (5) or on its own motion; or

(c) on its own motion or otherwise, cancel or vary a road service licence where it is satisfied that its holder is not providing an adequate or satisfactory service.

(2) The person required to hold a road service licence in respect of a bus shall be—

(a) where the vehicle is on hire to another person, for a purpose other than the conveyance by that other person of passengers for hire or reward, the person in whose name the vehicle is registered;

(b) in any other case, the person using the vehicle.

(3) Any person who—

(a) uses; or

(b) causes or permits to be used,

on a road, a bus otherwise than under and in accordance with the terms and conditions of a road service licence shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

(4) The Authority shall not grant or vary a road service licence in respect of any route if it thinks, from any particulars furnished under subsection (8), that the provisions of this Act relating to the speed of motor vehicles are likely to be contravened.

(5) (a) In deciding whether to grant, refuse or vary a road service licence in respect of any route or area, the Authority shall have regard to—

(i) the suitability of the routes on which a service may be provided under the licence;

(ii) the extent to which a route or area in respect of which the application is made is already served by road transport;

(iii) the extent to which road transport might be adversely affected and any representations which may be made in that behalf;

(iv) the extent to which the proposed service is necessary or desirable in the public interest;

(v) the needs of Mauritius as a whole in relation to traffic, including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of uneconomic services and the co-ordination of all forms of transport;

(vi) the payment of reasonable wages and observance of proper conditions of service in respect of the drivers and conductors of the applicant;

(vii) the reliability and financial stability of the applicant;

(viii) the facilities at the disposal of the applicant for carrying out vehicle maintenance and mechanical repairs;

(ix) any previous conviction of the applicant for an offence under this Act;

(x) the number of vehicles in possession of the applicant in relation to the demands of the service for which a licence is sought;

(xi) whether the applicant's main source of livelihood is or is intended to be, derived from the business of operating public service vehicles; and

(xii) where a person holds or has held a road service licence, the manner in which he has operated the service authorised by the licence.

(b) The Authority shall also take into consideration any objection or other representation which may be made by—

(i) a person who is already providing transport facilities, whether by means of road transport or any other kind of transport, along or near to the routes or in the area or any part of the area of which the application is made;

(ii) a local authority in whose area the service is to be provided; or

(iii) a member of the public within the area.

(c) The onus of proving that there are grounds for an objection shall lie on the objector.

(6) (a) Where the particulars required under subsection (8) have been supplied and the application is otherwise in order, the Authority shall cause a notice of the application to be published in —

(i) the *Gazette*; and

(ii) such other manner as may be prescribed or as the Authority thinks fit, not more than 14 days before the public sitting at which the application is to be heard.

(b) Notice of an objection or other representation from—

(i) a person already providing transport facilities along or near to the routes or in the area or any part of the area in respect of which the application is made; or

(ii) a local authority,

stating the grounds on which he or it, desires to object or make a representation, shall be given in writing in accordance with such procedure as may be prescribed.

(7) (a) The Authority may—

(i) attach to a road service licence such conditions as it thinks fit; and

(ii) vary the conditions under paragraph (a).

(b) Compliance with this Act and adherence to the rates and fares prescribed in respect of any service shall be implied conditions of the road service licence under which that service is operated.

(8) (a) Every person who applies for a road service licence and every holder of a licence who applies for its variation shall submit to the Authority—

(i) particulars of the road or area it is proposed to serve;

(ii) particulars of the number and type of vehicles to be used;

(iii) the reasons for alleging that existing transport facilities on such road or in such area are inadequate;

(iv) in the case of a regular service, the timetable of the service which it is proposed to provide under the licence, the starting and destination points, stops in between and any duplication that is to be made;

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(v) in any other case, such particulars as to the frequency of the service, the time to be taken and the vehicles to be used, on the journeys included in that service as the Authority may require;

(vi) the fare table of the proposed service;

(vii) particulars of any bankruptcy or of any agreement with creditors entered into by the applicant;

(viii) particulars of any agreement or arrangement affecting, in any material respect, the provision within Mauritius of facilities for the transport of goods or passengers for hire or reward entered into by the applicant with any other person by whom those facilities are provided;

(ix) particulars of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee or other financial transaction) which any other person providing facilities for the transport of goods or passengers for hire or reward or for motor trade or any motor insurance business or controlling (either solely or in conjunction with any other person) the business of any person who provides those facilities, has in the business of the applicant and, in the case of an applicant being a company, of any right which that person has to nominate any director of the company and such interest or right which the applicant has in the business of any other person engaged in the operation of public service vehicles within Mauritius; and

(x) such accounts, documents and records relating to the applicant's business and such other information as the Authority may require.

(b) In the case of any material misstatement of any of the particulars specified under paragraph (a), the Authority may revoke a road service licence issued or variation made, based on the application containing the misstatement.

(9) The Minister may, either of his own motion or at the request of a person interested or affected, by regulations, lay down or vary fixed rates and fares for any service on any road or in any area or fix or vary the maximum or minimum rates and fares for any service.

77A. NTC licences

(1) Where the Minister is satisfied that it is in the public interest to do so, he may direct the Authority to issue to the NTC such licences as the Corporation may require to operate buses on such route or in such area as the Minister may designate.

(2) Where the Minister makes a direction under subsection (1), section 77 shall not apply and the Authority shall, on application made to that effect, issue to the NTC such licences as it may require to operate buses on any route or in any area designated by the Minister.

77B. Request from NTC for variation, suspension or revocation of licences

(1) Where the NTC, in pursuance of its objects under the National Transport Corporation Act, considers that a stage bus licence ought to be varied, suspended or revoked, it may make a request to that effect to the Authority, stating the grounds for the request.

(2) The Authority shall, on receipt of a request under subsection (1), forthwith, by notice in writing, require the holder of the licence, within 10 days from the date of service of the notice, to submit written representations to show cause why his licence should not be varied, suspended or revoked.

(3) Notwithstanding this Act, where a request has been made under subsection (1), the Authority shall —

(a) as soon as practicable, consider the request and any representation made under subsection (2); and

(b) vary, suspend or revoke the licence, unless the Authority is satisfied that, in the light of the representation made by the licensee, it would not be in the public interest to do so.

(4) Where the Authority has varied, suspended or revoked any licence under subsection (3) (b), its decision shall—

(a) be communicated forthwith to the licensee; and

(b) take effect as from the date of the communication of the decision to the licensee.

(5) No decision taken by the Authority under subsection (3) (b) shall be stayed pending the determination of any appeal or other court proceedings in respect of that decision.

[S. 77B inserted by s. 3 of Act 38 of 1982 w.e.f. 18 December 1982.]

77C. Variation of licence on Minister's direction

(1) Where the Minister is satisfied that it is in the public interest to do so, he may direct the Authority to vary an existing licence so as to allow the holder to operate his bus on any route or in any area designated by the Minister.

(2) Where the Minister makes a direction under subsection (1), section 77 shall not apply and, on application made by the holder of the licence, the Authority shall vary the licence accordingly.

[S. 77C inserted by s. 3 of Act 35 of 1993 w.e.f. 24 August 1993.]

78. Extension of validity of licence

Where, on the date of the expiry of a stage bus licence, other than a short term licence—

(a) proceedings are pending before the Authority, on application by the holder of that licence for the grant to him of a new licence in substitution for the existing licence; or

(b) an appeal is pending in respect of any decision of the Authority,

the existing licence shall, without prejudice to the powers of suspension and revocation conferred by this Part, continue in force until the application or appeal is disposed of.

79. Particulars of public service vehicle

(1) The gross weight of a public service vehicle, the weight of goods and the maximum number of passengers, including, where permitted, standing passengers, that may be carried on a public service vehicle shall be—

(a) determined by an authorised examiner or a vehicle examiner in the prescribed manner;

(b) described, together with such other particulars as may be prescribed, on the certificate of fitness for the vehicle issued under Part VIII; and

(c) legibly painted in a conspicuous position on the vehicle in such manner as may be prescribed.

(2) Where a public service vehicle carries more passengers than it is permitted to carry, the conductor of the vehicle or the driver, where there is no conductor, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

(3) Any person who, being requested by the conductor or driver of a public service vehicle not to enter the vehicle, enters or attempts to enter the vehicle when it is carrying the full number of passengers which it is permitted to carry, shall commit an offence.

[S. 79 amended by s. 7 of Act 19 of 2016 w.e.f. 3 November 2016.]

80. Taxi or contract car licence

(1) Every person applying for a public service vehicle licence in respect of a taxi or in respect of a contract car, referred to as a "taxi licence" or "contract car licence" respectively, shall submit to the Authority in the form it requires—

(a) particulars of the type of vehicle to be used;

(b) particulars as to the stand or base from which it is intended to operate the taxi or contract car; and

(c) such other particulars as the Authority may require.

(2) (a) The Authority may grant or refuse an application for a taxi licence or a contract car licence.

(b) In deciding whether to grant or refuse an application under paragraph (a), the Authority shall have regard—

(i) primarily to the needs and interests of the public generally, including those of persons requiring, as well as those providing, facilities for the conveyance of passengers; and

(ii) to the character of the applicant.

(c) The Authority shall also take into consideration any objection or other representation which may be made by—

(i) a person who is already providing transport facilities, whether by means of road transport or any other kind of transport, along or near to the routes or in the area or any part of the area in respect of which the application is made;

(ii) a local authority in whose area the service is to be provided; or

(iii) a member of the public within that area.

(d) The onus of proving that there are grounds for an objection shall lie on the objector.

(3) Subject to this section and to regulations made by the Minister, the Authority may attach to a taxi licence such conditions as it thinks fit—

(a) with regard to matters to which it is required to take into consideration under subsection (2) and, in particular, for securing that—

(i) prescribed fares are charged;

(ii) copies of the fare table are carried and made available for inspection in vehicles;

(iii) wages, conditions of service and hours of employment are in accordance with particulars attached to the licence;

(iv) arrangements are made for the systematic and complete maintenance of the vehicle; and

(v) the authorised vehicle is used only in a specified district or between specified places or from a specified base or on specified roads; and

(b) to impose in the public interest or with a view to preventing uneconomic competition.

(4) The Authority may cancel or vary any of the conditions attached to a taxi licence under subsection (3).

(5) (a) Where the particulars required under subsection (1) have been supplied and the application is otherwise in order, the Authority shall cause a notice of the application to be published in —

(i) the *Gazette*; and

(ii) such other manner as may be prescribed or as the Authority thinks fit, not less than 14 days before the public sitting at which the application is heard.

(b) Notice of an objection or other representation from—

(i) a person already providing transport facilities along or near to the routes or in the area or any part of the area in respect of which the application is made; or

(ii) a local authority,

stating the grounds on which he or it, desires to object or to make a representation, shall be given in writing in accordance with such procedure as may be prescribed.

81. Contract car

(1) No person shall let out a contract car on hire unless the public service vehicle licence in respect of the contract car has been inscribed by the Commissioner as being valid for a contract car.

(2) Any person who fails to comply with subsection (1) shall commit an offence.

81A. Disclosure of particulars

(1) Every holder of a road service licence, contract bus licence or contract car licence shall, on or before 31 October in every year, submit to the Authority a detailed statement showing—

(a) his receipts and expenditure supported by certified copies of vouchers;

(b) salaries, allowances and conditions of service of persons in his employ and, where the holder is a company, of its directors; and

(c) any acquisition or transfer of assets,

for the preceding year ending on 30 June of that year.

(2) Any person who fails to comply with subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

(3) Without prejudice to subsection (2), the Authority may revoke the licence held by any person who—

(a) fails to comply with subsection (1); or

(b) makes any statement which he knows to be false in any material particular.

82. Touting

(1) No owner, driver or conductor or person acting on behalf of the owner, driver or conductor of a public service vehicle authorised to carry passengers shall—

(a) make any loud noise or sound any instrument in order to attract the attention of the public or of a possible passenger;

(b) by troublesome or frequent demands or by persistent following, hold out the vehicle for hire to the public or attempt to induce any person to become a passenger in the vehicle, in such manner as to constitute a nuisance; or

(c) act in any way so as to cause annoyance or inconvenience to any person.

(2) Any person who contravenes subsection (1) shall commit an offence.

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83. Licensing of goods vehicle

(1) Subject to this Part, no person shall use a goods vehicle for the carriage of goods—

(a) for hire or reward; or

(b) for or in connection with, any trade or business carried on by him,

except under a carrier's licence issued under this Part.

(2) Notwithstanding this Part, a goods vehicle shall, when used for any purpose, be deemed to have been used for the carriage of goods.

(3) "Goods vehicle" means—

(a) a motor vehicle, other than a two-wheeled motorcycle; or

(b) a trailer,

constructed or adapted for use for the carriage of goods.

(4) Where a goods vehicle is being used for the carriage of goods—

(a) its driver, where the vehicle belongs to him or is in his possession under an agreement for hire, hire purchase or loan; and

(b) in any other case, the person whose agent or servant the driver is,

shall, for the purposes of this Part, be deemed to be the person by whom the vehicle is being used.

(5) (a) Where goods are carried in a goods vehicle, being a vehicle, which has been let on hire by the person who at the time of the carriage of the goods is, within the meaning of this Part, the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

(b) Where a person uses any motor vehicle, other than a goods vehicle, for the carriage of goods for or in connection with, the trade or business of another person, he shall be deemed, if the carriage of the goods is not for hire or reward, to carry those goods for or in connection with his own trade or business.

(6) For the purposes of this Part—

(a) the delivery or collection by a person of goods sold, used or let on hire or hire purchase in the course of a trade or business carried on by him;

(b) the delivery or collection by a person of goods which have been or are to be, subjected to a process or treatment in the course of a trade or business carried on by him;

(c) the carriage of goods in a vehicle which is being used under and in accordance with the rules applicable to, a motor dealer's vehicle licence taken out by a manufacturer or dealer or repairer under section 32; or

(d) the carriage of goods in a vehicle by a manufacturer, agent or dealer, where the vehicle is being used by him for demonstration purposes;

shall not be deemed to constitute a carrying of the goods for hire or reward.

(7) This section shall not apply to the use of—

(a) a public service vehicle as a bus under a road service licence granted under this Part;

(b) a vehicle for the purpose of funerals;

(c) a vehicle for police, fire brigade or ambulance purposes;

(d) a vehicle for—

(i) towing a disabled vehicle; or

(ii) removing goods from a disabled vehicle to place of a safety; or

(e) (i) a vehicle for a prescribed purpose; or

(ii) a vehicle of a specified class or description, where regulations made under this Part provide that such use shall not be subject to this section; or

(f) a dual-purpose vehicle or a double cab pickup for the transport of goods or otherwise.

(8) (a) Any person who uses a goods vehicle in contravention of this section shall commit an offence.

(b) Where a person uses, causes or permits to be used, a motor vehicle, other than a goods vehicle, for the carriage of goods for hire or reward, he shall commit an offence.

[S. 83 amended by s. 31 of Act 18 of 2008 w.e.f. 19 July 2008; s. 23 (e) of Act 27 of 2012 w.e.f. 22 December 2012.]

84. Carrier's licence

(1) A carrier's licence shall be—

(a) a public carrier's licence (an "A licence");

(b) a private carrier's licence (a "B licence");

(c) a crop season public carrier's licence; or

(d) a crop season private carrier's licence.

(2) A public carrier's licence shall entitle its holder to use the authorised vehicle, subject to any conditions attached to the licence for the carriage of goods, other than sugar canes—

(a) for or in connection with, any trade carried on by him; or

(b) except to the extent as may be limited by the conditions attached to the licence, for hire or reward and for the conveyance of persons.

(3) A private carrier's licence shall entitle its holder to use the authorised vehicle, subject to any conditions attached to the licence, for—

(a) the carriage of goods, other than sugar canes; and

(b) the conveyance of persons free of charge, for or in connection with any trade or business carried on by him.

(4) A crop season public or private carrier's licence shall entitle its holder to use the authorised vehicle, subject to any conditions attached to the licence, for—

(a) the carriage of sugar canes or sugar cane crop requisites during the crop season; and

(b) the conveyance of persons free of charge for or in connection with, the carriage of sugar canes or sugar cane crop requisites.

(5) Notwithstanding this Part, the Authority may, in a case of emergency and subject to such conditions as it thinks fit to impose, authorise the holder of a licence to use an authorised vehicle for the carriage of goods for any person to whom he lets the vehicle, where it is satisfied that the needs of that person cannot conveniently be met from other sources.

[S. 84 amended by s. 3 of Act 26 of 1986 w.e.f. 28 July 1986.]

85. Application for carrier's licence

(1) A person applying for a carrier's licence shall submit to the Authority, in the form it requires, a statement—

(a) containing, in respect of the motor vehicle proposed to be used under the licence—

(i) which belongs to the applicant; or

(ii) which is in his possession under a hire purchase agreement; or

(iii) where the application is granted, the applicant intends to acquire or to obtain possession of under an agreement,

such particulars as may be required by the Authority,

(b) specifying the type of motor vehicles and the type and number of trailers proposed to be used under the licence; and

(c) specifying the facilities for the transport of goods intended to be provided by him under the licence, including particulars of the base from which and the district within which or the places between which, it is intended that the authorised vehicle will be operated for the purpose of carrying goods.

(2) A person applying for a carrier's licence shall—

(a) give to the Authority any information which it may reasonably require for the discharge of its duties in relation to the application; and

(b) in particular, if required by the Authority, submit such particulars as it may require with respect to—

(i) any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application;

(ii) the rates charged or proposed to be charged by the applicant; and

(iii) the wages and conditions and hours of employment of persons employed in connection with the vehicle intended to be used under the licence.

(3) No carrier's licence shall be granted or renewed unless the prescribed conditions as to fitness have been complied with in respect of the vehicle.

86. Power of Authority

(1) The Authority may—

(a) grant or refuse an application for a carrier's licence; or

(b) grant a licence in respect of—

(i) a motor vehicle other than that of which particulars were contained in the application;

(ii) a motor vehicle differing in type from that for the use of which authorisation was applied for; or

(iii) trailers less in number than or differing in type from, those for the use of which authorisation was applied for.

(2) The Authority, in exercising its power under subsection (1), shall have regard—

(a) principally to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport; and

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(b) in particular where there is an application for an "A licence"—

(i) where the applicant is the holder of an existing licence of the same class, to the extent to which he is authorised to use goods vehicles for the carriage of goods for hire or reward;

(ii) to the previous conduct of the applicant in the capacity of a carrier of goods and to his character generally; and

(iii) to the type of vehicle intended to be used under the licence.

87. Conditions of carrier's licence

(1) It shall be a condition of every carrier's licence that—

(a) the authorised vehicle is maintained in a fit and serviceable condition;

(b) the provisions of any enactment with respect to limits of speed and weight, laden and unladen and the loading of goods vehicles, are complied with in relation to the authorised vehicle;

(c) the provisions of this Part relating to the keeping of records are complied with;

(d) any articulated vehicle whose overall length exceeds 33 feet and any motor vehicle whose gross weight exceeds 15 tons shall comply with any condition prescribed in respect of that vehicle.

(2) Subject to subsection (1), the Authority may attach to a carrier's licence—

(a) a condition that the authorised vehicle shall be used only—

(i) in a specified district;

(ii) between specified places;

(iii) from a specified base; or

(iv) on specified roads;

(b) a condition that—

(i) only certain classes or descriptions of goods shall be carried;

(ii) certain classes or descriptions of goods shall not be carried; or

(iii) goods authorised to be carried shall be carried only for specified persons;

(c) a condition that the maximum or minimum rates prescribed for the carriage of goods shall be charged;

(d) a condition specifying the maximum laden weight of an authorised vehicle;

(e) a condition that wages, term s of service and hours of employment shall be in accordance with particulars attached to the licence; and

(f) such other conditions as the Authority thinks fit to impose in the public interest or with a view to preventing uneconomic competition.

(3) Subject to subsection (1), the Authority may cancel or vary any of the conditions attached to a carrier's licence under subsection (2).

(4) Any person driving or using a goods vehicle who fails to comply with any of the conditions attached to the carrier's licence issued in respect of that vehicle shall commit an offence.

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(5) The holder of the carrier's licence shall also commit an offence under subsection (4), equally with and independently of the person actually driving or using the goods vehicle, unless he proves that he had taken every reasonable precaution to prevent the commission of the offence.

88. Objection

The Authority, on an application for the grant or renewal of a public carrier's licence, shall take into consideration any objection to the application which may be made in the prescribed manner by—

(a) a person who is already providing facilities, whether by means of road transport or any other kind of transport, for the carriage of goods, for hire or reward, in the district or between the places which the applicant intends to serve;

(b) the Commissioner of Police; or

(c) the local authority whose area or part of whose area the applicant intends to serve on the ground that—

(i) any condition of a carrier's licence held by the applicant has not been complied with; or

(ii) suitable transport facilities in the district or between the places which the applicant intends to serve are or, if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements.

89. Using goods vehicle to carry passenger

(1) Any person driving or using any goods vehicle who—

(a) carries another person in or on it; or

(b) causes or permits another person to ride in or on it, shall commit an offence unless he proves that—

(i) the carriage of that person is authorised by a licence or permit issued under this Act; or

(ii) the person carried is sick or injured and is carried in a case of emergency.

(2) The Authority may determine the number of attendants to be carried on a goods vehicle and their duties.

(3) The holder of a carrier's licence shall also commit an offence under subsection (1), equally with and independently of the person actually driving or using the goods vehicle, unless he proves that he had taken every reasonable precaution to prevent the commission of the offence.

89A. Conveyance of development workers

(1) Notwithstanding this Act, the Authority may, subject to such conditions as it thinks fit to impose, including conditions for the payment of joint or separate fares, authorise the holder of a carrier's licence, other than a crop season public or private carrier's licence, to carry development workers to and from their place of work in the goods vehicle in relation to which the licence is held.

(2) In this section, "development worker" means a worker employed by Government in furtherance of the social and economic development of Mauritius.

[S. 89A amended by s. 4 of Act 26 of 1986 w.e.f. 28 July 1986.]

90. Records and returns

(1) A person carrying on the business of operating public service vehicles or goods vehicles shall—

(a) keep such accounts and records in relation to his business; and

(b) make such financial and statistical returns to such persons and in such manner and at such times as may be prescribed.

(2) The owner of a public service vehicle or goods vehicle shall, at the request of the Authority, produce for inspection all accounts or records kept under subsection (1).

(3) Any person who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 250 rupees and, in the case of a continuing offence, to a fine not exceeding 500 rupees for every day during which the offence continues.

91. Duration of licence

(1) A licence under this Part shall, unless previously revoked or suspended, continue in force for such period as may be prescribed.

(2) (a) Where an application has been made for a licence under this Part, the Authority may, for any justifiable administrative reason, pending the determination of the application, grant to the applicant a short-term licence for such period as it thinks fit.

(b) A short-term licence granted under paragraph (a) shall cease to have effect from the date on which the Authority gives its decision on the application.

92. Licence fee

The prescribed fee shall be paid for—

(a) the issue of every public service vehicle licence, road service licence, carrier's licence or its duplicate;

(b) every variation of a licence under paragraph (a); and

(c) every authorised vehicle specified in the licence under paragraph (a).

93. Transfer of licence prohibited

(1) A licence granted under this Part shall, except with the prior approval of the Authority and subject to regulations made under this Act, not be transferable or assignable.

(2) Notwithstanding subsection (1), regulations may provide for a person who, in the event of—

(a) the death, incapacity, bankruptcy or liquidation of the business of; or

(b) the appointment of a receiver or manager in relation to the business of,

the holder of a public service vehicle licence, a road service licence or a carrier's licence, is carrying on the business of the holder of that licence to —

(i) continue for the time being to use the licensed or authorised vehicle; or

(ii) operate the service authorised by the road service licence.

94. Authority to keep records

(1) The Authority shall keep a record in such form and containing such particulars as may be prescribed of all licences it grants under this Part.

(2) Any—

(a) police officer or person authorised by the Minister, without payment; or

(b) other person appearing to the Authority to have reasonable ground for claiming so to do, upon payment of the prescribed fee,

may, at any reasonable time, inspect and take copies of or extracts from, the record kept under subsection (1).

(3) The record shall be admissible in evidence of the matters required under this Part to be entered in it.

(4) A copy of an entry made in the record under this section purporting to be—

(a) signed by or on behalf of the Authority; or

(b) certified by or on behalf of the Authority to be a true copy,

shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the entry.

95. Applications to be published

The Authority shall publish in the prescribed manner notice of all—

(a) applications in respect of road service licences, taxi licences, contract car licences and public carrier's licences;

(b) its proposals to vary the conditions attached to and road service licences, taxi licences, contract car licences, specifying the time within which and the manner in which objections may be made to the proposals or to the grant of the applications.

[S. 95 amended by s. 5 of Act 26 of 1986 w.e.f 28 July 1986.]

96. Revocation and suspension

(1) (a) A public service vehicle licence, a road service licence or a carrier's licence may be revoked or suspended by the Authority on the ground that a condition of—

(i) the licence has not been complied with; or

(ii) any other licence of the same class which the licensee holds or has held, has not been complied with.

(b) The Authority shall not revoke or suspend a licence under paragraph (a) unless it is satisfied that—

(i) there has been a repetition of the breach of conditions on the part of the licensee;

(ii) the breach has been committed wilfully; or

(iii) the breach has involved danger to the public.

(2) Where a licence is revoked or suspended under subsection (1)—

(a) the Authority shall notify its holder of the revocation or suspension;

(b) the holder of the licence shall, on receipt of the notice, deliver the licence to the Authority; and

(c) the Authority shall cause seals to be affixed to the motor vehicle during the period of revocation or suspension.

(3) Any unauthorised person who breaks a seal affixed under subsection (2) or causes or permits a seal to be broken, shall commit an offence.

[S. 96 reprinted by Reprint 1 of 1983; amended by s. 4 of Act 2 of 1995 w.e.f. 24 June 1995.]

96A. Powers of Authority

(1) In the exercise of its powers under sections 76 (2) and (3), 96 (1), 107 (3) and 108 (3), the Authority may—

(a) summon witnesses and examine them on oath; and

(b) order any witness upon whom a summons is served to produce any document believed to contain any relevant matter for the determination of a case.

(2) The Authority may designate any of its officers to perform the duties of an usher in the service of a summons issued under subsection (1).

(3) Any person who, after having been personally served with a summons issued under subsection (1)—

(a) fails to attend the hearing; or

(b) having attended the hearing—

(i) refuses to answer a question put to him;

(ii) fails to produce a document of which he has the control or custody and which he has been ordered to produce; or

(iii) knowingly gives false evidence, shall commit an offence.

[S. 96A inserted by s. 3 of Act 7 of 1994 w.e.f. 19 May 1994; reprinted by Reprint 3 of 1994.]

97. Duty of licence holder to report

(1) The holder of a public service vehicle licence or of a carrier's licence shall, where there occurs to a vehicle in respect of which the licence was granted any failure or damage of a nature likely to affect the safety of the passengers or of persons using the road, report the matter as soon as possible to the Authority.

(2) The holder of a public service vehicle licence or of a carrier's licence shall not, without the prior approval of the Authority, make any alteration, otherwise than by way of replacement of parts, in the structure or fixed equipment of the public service or of an authorised vehicle.

(3) Any person who contravenes this section shall commit an offence.

98. When authorised vehicles may be changed

(1) Notwithstanding this Part, where an authorised vehicle breaks down or some other unforeseeable emergency occurs, the holder of a road service licence may temporarily substitute another vehicle for the authorised vehicle if—

(a) he is unable in any other way to provide the service authorised in his road service licence; and

(b) within 24 hours of making the substitution, he notifies the Commissioner of the substitution and he does not use for a period longer than 7 days, without the consent of the Commissioner, the substituted vehicle for the authorised vehicle.

(2) Any person who fails to comply with subsection (1) shall commit an offence.

99. Appeal

(1) Any person who—

(a) being an applicant for the grant or variation of a licence under this Part, is aggrieved by—

(i) the decision of the Authority on the application; or

(ii) any condition attached to the licence by the Authority;

(b) having made an objection, which the Authority is bound to take into consideration, to the grant or variation of a licence under this Part, is aggrieved by the decision of the Authority on the objection; or

(c) being the holder of a licence under this Part, is aggrieved by—

(i) its revocation or suspension; or

(ii) any variation of the conditions attached to the licence,

may appeal to the Minister by giving notice in writing to the Authority and lodging his appeal with the Permanent Secretary within 10 days of the date on which the decision of the Authority has been communicated to him.

(2) Where a person, who has applied for a new licence under this Part in substitution for a licence held by him and in force at the date of his application, appeals to the Minister on the ground that his application—

(a) has been refused; or

(b) has not been granted,

the existing licence shall, notwithstanding the provisions of this Part as to the duration of licences, continue in force until the appeal has been disposed of, without prejudice to the exercise in the meantime of the powers of suspension and revocation conferred by this Part.

100. Regulating conduct of passengers

(1) (a) The Minister may make regulations generally as to the conduct of—

(i) passengers in public service vehicles; and

(ii) persons at bus stands and at bus stopping places.

(b) Without prejudice to the generality of the power under paragraph (a), the Minister may make regulations in particular in order to—

(i) authorise the removal from a public service vehicle by the driver or conductor of the vehicle or, at the request of the driver or conductor, by any police officer, of any person infringing the regulations made under paragraph (a);

(ii) require a passenger in a public service vehicle who is reasonably suspected by the driver or conductor of contravening the regulations made under paragraph (a) to give his name and address to a police officer or to the driver or conductor on demand;

(iii) require a passenger to declare, if so, requested by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare on demand for the whole of the journey and to accept any ticket provided for it;

(iv) require, on demand being made for the purpose by the driver, conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder of any ticket issued to him;

(v) require a passenger, if so, requested by the driver or conductor, to leave the vehicle on the completion of the journey for which he has paid the fare;

(vi) require the surrender by the holder of a ticket issued to him on the expiry of the period for which it is issued;

(vii) regulate the conduct of persons waiting to enter public service vehicles and the priority of entry into those vehicles and provide for queues or lines to be formed and kept by those persons; and

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(viii) authorise the erection and maintenance of such barriers and posts as appear necessary for regulating the conduct of persons waiting to enter public service vehicles.

(2) Any person who contravenes any regulation made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,500 rupees.

[S. 100 amended by Act 5 of 1999.]

101. Dispute as to taxi fares

(1) (a) Where a dispute arises between the hirer and the driver of a taxi with regard to the sum payable in respect of the hiring, the hirer may require the driver to drive to the nearest police station and shall deposit the sum demanded by the driver with the officer in charge of the police station.

(b) The officer shall retain the sum until the matter in dispute is decided by a Magistrate or otherwise disposed of.

(2) A Magistrate to whom a dispute is referred under subsection (1) shall —

(a) proceed to examine on oath, the parties to the dispute and such witnesses as they desire to be examined; and

(b) reduce the substance of the examination to writing.

(3) The Magistrate shall, after the examination under subsection (2) is completed, give his decision, which shall be final.

(4) A copy of the Magistrate's decision shall be forwarded to—

(a) the officer in charge of the police station referred to in subsection (1), who shall take action accordingly; and

(b) the Authority.

(5) The driver of a taxi who refuses to drive to the nearest police station when required to do so under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 250 rupees and the Court by which he is convicted shall send to the Authority particulars of the conviction.

102. Disposal of left property

(1) Any person who finds property left in a public service vehicle or goods vehicle shall immediately hand it, in the state in which he finds it—

(a) to the conductor; or

(b) where there is no conductor, to the driver, who shall deal with it in accordance with this section.

(2) Immediately before or on the termination of a journey of a public service vehicle or goods vehicle, the conductor or, where there is no conductor, the driver, shall—

(a) search the vehicle for any property left in it and return the property and any property handed to him under subsection (1), in the state in which it came into his possession, to the person who left the property in the vehicle; or

(b) where he is unable to return the property within 12 hours, deposit it at a police station.

(3) Any person who fails to comply with this section shall commit an offence.

103. Stopping places and stands

(1) (a) The Authority may, with the approval of the Minister, by Order provide for—

(i) appointing, in any town or village, stands for public service vehicles or goods vehicles;

(ii) fixing, on any road, stopping places for buses; and

(iii) specifying the manner of using the stands and stopping places under subparagraphs (i) and (ii).

(b) No stand shall, without the consent of the local authority concerned, be appointed in any town for taxis and goods vehicles.

(2) No driver or conductor of a bus shall ply for hire—

(a) in any town or village; or

(b) on any road,

except at the stands or stopping places appointed or fixed by the Authority.

(3) Subject to subsection (4), the driver or other person in charge of a goods vehicle or taxi shall not cause or permit the goods vehicle or taxi to wait upon a road or a public or private place, for the purpose of plying for hire except—

(a) at the place of business or residence—

(i) of the owner of the goods vehicle or taxi; or

(ii) where the owner is a company or body corporate, of such agent of the company or body corporate as is permitted by the Authority; or

(b) in the case of—

(i) a taxi, at its base or stand; and

(ii) a goods vehicle, at a stand.

(4) (a) The driver or other person in charge of a taxi may ply for hire at separate fares—

(i) at its base or stand; or

(ii) subject to paragraph (b)—

(A) where the taxi is already carrying a passenger, at any place in the course of the journey undertaken by the passenger; or

(B) where it is on a return journey to its base or stand.

(b) Except where he does so at the base or stand of the taxi under paragraph (a) (i), the driver or other person in charge of a taxi shall not ply for hire at separate fares—

(i) at a base or stand; or

(ii) at or within 60 metres of—

(A) a stopping place appointed by the Authority for buses; or

(B) any stand appointed by the Authority for any other class of public service vehicle or for goods vehicles.

(5) For the purposes of subsections (3) and (4), the base or stand of a taxi shall be the base or stand specified under section 76 (4) in respect of the taxi.

(6) Any person who fails to comply with subsection (2), (3) or (4) shall commit an offence.

104. Protection of public interest

(1) Nothing in this Part shall be deemed to confer on the holder of a licence granted under this Part, a right to the continuance of any benefits arising from this Part or from any licence granted under this Part or from any conditions attached to the licence.

(2) The Authority may call in a licence of any category issued under this Act and vary its conditions.

105. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Part.

(2) Without prejudice to the generality of the power under subsection (1), the Minister may make regulations with regard to—

(a) (i) the forms to be used; and

(ii) the particulars to be furnished,

under this Part;

(b) (i) the procedure on application for; and

(ii) the determination of questions in connection with,

the grant, renewal, surrender, suspension and revocation of licences under this Part;

(c) the issue of licences and, where licences are lost or destroyed, their copies;

(d) the fees payable under this Part, the manner of payment and the persons liable to pay them;

(e) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;

(f) the badges to be worn by drivers and conductors of public service vehicles;

(g) the means by which goods vehicles and public service vehicles are to be identified, whether by plates, marks or otherwise, as being authorised vehicles and the provision of distinguishing words, letters, numbers, colors or marks being or not being placed on or affixed to vehicles;

(h) the custody of licences, production, return and cancellation of licences on expiry, suspension or revocation and the custody, production, return and obliteration of documents, badges, plates and marks;

(i) the determination of the number of passengers which a public service vehicle is adapted to carry and the number which may be carried;

(j) the carriage of luggage and goods on public service vehicles;

(k) the safe custody and re-delivery or disposal of any property left in a public service vehicle or goods vehicles and the determination of the charges made in respect of the property;

(l) the equipment to be carried by public service vehicles or goods vehicles;

(m) the notification to the Authority of vehicles which have ceased to be used under a licence issued under this Part;

(n) the records to be kept by licensees and by drivers of public service vehicles and goods vehicles and the returns to be made;

(o) the disposal of fines;

(p) the examination of vehicles under this Part;

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(q) the control of advertisements on public service vehicles;

(r) the fares and rates chargeable under this Part in respect of buses and goods vehicles; and

(s) the fares chargeable under this Part in respect of taxis.

106. Avoidance of contracts

A contract for the conveyance of a passenger in a public service vehicle shall be void in so far as it purports to—

(a) negative or restrict the liability of any person in respect of any claim which might otherwise be lawfully made against that person in respect of the death of or bodily injury to, the passenger while being carried in, entering or alighting from, the vehicle; or

(b) impose any conditions with respect to the enforcement of the liability.

Part VII – Drivers and conductors of public service vehicles and goods vehicles

107. Driving without licence

(1) (a) No person shall drive—

(i) a public service vehicle, other than a contract car; or

(ii) a heavy goods vehicle,

on a road, unless he has on payment of the prescribed fee, obtained a licence from the Authority or the Commissioner of Police authorised in that behalf by the Authority, to drive the vehicle.

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to drive a heavy goods vehicle or a public service vehicle on a road.

(2) A licence under subsection (1) shall not be issued unless the applicant satisfies the Authority that he—

(a) is over the age of 18;

(b) is of good character; and

(c) fulfils such other conditions as the Authority may specify.

(3) A licence granted under subsection (1) may be suspended or revoked by the Authority on the ground that by reason of—

(a) his conduct;

(b) physical disability; or

(c) record of convictions,

the holder is not a fit person to hold the licence.

(4) Any person who contravenes subsection (1) shall commit an offence.

108. Conductor's licence

(1) (a) No person shall act as conductor of a public service vehicle on a road unless he has on payment of the prescribed fee, obtained a licence under this Part from the Authority.

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to act as a conductor of a public service vehicle on a road.

(2) A person shall be disqualified from obtaining a licence to act as a conductor of a public service vehicle unless he satisfies the Authority that he—

(a) is over the age of 18; and

(b) fulfils such other conditions as the Authority may specify.

(3) A licence to act as a conductor of a public service vehicle may be suspended or revoked by the Authority on the ground that by reason of—

(a) his conduct;

(b) physical disability; or

(c) record of convictions,

the holder is not a fit person to hold the licence.

(4) Any person who contravenes subsection (1) shall commit an offence.

108A. Stand regulator's licence

(1) A stand regulator shall regulate and control bus services from bus stands or terminals or along bus routes.

(2) (a) No person shall act as a stand regulator unless he has on payment of the prescribed fee, obtained a stand regulator's licence under this Part from the Authority.

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to act as a stand regulator.

(3) A person shall be disqualified from obtaining a licence to act as a stand regulator unless he fulfils such conditions as the Authority may specify.

(4) A licence to act as a stand regulator may be suspended or revoked by the Authority on the ground that by reason of—

(a) his conduct;

(b) physical disability; or

(c) his record of convictions,

the holder is not a fit person to hold the licence.

(5) Any person who contravenes subsection (2) shall commit an offence.

[S. 108A inserted by s. 5 of Act 21 of 2011 w.e.f. 1 November 2011.]

109. Appeal

(1) Any person who, being the holder of or an applicant for, a licence to act as driver of a public service vehicle or a heavy goods vehicle, conductor of a public service vehicle or stand regulator feels aggrieved by—

(a) the refusal or failure of the Authority to grant or renew the licence;

(b) the suspension or revocation of the licence; or

(c) any limitation imposed on the licence,

may appeal to the Minister by giving written notice to the Authority and lodging his appeal with the Minister within 15 days of the date upon which the decision of the Authority is communicated to him.

(2) Where a person appeals to the Minister under subsection (1), his licence shall be deemed to continue to be in force until such time as his appeal is determined.

[S. 109 amended by s. 6 of Act 21 of 2011 w.e.f. 1 November 2011.]

110. Unlawfully supplying liquor

(1) Any—

(a) person who knowingly sells or supplies intoxicating liquor to a driver of a public service vehicle or goods vehicle while the driver is on duty; and

(b) driver who buys or consumes intoxicating liquor while he is on duty,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) For the purposes of this section, the driver of a public service vehicle or goods vehicle shall be deemed to be on duty during the time when he is in charge or responsible for the driving, of the vehicle in the course of any journey, including the period of any halt during the journey other than a halt overnight.

[S. 110 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999.]

111. Regulating conduct of drivers, conductors and stand regulators

(1) The Minister may make regulations as to the conduct of persons licensed to act as—

(a) drivers of public service vehicles or goods vehicles

(b) conductors of public service vehicles; or

(c) stand regulators.

(2) Any person who contravenes any regulations made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,500 rupees and the Court which convicts him shall send particulars of the conviction to the Authority.

[S. 111 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999; s. 7 of Act 21 of 2011 w.e.f. 1 November 2011.]

Part VIII – Examination of motor vehicles and trailers

[Part VIII repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

112. Application of this Part

(1) This Part shall apply to every motor vehicle and trailer.

(2) For the issue of a certificate of fitness in respect of a motor vehicle or trailer under this Part, that motor vehicle or trailer shall—

(a) for the Island of Mauritius, be examined by an authorised examiner and

(b) for Rodrigues and Agalega, be examined by a vehicle examiner.

[S. 112 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

113. Authorised examiners

(1) No person shall act as an authorised examiner unless he is licensed as such by the Commissioner.

(2) The Commissioner shall, at all times, ensure that—

(a) an examination station—

(i) is properly equipped for the testing of noise and smoke emissions, brakes efficiency, lights, suspension and degree of opacity of windows and windscreens;

(ii) is manned by an adequate number of vehicle testers;

(iii) is fully operational during opening hours;

(iv) is environmentally friendly and complies with any environmental law or any other enactment; and

(v) complies with such other requirements as may be prescribed,

(b) the equipment used to carry out the examination of motor vehicles and trailers are well maintained and calibrated;

(c) the examination of motor vehicles and trailers is carried out in an automated, a transparent and an objective manner and in accordance with such guidelines and standards as the Commissioner may issue; and

(d) an authorised examiner keeps proper records of all vehicles and trailers examined and the records are readily available for examination.

(3) (a) The licence of an authorised examiner may, by notice in writing, be suspended or revoked by the Commissioner—

(i) for non-compliance, with any of the conditions attached to the licence or, this Act; or

(ii) where the authorised examiner is no more a fit and proper person to hold the licence.

(b) The Commissioner shall not suspend or revoke a licence without giving the authorised examiner an opportunity to make written representations against the suspension or revocation.

(c) An authorised examiner who is aggrieved by the decision of the Commissioner under paragraph (a) may, within 10 days of being notified of the suspension or revocation, appeal, on payment of such non-refundable fee as may be prescribed, to the Minister.

[S. 113 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

114. Certificate of fitness

(1) Subject to subsection (2), no person shall drive or cause or permit a person to drive, a motor vehicle or trailer on a road unless there is in force in respect of that motor vehicle or trailer a certificate of fitness issued by an authorised examiner or a vehicle examiner, as the case may be.

(2) The Minister may, by regulations, exempt any motor vehicle or trailer from subsection (1)—

(a) for such time or purpose as may be prescribed; or

(b) in such area or on such road as may be prescribed.

(3) Where, on examination of a motor vehicle or trailer, an authorised examiner or a vehicle examiner is satisfied that—

(a) the particulars contained in the application form are correct;

(b) the particulars of the registration book conform to the motor vehicle or trailer;

(c) the motor vehicle or trailer complies with such requirements as to design, construction, equipment, safety standards and vehicle emission as may be prescribed;

(d) the motor vehicle or trailer is fit to be used on a road,

he shall issue a certificate of fitness to the owner of the motor vehicle or trailer.

(4) A certificate of fitness issued in respect of a motor vehicle or trailer shall—

(a) be in such form as the Commissioner may approve;

(b) certify that the motor vehicle or trailer is fit for the purpose for which it is to be used;

(c) specify the period during which the motor vehicle or trailer is fit for the purpose for which it is to be used;

(d) in the case of a public service vehicle, list the matters specified in section 79; and

(e) specify such other matters as may be prescribed.

(5) A certificate of fitness shall, at all times, be displayed in a conspicuous place on the motor vehicle in respect of which it is issued and, in the case of a trailer, on the trailer or on the motor vehicle drawing it at the time.

[S. 114 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

115. Defects

(1) Where, on examination of a motor vehicle or trailer, an authorised examiner or a vehicle examiner is satisfied that it is in such a state of disrepair as to constitute a danger to any person conveyed in it or to other users of the road and it does not comply with section 114 (3), he shall—

(a) issue to its owner a notice of refusal listing the defects which are to be remedied;

(b) notify its owner of the date on which it shall be re-examined;

(c) suspend, for safety reasons, the certificate of fitness, if any, to prevent its use until all the defects are remedied; and

(d) notify the Commissioner of the suspension of the certificate of fitness under paragraph (c).

(2) Where all the defects under subsection (1) (a) are remedied to the satisfaction of the authorised examiner or vehicle examiner, he shall, on re-examination, issue a certificate of fitness in respect of that motor vehicle or trailer and inform the Commissioner accordingly.

[S. 115 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

116. New certificate of fitness

(1) The owner of a motor vehicle or trailer shall, prior to the expiry of the current certificate of fitness in respect of his motor vehicle or trailer, have the motor vehicle or trailer examined by an authorised examiner or a vehicle examiner, as the case may be.

(2) An authorised examiner or a vehicle examiner shall issue a new certificate of fitness in respect of a motor vehicle or trailer where, after examination, he is satisfied that it complies with section 114 (3).

(3) Where, in respect of a motor vehicle or trailer, a new certificate of fitness is issued within 30 days before the expiry of the current certificate of fitness, the new certificate shall be treated, for the purpose of this section, as if it were issued at the end of the expiry of the current certificate.

[S. 116 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

117. Examination of motor vehicles and trailers before registration

(1) Where an application for the registration of a motor vehicle or trailer is made pursuant to section 5 (2), the Commissioner shall require its owner to have the motor vehicle or trailer examined by an authorised examiner or a vehicle examiner, as the case may be, to ensure that it complies with section 114 (3).

(2) Where, on examination of the motor vehicle or trailer, the authorised examiner or vehicle examiner is satisfied that it complies with section 114 (3), he shall issue a certificate of examination in respect of that motor vehicle or trailer.

[S. 117 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

118. Examination on order of Commissioner

(1) Where the Commissioner has reason to believe that a motor vehicle or trailer is in such a state of disrepair as to constitute a danger to any person conveyed in it or to other users of the road and it does not comply with section 114 (3), he may order the person in charge of the motor vehicle or trailer to have the motor vehicle or trailer examined by an authorised examiner or a vehicle examiner, as the case may be.

(2) Where the order under subsection (1) is not complied with, the Commissioner shall—

(a) prohibit the use of the motor vehicle or trailer; and

(b) cause seals to be affixed to the motor vehicle or trailer,

until such time as its owner satisfies the Commissioner that he has taken necessary steps to cause it to be examined by an authorised examiner or a vehicle examiner, as the case may be.

(3) Where a motor vehicle or trailer is examined pursuant to this section, an authorised examiner or a vehicle examiner shall, on being satisfied that it complies with section 114 (3), validate the current certificate of fitness in respect of that motor vehicle or trailer.

[S. 118 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

119. Inspection by police officer, vehicle examiner and road transport inspector

(1) A police officer, vehicle examiner or road transport inspector in uniform or a police officer, vehicle examiner or road transport inspector not in uniform who produces his identification card may—

(a) stop and inspect a motor vehicle or trailer;

(b) request the person in charge of a motor vehicle or trailer to produce the certificate of fitness or other documents in respect of the motor vehicle or trailer;

(c) detain a motor vehicle or trailer for such time as is reasonably required for the inspection of the certificate of fitness or other documents in respect of that motor vehicle or trailer;

(d) to ascertain whether the requirements imposed by law are complied with, test the brakes, silencers, steering gear, tyres, lighting equipment, reflectors or any other equipment of a motor vehicle or trailer;

(e) where he holds the appropriate driving licence, drive a motor vehicle or trailer on a road to ascertain whether the motor vehicle or trailer is fit to be used on a road;

(f) for the inspection of a motor vehicle or trailer, enter, at any reasonable time, any premises, other than private premises, where he has reason to believe the motor vehicle or trailer is kept; and

(g) for the inspection of a motor vehicle or trailer, enter, pursuant to a warrant issued by a Magistrate, any private premises where he has reason to believe the motor vehicle or trailer is kept.

(2) (a) Where, pursuant to subsection (1), a police officer, vehicle examiner or road transport inspector has reason to believe that the motor vehicle or trailer is emitting smoke, visible vapor, fuel, oil or lubricant which is avoidable or is otherwise not fit to be used on the road, he may prohibit its use until such time as it is examined by an authorised examiner or a vehicle examiner, as the case may be.

(b) The police officer, vehicle examiner or road transport inspector, as the case may be, shall notify the Commissioner of the prohibition made under paragraph (a).

(3) Where a prohibition made under subsection (2) (a) is not complied with, the Commissioner shall cause seals to be affixed to the motor vehicle or trailer until such time as its owner satisfies the Commissioner that he has taken necessary steps to cause it to be examined by an authorised examiner or a vehicle examiner.

[S. 119 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

120. Motor vehicle and trailer licence

(1) The Commissioner shall not issue a motor vehicle or trailer licence in respect of a motor vehicle or trailer unless a certificate of fitness covering the whole or part of the period for which the licence is to be issued is produced to him.

(2) Where, on examination of a motor vehicle or trailer, an authorised examiner or a vehicle examiner is satisfied that—

(a) it is in such a state of disrepair as to constitute a danger to any person conveyed in that motor vehicle or trailer or to other users of the road;

(b) it does not comply with section 114 (3); or

(c) its defects have not been remedied to the satisfaction of the authorised examiner or vehicle examiner,

the Commissioner may suspend or refuse the renewal of the motor vehicle or trailer licence in respect of that motor vehicle or trailer.

(3) (a) Where the owner of a motor vehicle or trailer is aggrieved by a suspension or refusal under subsection (2), he may, within 10 days of the suspension or refusal, appeal to the Minister on payment of such nonrefundable fee as may be prescribed.

(b) The Minister may, on appeal, confirm or reverse the decision of the Commissioner.

[S. 120 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

121. Appeal under section 115 or 119

(1) Where the owner of a motor vehicle or trailer is aggrieved by—

(a) a notice of refusal issued under section 115 (1) (a);

(b) the suspension of a certificate of fitness under section 115 (1) (c);

(c) a prohibition made by a police officer, vehicle examiner or road transport inspector under section 119 (2),

in relation to his motor vehicle or trailer, he may, within 10 days of his receiving notice of the refusal, suspension or prohibition, appeal to the Commissioner on payment of such non-refundable fee as may be prescribed.

(2) (a) The Commissioner shall, on an appeal under subsection (1), cause an examination to be carried out by a designated authorised examiner or vehicle examiner, as the case may be, in the presence of an authorised officer.

(b) The authorised officer shall, after examination of the motor vehicle or trailer, forward his report to the Commissioner.

(c) The Commissioner shall, on consideration of the report—

(i) cause the registration of the motor vehicle or trailer if he is satisfied that it complies with section 114 (3);

(ii) require the authorised examiner to issue a certificate of fitness in respect of that motor vehicle or trailer; or

(iii) confirm the refusal, suspension or prohibition.

(3) The decision of the Commissioner under subsection (2) shall be final.

(4) Where, pursuant to subsection (2), a motor vehicle or trailer is examined, no fee shall be paid by the owner of the motor vehicle or trailer.

[S. 121 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

122. Offences

Any person who—

(a) drives or causes or permits a person to drive, a motor vehicle or trailer on a road without a certificate of fitness being in force in respect of that motor vehicle or trailer;

(b) drives or causes or permits a person to drive, a motor vehicle or trailer on a road where the certificate of fitness in respect of that motor vehicle or trailer is suspended;

(c) drives or causes or permits a person to drive, a motor vehicle or trailer where the use of that motor vehicle or trailer is prohibited;

(d) fails to display in a conspicuous place on a motor vehicle, the certificate of fitness issued in respect of that motor vehicle;

(e) fails to display in a conspicuous place on a trailer or on the motor vehicle drawing the trailer, the certificate of fitness issued in respect of that trailer;

(f) obstructs a police officer, vehicle examiner or road transport inspector in the discharge of his duties;

(g) when requested by a police officer vehicle examiner or road transport inspector, fails to produce the certificate of fitness in respect of the motor vehicle or trailer of which he is in charge;

(h) fails to permit a police officer, vehicle examiner or road transport inspector to inspect his motor vehicle or trailer;

(i) fails to permit a police officer, vehicle examiner or road transport inspector to inspect the certificate of fitness in respect of the motor vehicle or trailer of which he is in charge;

(j) otherwise fails to comply with this Part,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

[S. 122 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

122A.***

**[S. 122A inserted by s. 8 of Act 21 of 2011 w.e.f. 1 November 2011; repealed s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]*

123. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Part and, in particular, for—

(a) the establishment and maintenance of examination stations where examination of any motor vehicle or trailer under this Part may be carried out;

(b) the requirements relating to the design, construction, equipment and vehicle emission of that motor vehicle or trailer, for the issue of a certificate of fitness;

(c) authorising a person to act as an authorised examiner;

(d) conditions to be complied with by an authorised examiner;

(e) the levying of fees in respect of the gains of an authorised examiner;

(f) the conditions under which and the equipment with which the examination of a motor vehicle or trailer is to be carried out and the maintenance of that equipment in an efficient state;

(g) the manner in which any visual examination of a motor vehicle or trailer is to be carried out by an authorised examiner so that the outcome from the visual examination and any equipment used for examination, together with the complete examination of a motor vehicle or trailer for the issue of a certificate of fitness;

(h) the inspection of examination stations at which and the equipment with which the examination of a motor vehicle or trailer is to be carried out;

(i) the manner in which an application may be made for the examination of a motor vehicle or trailer;

(j) the fee to be paid for the examination of motor vehicles and trailers;

(k) the fee to be paid for any further examination of motor vehicles and trailers which have been found not to comply with this Act;

(l) the manner in which an appeal may be brought under this Part;

(m) the form of and the particulars to be contained in, a certificate of fitness, its display and production on demand to any police officer or any officer authorised by the Commissioner;

(n) the form of a notice of refusal to issue a certificate of fitness;

(o) the conditions for the issue of a duplicate of a certificate of fitness lost or defaced and the fee payable therefor;

(p) the custody by an authorised examiner of a register of certificates of fitness in a form to be approved by the Commissioner and the inspection of such register by such persons as the Commissioner may authorise;

(q) the custody by an authorised examiner of such records as may be prescribed and the furnishing of returns and information, including any other documentation as the Commissioner may require.

(2) Regulations made under this section may—

(a) make different provisions in respect of different motor vehicles or trailers or classes of motor vehicles or trailers; and

(b) provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

[S. 123 repealed and replaced by s. 8 of Act 19 of 2016 w.e.f. 3 November 2016.]

Part VIIIA – Road safety

[Part VIIIA inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123A.Dangerous driving

(1) (a) Any person who drives a motor vehicle dangerously on a road or other public place or at a speed or in a manner, which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the road or public place and the amount of traffic which is actually or which might reasonably be expected to be, on the road or public place, shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees nor more than 20,000 rupees and to imprisonment for a term not exceeding 6 months.

(b) In the case of a second or subsequent conviction, the offender referred to in paragraph (a) shall be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

[S. 123A inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 10 of Act 23 of 2016 w.e.f. 8 December 2016.]

123B.Causing death by dangerous driving

(1) Any person who causes the death of another person by driving a motor vehicle dangerously on a road or other public place or at a speed or in a manner, which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road or other public place and the amount of traffic which is actually or which might reasonably be expected to be, on the road or public place, shall commit an offence and shall, on conviction, be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(1A) In the case of a second or subsequent conviction, the offender referred to in subsection (1) shall be liable to a fine of not less than 75,000 rupees nor more than 100,000 rupees and to imprisonment for a term of not less than 12 months nor more than 8 years.

(2) If, upon the trial of a person for an offence under this section, the Court is satisfied that his driving was not the cause of the death, but is satisfied that he is guilty of driving as specified in section 123A (1), the Court may substitute the charge under section 123A for the charge under this section and convict him of an offence under section 123A.

(3) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

[S. 123B inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 4 of Act 23 of 2016 w.e.f. 8 December 2016.]

123C.Driving without due care or reasonable consideration

(1) Any person who drives a motor vehicle on a road or other public place—

(a) without due care and attention; or

(b) without reasonable consideration for other persons using the road or public place,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 15,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) In the case of a second or subsequent conviction, the offender referred to in subsection (1) shall be liable to a fine of not less than 10,000 rupees nor more than 20,000 rupees and to imprisonment for a term not exceeding 6 months.

(3) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

[S. 123C inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 10 of Act 23 of 2016 w.e.f. 8 December 2016.]

123D.Causing death by careless driving when under influence of intoxicating drink or drugs

(1) If a person causes the death of another person by driving a motor vehicle on a road or other public place without due care and attention or without reasonable consideration for other persons using the road or place and—

(a) he is, at the time when he is driving, unfit to drive in that he is under the influence of an intoxicating drink or of a drug to such an extent as to be incapable of having proper control of a motor vehicle;

(b) he has consumed so much alcohol that the proportion of it in his breath, blood or urine at that time exceeds the prescribed limit; or

(c) he is, within 12 hours after the time of the offence, required to provide a specimen in pursuance of section 123H, but without reasonable excuse fails to provide it,

he shall commit an offence and shall, on conviction, be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(1A) In the case of a second or subsequent conviction, the offender referred to in subsection (1) shall be liable to a fine of not less than 75,000 rupees nor more than 100,000 rupees and to imprisonment for a term of not less than 12 months nor more than 8 years.

(2) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (1).

[S. 123D inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 5 of Act 23 of 2016 w.e.f. 8 December 2016.]

123E.Driving or being in charge of motor vehicle when under influence of intoxicating drink or drugs

(1) Any person who—

(a) when driving or attempting to drive, a motor vehicle on a road or other public place;

(b) when in charge of a motor vehicle which is on a road or other public place, but not driving the vehicle,

is unfit to drive by reason of his being under the influence of an intoxicating drink or of a drug to such an extent as to be incapable of having proper control of the vehicle, shall commit an offence

and shall, on conviction, be liable to a fine of not less than 20,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(2) In the case of a second or subsequent conviction, the offender referred to in subsection (1) shall be liable to a fine of not less than 50,000 rupees nor more than 75,000 rupees, together with imprisonment for a term of not less than 12 months and not exceeding 8 years.

(3) For the purposes of subsection (1), a person shall be deemed not to have been in charge of a motor vehicle if he shows that, at the material time, the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained so unfit to drive.

(4) Sections 152, 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (1).

[S. 123E inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 10 of Act 23 of 2016 w.e.f. 8 December 2016.]

123F. Driving or being in charge of motor vehicle with alcohol concentration above prescribed limit

(1) Where a person—

(a) drives or attempts to drive a motor vehicle on a road or other public place; or

(b) is in charge of a motor vehicle on a road or other public place, after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit, he shall commit an offence.

(2) It is a defence for a person charged with an offence under subsection (1) (b) above to prove that, at the time he is alleged to have committed the offence, the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.

(3) A person convicted of an offence under this section shall be liable to a fine of not less than 20,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(4) In the case of a second or subsequent conviction, the offender referred to in subsection (1) shall be liable to a fine of not less than 50,000 rupees nor more than 75,000 rupees, together with imprisonment for a term of not less than 12 months and not exceeding 8 years.

(5) Sections 152, 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (1).

[S. 123F inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 10 of Act 23 of 2016 w.e.f. 8 December 2016.]

123G. Breath tests

(1) Where a person is—

(a) riding a cycle on a road or any other public place;

(b) driving a motor vehicle on a road or any other public place;

(c) subject to section 123E (3), in charge of a motor vehicle on a road or any other public place;

(d) occupying the driving seat of a motor vehicle on a road or any other public place and attempting to put the motor vehicle in motion;

(e) occupying the front seat in a motor vehicle as a competent driver supervising a learner driver who is driving the motor vehicle on a road or any other public place; or

(f) on a road or any other public place, driving or attempting to drive a motor vehicle which is involved in a road accident,

a police officer in uniform may, where he has reasonable suspicion to believe that the person is under the influence of alcohol, require, subject to section 123K, that person to provide a specimen of his breath for a breath test, either at or near the place where the requirement is made or at the nearest police station where the test may be carried out.

(2) (a) (i) A person who, without reasonable excuse, fails to provide a specimen of his breath for a breath test following a requirement under subsection (1) (a), shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 25,000 rupees.

(ii) A person who, without reasonable excuse, fails to provide a specimen of his breath for a breath test following a requirement under subsection (1) (b) to (f), shall commit an offence and shall, on conviction, be liable to a fine of not less than 20,000 rupees nor more than 25,000 rupees.

(b) In the case of a second or subsequent conviction, the offender referred to in paragraph (a) shall be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) A police officer may arrest a person without warrant if—

(a) the result of a breath test indicates that the proportion of alcohol in that person's breath, blood or urine exceeds the prescribed limit; or

(b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of this section and the police officer has reasonable cause to suspect that he has alcohol in his body,

but a person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.

[S. 123G inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 6 of Act 23 of 2016 w.e.f. 8 December 2016.]

123H. Provision of specimens for analysis

(1) Subject to section 123K, a police officer may, in the course of an investigation into whether a person has committed an offence under section 123D, 123E or 123F, require the person to—

(a) provide 2 specimens of breath for analysis by means of a device of a type approved by the Minister; or

(b) provide at hospital a specimen of blood or urine or both, for a laboratory test.

(2) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section, the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the police officer making the requirement, but if a medical practitioner is of the opinion that for medical reasons a specimen of blood cannot or should not be taken, the specimen shall be 2 specimens of urine.

(3) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

(4) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section shall commit an offence.

(5) A police officer shall, on requiring any person to provide a specimen for a laboratory test in pursuance of this section, warn him that a failure, without any excuse, to provide it may render him liable to prosecution and may be used against him as evidence.

(6) (a) In a prosecution under section 123D or 123F of this Act, a refusal without reasonable excuse by a person to submit himself to a breath test or to give a specimen of his blood or specimens of his urine when required to do so in pursuance of this section shall be held against him as *prima facie* evidence that at the material time the proportion of alcohol in his blood exceeded the prescribed limits.

(b) Paragraph (a) shall not apply where the person has not been warned by a police officer in accordance with subsection (5).

[S. 123H inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123I. ***

[EDITORIAL NOTE: Section 123I omitted in s. 5 of Act 9 of 2003.]

123J. Choice of specimens of breath

(1) Subject to subsection (2), where 2 specimens of breath are provided by any person in pursuance of section 123H, that with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

(2) If the specimen with the lower proportion of alcohol contains no more than 40 micrograms of alcohol in 100 milliliters of breath, the person who provided it may claim that it should be replaced by such specimen as may be required under section 123H (2) and, if he then provides such a specimen, neither specimen of breath shall be used.

[S. 123J inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123K.Duties of doctors regarding patients

(1) A person who is admitted as a patient at a hospital shall not be required to provide a specimen of breath for a breath test or to provide a specimen of blood or specimens of urine for a laboratory test, unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement and—

(a) if the requirement is then made, it shall be for the provision of a specimen at the hospital; but

(b) if the medical practitioner objects on the ground specified in subsection (2) below, the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement or the provision of a specimen or, in the case of a specimen of blood or urine, the warning required under section 123H (5), would be prejudicial to the proper care and treatment of the patient.

(3) Any objection and the grounds thereof raised under this section shall be set out in a certificate under the hand of the medical practitioner in charge of the case.

(4) Where a medical practitioner specified in this section issues a certificate containing any statement which is false or misleading in a material particular, he shall commit an offence and shall, on conviction, be liable to imprisonment for a term of not less than 6 months.

(5) Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a conviction under this section.

[S. 123K inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123L.Detention of persons affected by alcohol or drugs

(1) A person required to provide a specimen of breath shall, upon the breath test showing alcohol in excess of the prescribed limit or upon a refusal to submit to such a test, be detained at a police

station until it appears to the police officer that, were that person then driving or attempting to drive a motor vehicle on a road or other public place, he would not be committing an offence under section 123D, 123E or 123F.

(2) *[S. 123L inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 7 of Act 23 of 2016 w.e.f. 8 December 2016.]*

123LA. Order made against persons under the influence of intoxicating drinks or drugs

(1) Where a person—

(a) is reasonably suspected by the Police of having committed an offence under section 123D, 123E or 123F; or

(b) fails, without reasonable excuse, to provide a specimen of his breath for a breath test or specimens of breath for analysis or a specimen of blood or urine or both, for a laboratory test when required to do so pursuant to section 123G or 123H,

a police officer shall, at the earliest opportunity, make an application to a Magistrate, in such form as may be prescribed, for an order under subsection (4).

(2) The Magistrate shall, on an application made under subsection (1), issue a summons to that person to attend Court and show cause why an order under subsection (4) shall not be made.

(3) The Magistrate shall—

(a) where a test carried out pursuant to section 123G or 123H on a person referred to in subsection (1) (a) shows that—

(i) the proportion of alcohol in 100 milliliters of his breath is 46 micrograms or more;

(ii) the proportion of alcohol in 100 milliliters of his blood is 100 milligrams or more; or

(iii) the proportion of alcohol in 100 milliliters of his urine is 134 milligrams or more; or

(b) in the case of a person referred to in subsection (1) (b),

after hearing the person, make, unless he thinks fit to do otherwise, an order referred to in subsection (4).

(4) Where the person referred to in subsection (1)—

(a) holds a driving licence, a provisional driving licence or an international driving permit, the Magistrate shall, unless he thinks fit to do otherwise order that the person be disqualified from driving a motor vehicle for a period not exceeding 2 months from the date of the order;

(b) does not hold a driving licence, a provisional driving licence or an international driving permit, the Magistrate shall, unless he thinks fit to do otherwise order that the person be disqualified from holding or obtaining a licence in Mauritius for a period not exceeding 6 months from the date of the order.

(5) (a) Where a person is disqualified from driving a motor vehicle under subsection (4) (a), the Magistrate shall order that person to surrender his driving licence, provisional driving licence or international driving permit, as the case may be, to the Court within 5 days of the date of the order.

(b) Any person who fails to surrender his licence or permit within the period specified in paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(6) The Magistrate may hear and determine an application made under subsection (1) as though it were a civil matter.

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(7) An appeal from the order of the Magistrate made under subsection (4) shall not operate as a stay of execution of that order.

[S. 123LA inserted by s. 5 of Act 14 of 2006 w.e.f. 7 August 2006; repealed by s. 11 of Act 17 of 2012 w.e.f. 10 May 2013; inserted by s. 8 of Act 23 of 2016 w.e.f. 8 December 2016.]

123LB.***

[S. 123LB inserted by s. 5 of Act 14 of 2006 w.e.f. 7 August 2006; repealed by s. 11 of Act 17 of 2012 w.e.f. 10 May 2013.]

123MProvision of specimens

(1) Where a specimen of breath for a breath test or for analysis—

(a) is not sufficient to enable the test or the analysis to be carried out; and

(b) is not provided in such a way, including administration or intake of a thing which will affect the result of a breath test, as to enable the objective of the test or analysis to be satisfactorily achieved,

the specimen shall be deemed not to have been provided for the purpose of this Act.

(2) A person shall provide a specimen of blood only if he consents to it being taken by a medical practitioner or a nursing officer and it is so taken by a disposable syringe.

[S. 123M inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123N.Protective helmets

(1) The Minister may make regulations prescribing the types, including shape and construction, of protective helmets to be worn by persons riding motorcycles and autocycles so as to afford protection to such persons from injury in the event of accident.

(2) No person shall import, sell, offer for sale or have in his possession for sale a protective helmet which is not of a type prescribed under this section.

(3) No person shall—

(a) ride a motorcycle or an autocycle; or

(b) ride a motorcycle or an autocycle as a pillion rider,

unless he wears securely on his head a protective helmet of a type prescribed under this section.

(4) No person shall wear a full-face protective helmet unless he is—

(a) riding a motorcycle or an autocycle; or

(b) riding a motorcycle or an autocycle as a pillion rider.

(5) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

[S. 123N inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003; repealed and replaced by s. 4 of Act 29 of 2008 w.e.f. 15 October 2009.]

123O.***

[EDITORIAL NOTE: Section 123O omitted in s. 5 of Act 9 of 2003.]

123P. Regulation of motoring events on roads

(1) No person shall promote or take part in a competition or trial of speed involving the use of motor vehicles on a road unless the competition or trial of speed is authorised and is conducted in accordance with, any conditions imposed under this Act and regulations prescribed under this Act.

(2) The Minister may make regulations authorising the holding of competitions or trials of speed involving the use of motor vehicles on roads subject to such conditions, including conditions requiring the payment of fees.

[S. 123P inserted by s. 5 of Act 9 of 2003 but not in operation as at 30 September 2007.]

123Q. Exception for authorised motoring events

(1) A person shall not commit an offence under sections 123A, 123B or 123C by virtue of driving a vehicle in a public place or on a road if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Minister.

(2) Regulations under this section may in particular—

(a) prescribe the persons by whom and limit the circumstances in which and the places in respect of which, authorisations may be given under the regulations;

(b) give directions with respect to the movement of or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate congestion or obstruction of traffic or danger to or from traffic;

(c) include a direction that any road or part of a road specified in the direction will be closed during the period to vehicles or to vehicles of a class so specified;

(d) specify conditions which must be included among those incorporated in authorisations;

(e) provide for authorisations to cease to have effect in prescribed circumstances;

(f) provide for the procedure to be followed, the particulars to be given and the amount of any fees to be paid, in connection with applications for authorisations;

(g) make different provisions for different cases.

[S. 123Q inserted by s. 5 of Act 9 of 2003 but not in operation as 30 September 2007.]

123R. Seat belts

(1) The Minister may make regulations requiring a person who is driving or riding a motor vehicle on a road to wear a seat belt of such description as may be prescribed.

(2) Regulations under this section—

(a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances; and

(b) may provide for any exceptions subject to such conditions as may be prescribed.

(3) Regulations made for the purposes of this section shall, subject to such conditions as may be prescribed, include an exemption for any person holding a certificate signed by a medical practitioner to the effect that it is undesirable on medical grounds for him to wear a seat belt.

[S. 123R inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123S. Sale of seat belts

(1) No person shall import, sell or offer for sale or have in his possession for sale any seat belt which is not of a type approved by the Minister.

(2) Any person who contravenes subsection (1) shall commit an offence.

[S. 123S inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123T. Leaving vehicles in dangerous position

Any person in charge of a vehicle and who causes or permits, the vehicle or a trailer drawn by it or any appliance of the vehicle to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road shall commit an offence.

[S. 123T inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123U. Causing danger to road users

(1) A person shall commit an offence if he intentionally and without lawful authority or reasonable cause—

(a) causes anything to be on or over a road;

(b) interferes with a motor vehicle, trailer or cycle;

(c) interferes, removes, damages or tampers with—

(i) any fence, barrier, light or anything else placed on or near a road by a highway authority or the police;

(ii) a traffic sign placed on or near a road,

in such circumstances that there is risk of danger of injury to a person or serious damage to property.

(2) For the purposes of subsection (1) (c), anything placed on or near a road shall, unless the contrary is proved, be deemed to have been lawfully placed there.

[S. 123U inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123V. Loads to be secured

(1) No person shall drive on a road any vehicle which causes or is liable to cause, danger to a person by reason of the load or part of it being insecurely fastened and falling or liable to fall, from the vehicle or projecting from the vehicle.

(2) The Minister may make such regulations as he thinks fit for the purpose of securing loads on vehicles.

(3) Any person who contravenes subsection (1) or any regulations made under subsection (2) shall commit an offence.

[S. 123V inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123W Tampering with motor vehicles

Any person who—

(a) gets on to a motor vehicle;

(b) tampers with any part of the mechanism of a motor vehicle; or

(c) interferes with or damages a motor vehicle,

without lawful authority or reasonable cause, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

[S. 123W inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123X. Holding or getting on to vehicle in order to be towed or carried

(1) Any person who, for the purpose of being carried, takes or retains hold of or gets on to, a motor vehicle or trailer while in motion on a road shall commit an offence.

(2) Any person who, for the purpose of being drawn, takes or retains hold of a motor vehicle or trailer while in motion on a road shall commit an offence.

[S. 123X inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123Y. Restriction of carriage of persons on motorcycles and autocycles

(1) No driver of a motorcycle or an autocycle shall carry more than one person as pillion rider on his vehicle.

(2) No person in addition to the driver shall be carried on a two-wheeled motorcycle or an autocycle otherwise than sitting astride the motorcycle or autocycle and on a proper seat securely fixed behind the driver's seat.

(3) Where any person is carried on a motorcycle or an autocycle in contravention of this section, the driver of the motorcycle or autocycle shall commit an offence.

[S. 123Y inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123Z. Dangerous cycling

(1) Any person who rides a cycle on a road dangerously shall commit an offence.

(2) For the purpose of subsection (1), a person is to be regarded as riding dangerously if—

(a) the way he rides falls far below what would be expected of a competent and careful cyclist; or

(b) he is riding a cycle in a dangerous state,

such that there is a danger of injury to a person or of serious damage to property.

[S. 123Z inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AA. Careless and inconsiderate cycling

Any person who rides a cycle on a road without due care and attention or without reasonable consideration for other persons using the road, shall commit an offence.

[S. 123AA inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AB. Cycling when under influence of intoxicating drink or drugs

(1) Any person who rides a cycle on a road or other public place under the influence of intoxicating drink or drugs to such an extent as to be incapable of having proper control of the cycle shall commit an offence.

(2) A person convicted of an offence under this section shall be liable to a fine of not less than 3,000 rupees nor more than 10,000 rupees and to imprisonment for a term not exceeding 3 months.

(3) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (2).

[S. 123AB inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AC. Regulation of cycle racing on public ways

(1) No person shall promote or take part in a competition or trial of speed on a road between cycles unless the competition or trial of speed is authorised and is conducted in accordance with any conditions imposed under this Act or regulations prescribed under this Act.

(2) The Minister may make regulations authorising the holding of competitions or trials of speed involving the use of cycles on a road subject to such conditions, including conditions requiring the payment of fees.

(3) Without prejudice to any other powers exercisable in that behalf, the Commissioner of Police may give directions with respect to the movement of or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate—

(a) congestion or obstruction of traffic; or

(b) danger to or from traffic,

in consequence of the holding of a competition or trial of speed authorised by or under regulations under this section.

(4) Directions under subsection (3) above may include a direction that any road or part of a road specified in the direction will be closed during the period to vehicles or to vehicles of a class so specified.

[S. 123AC inserted by s. 5 of Act 9 of 2003 but not in operation as at 30 September 2007.]

123AD. Drivers to comply with traffic directions and signs

(1) Any person driving a vehicle who neglects or refuses to—

(a) stop the vehicle; or

(b) make it proceed in or keep to, a particular line of traffic,

when directed to do so by the police officer in the execution of his duty, shall commit an offence.

(2) Where a traffic sign, being a sign of the prescribed size, colour and type authorised under section 184 or 185 has been placed on or near a road, a person driving a vehicle who fails to comply with the indication given by the sign shall commit an offence.

(3) Where—

(a) a traffic survey of any description is being carried out on or in the vicinity of a road and

(b) a police officer gives to a person driving a vehicle a direction to—

(i) stop the vehicle;

(ii) make it proceed in or keep to, a particular line of traffic; or

(iii) proceed to a particular point on or near the road on which the vehicle is being driven,

being a direction given for the purpose of the survey, the person shall commit an offence if he neglects or refuses to comply with the direction.

(4) Any direction given by a police officer shall override a traffic sign.

(5) Any traffic sign placed on or near a road shall be presumed to have been lawfully placed.

[S. 123AD inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AE. Drivers not to use phone whilst driving

(1) No person shall, while driving a vehicle on a road or a public place, use a hand-held microphone or telephone handset.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

(3) Subsection (1) shall not apply to a vehicle when it is being used for police, fire or ambulance purposes.

[S. 123AE inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AF. Directions to pedestrians

(1) Where a police officer in uniform is for the time being engaged in the regulation of vehicular traffic on a road, a pedestrian who proceeds across or along, the road in contravention of a direction to stop given by the police officer, in the execution of his duty, shall commit an offence.

(2) (a) A police officer may require a pedestrian committing an offence under subsection (1) to give his name and address.

(b) A pedestrian who fails to comply with paragraph (a) shall commit an offence and may be arrested without warrant.

[S. 123AF inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AG. Cumulative road traffic offences

(1) Where a person is convicted before a Court of an offence specified in the second column of the Third Schedule, the Court shall—

(a) require the licensing officer to produce a Cumulative Road Traffic Convictions Certificate in relation to the convicted person;

(b) where appropriate—

(i) disqualify that person; or

(ii) disqualify that person and cancel his driving licence or provisional driving licence, as the case may be,

in accordance with this section; and

(c) after 21 days from the date of his conviction, where there is no appeal, notify the licensing officer of the fact by means of a Conviction Certificate in the form set out in the Eleventh Schedule.

(2) Where a person is convicted on a sixth occasion of one or more offences specified in the second column of the Third Schedule and those offences are committed within a period of 24 months, the Court shall, at the same sitting and in addition to any monetary or custodial sentence provided for in relation to the sixth offence—

(a) in the case of a person who holds a driving licence, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(b) in the case of a person who holds a provisional driving licence, cancel the provisional driving licence and disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(c) in the case of a person who holds a driving licence for one type or class of vehicle and a provisional driving licence for any other type or class of vehicle, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(d) in the case of a person who holds an international driving permit, disqualify him from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(e) in the case of a person who holds a driving licence and an international driving permit, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles and from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(f) in the case of a person who holds a provisional driving licence and an international driving permit, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles and from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months; or

(g) in the case of a person who does not hold a driving licence, a provisional driving licence or an international driving permit, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 12 months nor more than 24 months.

(3) (a) Where a person is disqualified under subsection (2), the Court shall—

(i) order that person to surrender his driving licence, provisional driving licence or international driving permit, as the case may be, to the Court within 5 days of the date of the order;

(ii) order that person to follow a rehabilitation course—

(A) in the case of a person referred to in subsection (2) (a), before restoration of his licence pursuant to section 123AI (3);

(B) in the case of a person referred to in subsection (2) (b), before holding or obtaining a driving licence pursuant to section 123AI (5);

(C) in the case of a person referred to in subsection (2) (c), before restoration of his licence pursuant to section 123AI (3);

(D) in the case of a person referred to in subsection (2) (d), before restoration of his permit pursuant to section 123AI (4);

(E) in the case of a person referred to in subsection (2) (e), before restoration of his permit and licence pursuant to section 123AI (3) and (4);

(F) in the case of a person referred to in subsection (2) (f), before restoration of his permit and licence pursuant to section 123AI (3) and (4); or

(G) in the case of a person referred to in subsection (2) (g), before holding or obtaining a driving licence pursuant to section 123AI (6); and

(iii) (A) where there is no appeal, forward the surrendered licence or permit, after endorsement if any, to the licensing officer after 21 days from the date on which the licence is surrendered; or

(B) where there is an appeal, return the surrendered licence or permit to the holder on production of his National Identity Card or, where he is the holder of an international driving permit, his passport.

(b) Where a person against whom an order is made pursuant to paragraph (a) (i) is the holder of both—

(i) a driving licence and an international driving permit; or

(ii) a provisional driving licence and an international driving permit,

he shall surrender both the licence and permit to the Court.

(c) Any person who fails to surrender his licence or permit within the period specified in paragraph (a) (i) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(4) (a) Where a person who is the holder of a driving licence is disqualified by virtue of a conviction or order under this section, the licence shall be retained by the licensing officer as long as the disqualification is in force and shall be suspended as from the date of disqualification until the restoration of the licence to its holder under section 123AI (3).

(b) Where a person who is the holder of an international driving permit is disqualified by virtue of a conviction or order under this section, the permit shall be retained by the licensing officer as long as the disqualification is in force and until its restoration to the holder under section 123AI (4).

(c) A person who is the holder of an instructor's licence and who is disqualified under this section or Part IV from holding or obtaining a driving licence shall, within 21 days of the Court order, surrender his instructor's licence to the Commissioner of Police and that instructor's licence shall be retained by the licensing officer as long as the disqualification is in force and shall be suspended as from the date of disqualification until the restoration of the driving licence to its holder under section 123AI (3).

(d) A driving licence or an instructor's licence suspended by virtue of this section shall, during the time of suspension, be of no effect in Mauritius.

(5) Where a person is disqualified on a second occasion under subsection (2) within a period of 3 years as from the date of the expiry of his first disqualification, the Court shall, at the same sitting, cancel his driving licence.

(6) (a) A person who, by virtue of an order of a Court under this section—

(i) is disqualified from holding or obtaining a driving licence;

(ii) is disqualified from driving in Mauritius;

(iii) has had his driving licence or provisional driving licence cancelled,

may appeal against the order in the same manner as against a conviction and the Court shall, pending the appeal, suspend the operation of the order.

(b) (i) A Court from whose decision an appeal is made pursuant to paragraph (a) shall inform the licensing officer of the fact within 14 days of the date on which the appeal is made.

(ii) A Court to which an appeal is made pursuant to paragraph (a) shall, within 14 days of its decision, inform the licensing officer in writing of the outcome of the appeal.

(7) (a) Where the licensing officer becomes aware of a sixth conviction of any person for one or more offences specified in the second column of the Third Schedule and those offences are committed within a period of 24 months, he shall, where necessary, make a written application to the Court where that person was last convicted for an offence specified in the

second column of the Third Schedule, for the issue of a summons to that person to attend Court.

(b) Where a person has been summoned pursuant to an application made under paragraph (a), the Court shall, where it is satisfied of the convictions, disqualify that person in accordance with this section.

(8) (a) The licensing officer shall keep an up-to-date record of the conviction of every person for an offence specified in the second column of the Third Schedule.

(b) On an application made by the holder of a driving licence, a provisional driving licence or an international driving permit, the licensing officer shall, on payment of the prescribed fee, issue a Cumulative Road Traffic Convictions Certificate to the holder of the licence or permit, stating the number of effective convictions incurred by the holder of the licence or permit for offences specified in the second column of the Third Schedule.

(9) For the purpose of this section—

(a) a person who is the holder of a driving licence for one type or class of vehicle and is also the holder of a provisional driving licence for any other type or class of vehicle, shall be deemed to be the holder of a driving licence;

(b) a person shall be deemed to have been convicted of an offence specified in the second column of the Third Schedule where he pays the penalty prescribed for that offence under section 192 or 195;

(c) a conviction shall not be taken into account more than once by a Court for the purpose of a disqualification order.

[S. 123AG inserted by s. 5 of Act 9 of 2003 but not in operation as at 30 September 2007; repealed and replaced by s. 8 of Act 17 of 2012 w.e.f. 10 May 2013; s. 10 of Act 7 of 2015 w.e.f. 27 July 2015.]

123AH. ***

[S. 123AH inserted by s. 5 of Act 9 of 2003 but not in operation as at 30 September 2007; repealed and replaced by s. 9 of Act 17 of 2012 w.e.f. 10 May 2013; repealed by s. 11 of Act 7 of 2015 w.e.f. 27 July 2015.]

123AI. Rehabilitation course

(1) A rehabilitation course shall be a course—

(a) which is aimed at improving the driving behaviour of a person disqualified under this Act;

(b) the contents of which are approved by the Commissioner of Police; and

(c) which shall be conducted by the Commissioner of Police or such other person as he may authorise in writing.

(2) Where a person completes a rehabilitation course, he shall be issued with a rehabilitation certificate in such form as the Commissioner of Police may approve.

(3) The licensing officer shall not restore a driving licence surrendered under this Act or a provisional driving licence surrendered under Part IV to its holder, unless—

(a) the disqualification period has elapsed;

(b) the holder makes an application in writing to the licensing officer for the restoration of his licence; and

(c) the licensing officer is satisfied that the holder has completed a rehabilitation course.

(4) (a) The licensing officer shall not restore a surrendered international driving permit to its holder unless—

(i) (A) the disqualification period has elapsed;

(B) the holder makes an application in writing to the licensing officer for the restoration of his permit; and

(C) the licensing officer is satisfied that the holder has completed a rehabilitation course; or

(ii) on an application made to the Court which disqualified the holder, that Court is satisfied that the holder is about to leave Mauritius and makes an order for such restoration,

whichever is the earlier.

(b) Where a person to whom his permit has been restored under paragraph (a) (ii) returns to Mauritius within the disqualification period, he shall surrender his permit to the licensing officer within 5 days of his return.

(5) A person whose driving licence or provisional driving licence has been cancelled shall not obtain a driving licence unless—

(a) the disqualification period has elapsed;

(b) the licensing officer is satisfied that that person has completed a rehabilitation course; and

(c) the person passes the prescribed test of competence to drive under section 44.

(6) Where a person who does not hold a driving licence, a provisional driving licence or an international driving permit is disqualified from holding or obtaining a driving licence under this Act, he shall not obtain a driving licence unless—

(a) the disqualification period has elapsed;

(b) the licensing officer is satisfied that the holder has completed a rehabilitation course; and

(c) he passes the prescribed test of competence to drive under section 44.

(7) The licensing officer shall not restore a surrendered instructor's licence to its holder unless—

(a) the holder makes an application in writing to the licensing officer for the restoration of his instructor's licence; and

(b) the driving licence of that holder is restored under subsection (3).

[S. 123AI inserted by s. 5 of Act 9 of 2003 but not in operation as at 30 June 2011; repealed and replaced by s. 10 of Act 17 of 2012 w.e.f. 10 May 2013; s. 12 of Act 7 of 2015 w.e.f. 27 July 2015.]

123AJ. ***

[S. 123AJ inserted by s. 5 of Act 9 of 2003 but not in operation as at 30 June 2011; repealed by s. 11 of Act 17 of 2012 w.e.f. 10 May 2013.]

123AK. The Highway Code

(1) The Minister may—

(a) prepare a Highway Code comprising such directions as appear to him to be proper for the guidance of any person using a road;

(b) from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code in such manner as he may determine.

(2) The Minister may—

(a) cause the Highway Code and every revised edition of the Code to be printed and to be issued to the public without charge or at such price as he may determine;

(b) take such other steps as he may determine for securing that the provisions of the Code shall be brought to the notice of the public.

(3) (a) A failure on the part of any person to observe any provisions of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind.

(b) Any failure under paragraph (a) may, in any proceedings whether civil or criminal, be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

[S. 123AK inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123AL. Power of Minister as to giving road safety information and training

(1) The Minister, on the advice of the National Road Safety Council—

(a) may disseminate information or advice relating to road safety;

(b) shall prepare and carry out a programme of measures designed to promote road safety.

(2) The Minister shall—

(a) after causing such studies into accidents arising out of the use of vehicles on roads, as he considers desirable, to be carried out, take such measures as appear to the Minister to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users, the construction, improvement, maintenance or repair of roads and other measures taken in the exercise of his powers for controlling, protecting or assisting the movement of traffic on roads; and

(b) in the construction of new roads, traffic centres and in the implementation of new traffic schemes, carry out road safety audits and take such measures as appear to the Minister to be appropriate to reduce the possibilities of such accidents when the roads, traffic centres or schemes come into operation.

[S. 123AL inserted by s. 5 of Act 9 of 2003 w.e.f. 1 September 2003.]

123 AM. Lane discipline on dual carriageway

(1) Every lane of a dual carriageway shall be numbered in such a manner that the lane contiguous to and to the left of the central reservation shall be numbered the first lane of that carriageway and the lane to the left of the first lane of that carriageway shall be numbered the second lane and so forth.

(2) No person shall drive a vehicle other than an emergency vehicle, a bicycle, an electric cycle, auto cycle or a motorcycle or allow a vehicle to remain at rest on a hard shoulder except in case of mechanical breakdown, accident, illness or to permit any person to attend to an emergency.

(3) A person shall drive his vehicle on the left lane of a dual carriageway, except where—

(a) he is turning right at a junction;

(b) he is overtaking;

(c) directed by a police officer or traffic signs;

(d) he has to select another lane at a junction to reach his destination;

(e) he is avoiding an obstruction; or

(f) the traffic is congested on the left lane.

(4) No person driving a vehicle shall overtake another moving vehicle on the left except where—

(a) a signal to turn right is being displayed on the person's vehicle in front and there is room for it to be safely overtaken on the left; or

(b) traffic is moving slowly in queues and the vehicle is in a queue which is moving faster than the queue on the right.

(5) No person shall drive a—

(a) vehicle drawing a trailer;

(b) goods vehicle with a maximum gross weight exceeding 3.5 tonnes; or

(c) passenger vehicle constructed or adapted to carry 14 or more persons, including the driver,

on the first lane of a dual carriageway with 3 or more lanes, except when turning right at a junction.

(6) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

(7) In this section—

"lane" means a longitudinal division of a carriageway intended to accommodate a single line of vehicles moving in the same direction,

"left lane" means a lane contiguous to a hard shoulder or where there is no hard shoulder, the lane found to the outermost left side of the carriageway.

[S. 123AM inserted by s. 12 of Act 17 of 2012 w.e.f. 10 May 2013.]

Part IX – Offences

124. Exceeding speed limit

(1) Except as otherwise provided by this Act, no person shall drive a motor vehicle of any class or description on a road at a speed exceeding that which may be prescribed as the maximum speed in relation to a vehicle of that class or description.

(2) The Minister may, by causing a traffic sign to be erected over any specified road or part of a specified road, prohibit the driving of—

(a) motor vehicles generally; or

(b) particular classes of motor vehicles,

above a specified speed, either generally or for a specified period, on that road or part of a road.

(3) (a) Where a prohibition under subsection (2) remains in force, the Commissioner of Police shall cause to be maintained such traffic signs.

(b) The traffic signs shall—

(i) state the substance of the prohibition; and

(ii) be placed in such position as to give adequate notice to drivers of motor vehicles.

(4) (a) Any person who drives a motor vehicle on a road at a speed exceeding a prescribed speed limit or the speed limit indicated on a traffic sign erected under subsection (2), shall commit

an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees or, in the case of a third or subsequent conviction, to a fine not exceeding 10,000 rupees.

(b) An offender under paragraph (a) shall not be liable to be convicted solely on the evidence of one witness to the effect that, in the opinion of that witness, the offender was driving the motor vehicle at any particular speed.

[S. 124 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999; s. 13 of Act 7 of 2015 w.e.f. 27 July 2015.]

125. Road racing

Any person who, except with the consent of and in accordance with any conditions imposed by, the Commissioner of Police—

(a) promotes; or

(b) takes part in,

any race or trial of speed between motor vehicles on a road shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

126. Exemptions

Section 124 and any other enactment imposing a speed limit on motor vehicles shall not apply to a vehicle which is used—

(a) for fire brigade, ambulance or police purposes; or

(b) by a road transport inspector in the exercise of his duties,

where its enforcement would be likely to hinder the use of the vehicle for the purpose for which it is being used.

127. ***

[S. 127 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999; repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

128. ***

[S. 128 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999; repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

129. Court may substitute charge

(1) (a) Where a person is charged with an offence under section 123A (1) and the Court is of the opinion that the offence is not proved, it may, at any time during or immediately after the hearing, without prejudice to any other power it may possess, direct or allow a charge for an offence under section section 123C to be preferred against the accused and proceed with that charge.

(b) The accused shall be—

(i) informed of the new charge; and

(ii) given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against him or otherwise, of answering the new charge.

(c) Where the Court considers that the accused is prejudiced in his defence by reason of the new charge being preferred against him, it shall adjourn the hearing.

(2) An accused in whose case the requirements of section 130 have been satisfied or do not apply, with regard to the alleged offence under section 123A (1), may, notwithstanding that those requirements have not been satisfied with regard to the alleged offence under section 123C, be convicted on a charge being preferred under subsection (1).

[S. 129 amended by s. 6 of Act 9 of 2003 w.e.f. 1 September 2003.]

130. Prosecution under sections 123A and 123C

(1) Where a person is prosecuted for an offence under—

(a) section 123A or 123C; or

(b) this Part relating to the maximum speed at which motor vehicles may be driven,

he shall not, except in the case of an offence which is the subject of a FPN or a PEDN, be convicted unless, within 14 days of the commission of the offence, a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to, him or to the person registered as the owner of the motor vehicle at the time of the commission of the offence.

(2) Failure to comply with subsection (1) shall not be a bar to the conviction of the accused in any case where the Court is satisfied that—

(a) the name and address of—

(i) the accused; or

(ii) the registered owner of the motor vehicle,

could not, with reasonable diligence, have been ascertained in time for a notice to be served or sent under subsection (1) or

(b) the accused, by his own conduct, contributed to the failure.

(3) This section shall, unless and until the contrary is proved, be deemed to have been complied with.

[S. 130 amended by s. 7 of Act 9 of 2003 w.e.f. 1 September 2003; s. 13 of Act 17 of 2012 w.e.f. 10 May 2013.]

131. ***

[S. 131 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999; repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

132. ***

[Ss. 132 amended by s. 4 of Act 5 of 1999 w.e.f. 1 July 1999; repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

132A.***

[S. 132A inserted by s. 3 of Act 43 of 1992 w.e.f. 19 December 1992; repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

133. Involuntary homicide and wounds and blows

(1) Where a person is convicted of an offence under section 239 of the Criminal Code in connection with the driving of a motor vehicle, the offence of which he is convicted shall, for the purpose of sections 52 and 134, be deemed to be an offence under this Act.

(2) Where, on the trial of a person for an offence under subsection (1), the Court is—

(a) not satisfied that his driving was the cause of the death or of the wounds and blows, as the case may be; but

(b) is satisfied that he has committed an offence under sections 123A, 123C, 123E and 123F,

it may convict him of that offence, whether or not section 130 has been complied with in relation to that offence.

(3) A police officer may, without warrant, arrest a person committing or reasonably suspected of committing, an offence under this section.

[S. 133 amended by s. 8 of Act 9 of 2003 w.e.f. 1 September 2003.]

134. Powers of arrest

(1) A police officer may, without warrant, arrest—

(a) the driver of a motor vehicle found or reasonably suspected of, committing an offence under sections 123A, 123B, 123C, 123D, 123E, 123F and 123H; or

(b) a person who, on being required under this Act to give his name and address—

(i) refuses to do so; or

(ii) gives a name and address which the police officer has reason to believe is false.

(2) (a) A person driving a motor vehicle on a road shall, on being required by a police officer in uniform—

(i) stop the vehicle; and

(ii) keep the vehicle stationary until authorised by the police officer to drive it away.

(b) Any person who fails to comply with paragraph (a) shall commit an offence.

135. ***

[S. 135 repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

136. ***

[S. 136 repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

137. Liability of driver and owner for offences

(1) Where—

(a) a motor vehicle or trailer which contravenes this Act is used;

(b) a motor vehicle or trailer is used in such a state or condition or in such manner as to contravene this Act; or

(c) anything is done or omitted in connection with a motor vehicle or trailer in contravention of this Act,

the driver of the motor vehicle or trailer at the time of the commission of the offence shall commit an offence, unless—

(i) it is expressly otherwise provided in this Act; or

(ii) the offence was not due to any act, omission, neglect or default on his part.

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(2) The owner of the motor vehicle or trailer under subsection (1) shall also commit an offence unless—

(a) it is expressly otherwise provided in this Act; or

(b) the offence was—

(i) committed in his absence and without his consent; and

(ii) not due to any act or omission on his part and he had taken all reasonable precautions to prevent it.

138. ***

[S. 138 repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

139. Damaging traffic signs

(1) Any person who wilfully damages a traffic sign shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 3 months.

(2) A police officer may, without warrant, arrest a person found committing an offence under subsection (1).

140. Duty of driver in case of accident

(1) Where owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle, structure or animal, the driver of the motor vehicle shall—

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, stop his vehicle and remain at the scene of the accident until he has complied with paragraphs (b) and (c);

(b) take all reasonable steps to render reasonable assistance to any person injured in the accident and, if necessary, arrange for the conveyance of the person to the nearest hospital for medical treatment, unless the injured person or his guardian, in case he is a minor, desires otherwise;

(c) if required to do so by any person having reasonable grounds for so requiring, give—

(i) his name and address;

(ii) the name and address of the owner of the vehicle driven by him; and

(iii) the registration mark of the motor vehicle;

(d) if he has not already furnished the information referred to in paragraph (c) to a police officer at the scene of the accident and unless he is incapable of doing so by reason of injuries sustained by him in the accident, report the accident at the nearest police station or to a police officer, as soon as is reasonably practicable and in any case within one hour after the occurrence of such accident and there produce his driving licence and furnish such other information as may be required of him;

(e) report the accident to his insurer as soon as is reasonably practicable and in any case not later than 24 hours of the start of the insurer's next working day.

(2) Subject to subsections (3) and (4), where, owing to the presence of a motor vehicle on a road, an accident occurs in consequence of which any person is killed or injured or damage is caused to any vehicle or structure, no person shall, except under the authority of a police officer, move or otherwise interfere with any vehicle involved in the accident or do any other act so as to destroy any evidence of the accident.

(3) Where an accident causes complete obstruction of a road, any vehicle involved may, without the authority specified in subsection (2) and after its position has been clearly marked on the surface of the road by any person moving it, be moved sufficiently to allow the passage of traffic.

(4) Where a person is seriously injured in an accident and there is no suitable means of transport other than the one involved in the accident, such vehicle may, after its position has been clearly marked on the surface of the road by any person moving it, be used to convey the injured person to a hospital.

(5) If any person fails to comply with this section, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 3 years.

(6) Where a person wilfully and fraudulently marks a position other than the true position of a vehicle involved in an accident under subsection (3) or (4), he shall commit an offence and shall, on conviction, be liable to imprisonment for a term of not less than 3 months nor more than 2 years.

(7) In any prosecution for a contravention of any provision of this section, it shall be presumed, until the contrary is proved, that the accused was aware of the fact that the accident had occurred and that he did not report the accident or furnish the information as required by subsection (1) (d) or (e).

(8) Where any person, at the time he is required to produce his licence under subsection (1) (d), undertakes in writing to produce and produces in person, his driving licence within 5 days at the police station specified in subsection (1) (d), he shall not commit an offence.

[S. 140 repealed and replaced by s. 10 of Act 9 of 2003 w.e.f. 1 September 2003; amended by s. 9 and 10 of Act 23 of 2016 w.e.f. 8 December 2016.]

141. Testing of vehicle in case of accident

(1) Where it appears to a police officer that, by reason of an accident having occurred owing to the presence of a vehicle on a road, it is essential that a test be carried out, he may—

(a) require it to be so carried out; and

(b) where he is not to carry it out himself order the vehicle not to be taken away until the test has been carried out.

(2) Where, in the opinion of a police officer, the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require the test to be carried out forthwith.

142. Power to stop vehicles

(1) (a) In addition to any other power conferred by this Act, a police officer officer in uniform or a traffic warden in uniform may require the driver of a motor vehicle to stop his vehicle.

(b) A police officer in uniform or a police officer or a road transport inspector not in uniform, who produces his identity card, may—

(i) require the driver of a motor vehicle to furnish his name and address and give any other particulars required as to his identification;

(ii) require a person in a motor vehicle to furnish his name and address and give any other particulars required as to his identification and give such information as is in his power to give which may lead to the identification of the driver or owner of the vehicle;

(iii) —

(iv) ascertain the dimensions of a motor vehicle or trailer or its laden weight or axle weights and, for this purpose, require any person or goods to be removed from the motor vehicle or trailer;

(v) direct the removal from a motor vehicle or trailer of such passengers or goods as may cause the laden weight of the vehicle or trailer to exceed its gross weight; or

(vi) —

(vii) —

(viii) drive or cause to be driven a motor vehicle where necessary in the exercise of his duties, to investigate whether an offence is being committed in relation to the motor vehicle.

(c) No police officer or road transport inspector shall, unless he is the holder of a driving licence of the appropriate class, drive a motor vehicle in the exercise of any of the powers and duties conferred or imposed on him under this Act.

(d) A vehicle examiner may, at any time, on production of his identification card, exercise, with respect to the weighing of public service vehicles and goods vehicles, all such powers as are exercisable by a police officer with respect to the weighing of motor vehicles and trailers.

(2) The Minister may make regulations for—

(a) the taking and weighing of motor vehicles or trailers to weighbridges;

(b) the issue of certificates showing the recorded weight of the motor vehicles or trailers; and

(c) the exemption of motor vehicles or trailers that have been weighed from further weighing's during the validity of the certificates.

(3) A person who fails to comply with a request lawfully made under this section shall commit an offence.

[S. 142 amended by s. 12 of Act 38 of 1999 w.e.f. 1 December 2000; s. 9 of Act 19 of 2016 w.e.f. 3 November 2016.]

143. Powers of inspection

(1) (a) A police officer in uniform may stop a motor vehicle or trailer on which—

(i) more than one person, in addition to the driver of the vehicle; or

(ii) goods,

are being conveyed or suspected of being conveyed, for the purpose of ascertaining whether the vehicle is being used for a purpose for which the vehicle is not licensed to be used.

(b) A police officer in uniform or a police officer or a road transport inspector not in uniform, who produces his identity card, may—

(i) require the driver of the motor vehicle to furnish his name and address, the name and address of the owner of the motor vehicle and particulars of the business in connection with which the motor vehicle is being used;

(ii) require a person who is on the motor vehicle suspected of being used for a purpose for which the motor vehicle is not licensed to be used or who is suspected of having been on the motor vehicle recently, to give his full name and address and to state whether or not any remuneration has been or is to be given by him for being conveyed on the motor vehicle; and

(iii) require the driver of or any other person on, the motor vehicle to furnish the name and address of the sender and consignee and the names of the places between which any goods on the motor vehicle are to be conveyed.

(2) Any person who fails to comply with a request lawfully made under this section shall commit an offence.

143A. Liability of occupants for offences

(1) No person shall travel in a motor vehicle or hire a motor vehicle as a whole or at separate fares, unless he has ascertained that such vehicle is licensed for the purpose for which he travels in or hires that vehicle.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine of not less than 500 rupees nor more than 1,000 rupees.

[S. 143A inserted by s. 13 of Act 11 of 2003 w.e.f. 1 June 2006.]

144. Using vehicle without light

(1) No vehicle shall be allowed on a road between sunset and sunrise unless there is attached to it such lamps and reflectors as may be prescribed.

(2) Any person causing or permitting a vehicle to be on a road between sunset and sunrise without having affixed to it the prescribed light, lamp or lamps or reflectorized material, shall commit an offence.

145. ***

146. Unauthorised sale of vehicles

(1) Subject to this section, no person shall sell, supply or offer to sell or supply a motor vehicle or trailer for delivery in such a condition that—

(a) its use on a road in that condition would be unlawful by virtue of any provision of this Act relating to—

(i) its construction, weight and equipment; or

(ii) its brakes, steering gear or tyres; or

(b) with regard to its lighting equipment, reflectors or their maintenance, it is not capable of being used on a road during lightingup time without contravening the law relating to obligatory lamps or reflectors.

(2) Where a motor vehicle or trailer is sold, supplied or offered in contravention of this section, the person who—

(a) sells, supplies or offers it; or

(b) causes or permits it to be sold, supplied or offered, shall commit an offence.

(3) A person shall not commit an offence under this section in respect of the sale, supply or offer of a motor vehicle or trailer if he proves that he had reasonable cause to believe that the motor vehicle or trailer would not be used on a road-

(a) until it had been put into a condition in which it might lawfully be used; or

(b) where the sale, supply or offer of a vehicle or trailer is alleged to be unlawful by reason of its condition with regard to its lighting equipment or reflectors or their maintenance, during

lighting-up time until it had been put into a condition in which it might be so used during that time without contravening the law relating to obligatory lamps or reflectors.

(4) This section shall not affect the validity of a contract or any rights arising under a contract.

(5) In this section, "obligatory lamps or reflectors" means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried on the motor vehicle or trailer while it is on a road during lighting-up time.

(6) (a) This section shall not apply to a motor vehicle or trailer—

(i) sold or supplied; or

(ii) offered for sale or supply,

where it is intended that its subsequent use shall be solely for the purpose of taking it to a place where it is—

(A) to be broken up; or

(B) put into a condition in which its use would not be unlawful.

(b) In the case of a motor vehicle, the subsequent use under paragraph (a) shall not include use under the vehicle's own power.

147. Employing drivers and attendants

(1) (a) Where a locomotive, heavy or light, is being driven on a road, 2 persons shall be employed in driving or attending it.

(b) Where a locomotive, heavy or light, is drawing a trailer on a road, in addition to the persons employed under paragraph (a), one person shall be employed in attending to each trailer.

(c) Paragraph (a) shall not apply to a road roller while engaged in rolling a road.

(2) In this section, "trailer" does not include—

(a) a vehicle used solely for carrying water for the purpose of the drawing vehicle; or

(b) an agricultural vehicle not constructed to carry a load.

(3) Any person who causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section shall commit an offence.

(4) The Minister may, by regulations, vary the requirements of this section in respect of any class or description of—

(a) motor vehicles; or

(b) trailers.

148. Number of trailers on road

(1) The number of trailers which may be drawn by a motor vehicle on a road shall not exceed, in the case of—

(a) a heavy locomotive or light locomotive, 2;

(b) a motor tractor, one if laden or 2 if unladen; or

(c) a motor car or a heavy motor car, one,

or such greater or lesser number as may be determined by the Authority in relation to those classes of motor vehicles under such conditions as the Authority may stipulate.

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(2) In this section, "trailer" does not include a vehicle used solely for carrying water for the purposes of —

(a) the drawing vehicle; or

(b) an agricultural vehicle which is not constructed to carry a load.

(3) Any person who causes or permits a trailer to be drawn in contravention of this section shall commit an offence.

149. Limitation of cycle races

(1) The Commissioner of Police may—

(a) limit the number of cycle races to be held in any year; and

(b) prohibit a cycle race, where he considers that for—

(i) reasons of safety; or

(ii) the convenience of the public generally, the cycle race should not be held.

(2) Any person who—

(a) holds; or

(b) takes part in,

a cycle race which is unauthorised or prohibited by the Commissioner of Police shall commit an offence.

150. Throwing article at or from vehicle

(1) Any person who throws an article at—

(a) a vehicle on a road; or

(b) a person in a vehicle on a road, shall commit an offence.

(2) Any person who throws from a vehicle on a road an article that—

(a) is in itself dangerous; or

(b) in the circumstances of the case, causes or is likely to cause danger to other persons or obstruction on the road,

shall commit an offence.

151. Interference with vehicle

(1) Any person who, without the knowledge or consent of the owner of a vehicle, other than a motor vehicle—

(a) rides, drives or takes away the vehicle; or

(b) in any way interferes with the vehicle or part of it, shall commit an offence.

(2) —

(3) Any person, whether employed by the owner or not, who takes and drives away a motor vehicle without the consent of its owner or other lawful authority, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

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(4) The offender shall not commit an offence under subsection (1) or (3) if he satisfies the Court that he acted in the reasonable belief that—

(a) he had lawful authority; or

(b) the owner would, in the circumstances of the case, have given his consent if he had been asked for it.

(5) Where an offender is prosecuted for stealing a motor vehicle and the Court finds that—

(a) he was not guilty of stealing the motor vehicle; but

(b) he was guilty of an offence under this section, the Court may find him guilty and convict him for that offence.

(6) A police officer may, without a warrant, arrest a person whom he reasonably suspects of having committed an offence under this section.

(7) In addition to any penalty specified in this section, the Court may order that the convicted person shall pay to the owner of the motor vehicle such sum as may represent fair compensation for any damage sustained by him.

[S. 151 amended by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

152. Unauthorised use of vehicle

(1) No person shall—

(a) ride; or

(b) cause or permit a person to ride on the—

(i) windows;

(ii) wings;

(iii) fenders;

(iv) luggage grid;

(v) roof;

(vi) running board;

(vii) drawbar;

(viii) towing bar;

(ix) boot; or

(x) bonnet;

of a motor vehicle or trailer on a road except for a purpose incidental to and necessary for the repair of the vehicle or trailer.

(2) No person shall—

(a) ride; or

(b) be permitted to ride,

on a road in a goods vehicle unless there is sufficient protection as may be prescribed to prevent the person who is carried from falling from the vehicle.

(3) No person shall—

(a) carry; or

(b) permit to be carried,

in a goods vehicle goods other than those carried on behalf or with the consent of the owner or hirer of the vehicle.

(4) Any person who fails to comply with this section shall commit an offence.

153. ***

[S. 153 repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

154. Obstruction of motor vehicle

Any person who deliberately or negligently obstructs the passage of a motor vehicle on a road shall commit an offence.

155. Obstruction on roads

Any person who, for any purpose, places or causes to be placed a rope, wire or other apparatus across a road in such manner as to be likely to cause danger to persons using the road—

(a) without lawful authority or reasonable excuse; and

(b) unless he had taken all necessary means to give adequate warning of the danger,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

156. Driving animal on road

(1) No person shall drive an animal on a road between sunset and sunrise unless he exhibits such lights as may be prescribed to indicate to users of the road the exact position of the animal.

(2) A person in charge of an animal on a road shall tend it in such a manner as not to constitute an obstruction or danger to other traffic.

(3) Any person who fails to comply with this section shall commit an offence.

(4) In this section, "animal" means a horse, bovine, ass, mule, sheep, pig or goat.

157. ***

[S. 157 repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

158. Production of registration book and licence

(1) A police officer in uniform or who, not in uniform, produces his police identity card and any other person authorised in writing by the Minister to exercise the powers conferred by this section, who produces his authority, may demand from—

(a) the owner of a motor vehicle or trailer—

(i) the registration book,

(ii) the current licence for the vehicle or trailer in force at the date of the demand; and

(iii) in the case of a public service vehicle, the road service licence authorising the use of that vehicle at that time and place; and

(b) any person driving a motor vehicle on a road—

(i) his driving licence; or

(ii) his provisional driving licence; and

(iii) in the case of a licence under subparagraph (ii), the driving licence of the person supervising the driving in accordance with the conditions attached to the provisional driving licence under section 44 (2).

(2) (a) Any person who fails, on demand, to produce any document referred to in subsection (1) shall commit an offence.

(b) Where a person, at the time the production of the document is required—

(i) undertakes in writing to produce; and

(ii) produces in person,

the document, within 5 days, at such police station as may be specified by him, he shall not commit an offence under paragraph (a).

(3) In the case of a motor vehicle or trailer that is subject to Part VIII, a road transport inspector may exercise all the powers conferred by this section on a police officer.

159. Duty to give information

(1) (a) Where a police officer has reason to suspect that an offence in connection with a motor vehicle has been committed, he or any other police officer, may require the owner of the motor vehicle to give all information as to the name, address, description and whereabouts of the driver and the occupants of the motor vehicle at the time of the alleged offence.

(b) Any person who fails to give the information required under paragraph (a) shall commit an offence unless he shows to the satisfaction of the Court that he did not have the information and could not, with reasonable diligence, have obtained it.

(2) (a) A police officer may require any other person to give any information which—

(i) it is in his power to give; and

(ii) may lead to the identification of the driver and other occupants of the motor vehicle.

(b) Any person who fails to give the information required under paragraph (a) shall commit an offence.

(3) Notwithstanding any other enactment, any information given under this section by a person charged with an offence in connection with the driving of a motor vehicle may be used as evidence at the hearing of the charge.

160. Making false statement

(1) Any person who knowingly makes a false statement in order to—

(a) obtain the grant or variation of a licence under this Act to himself or any other person;

(b) prevent the grant or variation of the licence referred to in paragraph (a); or

(c) procure the imposition of a condition or limitation in relation to a licence referred to in paragraph (a),

shall commit an offence.

(2) Any person who—

(a) makes a false statement; or

(b) withholds any material information, in order to obtain the issue of—

(i) a certificate of insurance or certificate of security under Part V; or

(ii) a prescribed document which may be produced in lieu of a certificate of insurance or a certificate of security under section 68 (4),

shall commit an offence.

(3) Any person who issues—

(a) a document mentioned in subsection (2);

(b) a test certificate; or

(c) a certificate of fitness,

which he knows is false in a material particular, shall commit an offence.

161. Forging documents

(1) Any person who, with intent to deceive—

(a) (i) forges;

(ii) alters;

(iii) defaces;

(iv) mutilates;

(v) uses; or

(vi) sells, supplies, lends to or allows to be used by any other person;

(b) makes; or

(c) has in his possession,

a listed document, shall commit an offence.

(2) Any person who, with intent to deceive, alters an entry made in a record or register required to be kept under this Act shall commit an offence.

(3) In subsection (1), "listed document" means—

(a) a licence under this Act;

(b) a test certificate;

(c) a document, plate or mark by which a vehicle is to be identified as being an authorised vehicle under Part VI;

(d) a document evidencing the appointment of an examiner or other officers under Part VI;

(e) a certificate of insurance or certificate of security under Part V;

(f) a certificate of fitness;

(g) a prescribed document which may be produced in lieu of a certificate of insurance or a certificate of security under section 68 (4);

(h) an insurance vignette;

(i) an Agreed Statement of Facts Form; or

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(j) a Minor Road Accident Report Form.

[S. 161 amended by s. 10 of Act 46 of 2002; s. 5 of Act 36 of 2003 w.e.f. 1 August 2004.]

162. Power of seizure

(1) (a) Where a police officer has reasonable cause to believe that a document produced to him under this Act is a document in relation to which an offence has been committed under section 160 or 161, he may seize the document.

(b) Where a document is seized under paragraph (a), the person from whom it was seized shall, unless the document has been previously returned to him or he has been previously charged with an offence under section 160 or 161, be summoned before a District Court to account for his possession of the document.

(c) The Court shall—

(i) make such order respecting the disposal of the document under paragraph (a); and

(ii) award such costs,

as the justice of the case may require.

(2) (a) Where a police officer or a vehicle examiner has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver is a document or plate in relation to which an offence has been committed under section 158, 159, 160 or 161 in so far as it applies to—

(i) a carrier's licence under Part VI;

(ii) a document or plate by which, under regulations made under this Act, vehicles are to be identified as being authorised vehicles under Part VI;

(iii) a document evidencing the appointment of an examiner or other officers under Part VI; or

(iv) a record kept under section 87 (1) (c), he may seize it.

(b) Where a document or plate is seized under paragraph (d), the driver or the owner of the motor vehicle shall, where the document or plate is still detained and neither of them has previously been charged with an offence under section 158, 159, 160 or 161, be summoned before a District Court to account for—

(i) his possession of; or

(ii) the presence on the vehicle of, the document or plate.

(c) The Court shall—

(i) make such order in relation to the disposal of the document or plate; and

(ii) award such costs,

as the justice of the case may require.

(3) For the purposes of subsection (2), the power to seize includes the power to detach from a vehicle.

163. Offences

(1) (a) Any person who, without lawful excuse—

(i) refuses or neglects to do anything he is, by this Act, required to do;

(ii) fails to comply with the requirements of a notice served on him under this Act; or

(iii) contravenes this Act, shall commit an offence.

(b) Any person who commits an offence under this Act shall, on conviction, be liable, where no special penalty is provided, to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) (a) Where this Act requires that notice of a change of ownership of a motor vehicle shall be given to the prescribed person and the notice is not given, the person who fails to comply with that provision shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(b) The offender shall, in addition, be liable to a fine not exceeding 500 rupees in respect of each day after the conviction during which failure to comply with the provision continues.

[S. 163 amended by Act 5 of 1999, s. 11 of Act 46 of 2002 w.e.f. 15 May 2003.]

Part X – Miscellaneous

164. Driving for more hours than authorised

Any person who—

(a) drives; or

(b) causes or permits any person employed by him or subject to his orders to drive—

(i) a public service vehicle; or

(ii) such other vehicles or class of vehicles as may be prescribed,

in excess of such number of hours as may be prescribed, shall commit an offence.

165. ***

[S. 165 amended by Act 43 of 1991; repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

166. Maximum weight used on road

(1) (a) The Minister may make regulations determining the maximum—

(i) laden weight; and

(ii) axle weight,

of any motor vehicle that may be used on a road.

(b) A person who—

(i) uses; or

(ii) causes or permits any other person to use,

a motor vehicle in contravention of the regulations made under paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

(2) (a) The Permanent Secretary or any officer authorised by him may, subject to such conditions as he thinks fit, grant a permit in respect of a motor vehicle, allowing a higher—

(i) laden weight; or

(ii) maximum axle weight, than prescribed.

(b) Where a permit is granted under paragraph (a), it shall not, so long as any condition attached to the permit is complied with, be an offence for such motor vehicle to be used on that road

by reason only that the motor vehicle does not comply with any regulations made under paragraph (a).

166A.Licensing of petrol service stations

(1) No person shall operate—

(a) a petrol service station; or

(b) a private petrol station,

unless he is the holder of an appropriate licence issued under this section.

(2) Every application for a licence under this section shall—

(a) be made in writing to the Authority; and

(b) contain such particulars as the Authority may require.

(3) The Authority shall cause notice of every application made to it under this section to be published once in the *Gazette* and in 2 daily newspapers and any person may, within 14 days of the publication, lodge with the Authority a written objection to the application.

(4) (a) The Authority may, after hearing the applicant and any objector, refuse an application or grant the application subject to such conditions as it thinks fit to impose in the public interest and it shall cause notice of its decision to be given to the parties concerned.

(b) In exercising its powers under this subsection, the Authority shall have regard, *inter alia*, to—

(i) the fuel consumption of vehicles owned by and registered under the name of, the applicant;

(ii) in the case of an application for a petrol service station licence, the interests of the public generally and those of persons who provide and require the services of petrol service stations; and

(iii) in the case of an application for a private petrol station licence, the interests of those who provide the services of petrol service station.

(c) Any person who fails to comply with a condition attached to a licence issued under paragraph (a) shall commit an offence.

(5) Where the holder of a licence—

(a) dies; or

(b) becomes bankrupt or insane,

his widow, heir or representative, as the case may be, may, with the consent of the Authority, operate the petrol service station, either personally or through an agent approved by the Authority, for such period and subject to such conditions as the Authority thinks fit.

(6) Subject to subsection (5), no licence shall be transferred or assigned.

(7) (a) A licence issued under this section—

(i) shall be valid for a period of one year; and

(ii) may be renewed every year.

(b) The Authority may, on its own motion or on the written application of any interested person, vary, suspend or revoke a licence, having regard to—

(i) the character or conduct of the licence holder; or

(ii) the manner in which the petrol service station or the private petrol station, as the case may be, is being operated; or

(iii) the fuel consumption of the vehicles of the licence holder.

(c) Where the Authority revokes a licence under paragraph (b) or where installations are effected for the setting up of a petrol service station or a private petrol station without a licence having been obtained under this section, the Authority may—

(i) cause seals to be affixed to a dispensing pump;

(ii) order the removal, by the owner or operator, of the fuel tank and dispensing pump within such delay as it thinks fit.

(d) Any person who fails to comply with an order addressed to him under paragraph (c) shall commit an offence.

(8) Any interested person who is aggrieved by a decision of the Authority under this section may, within 10 days of the date of notification of the decision, appeal to the Minister by lodging a written application to that effect with the Permanent Secretary.

(9) (a) Every person to whom a licence is issued shall pay such fee as may be prescribed.

(b) Where the holder of a licence does not intend to renew his licence, he shall, not later than 14 days before the expiry date of the licence, give notice, by registered letter, to the Authority, of his intention not to have his licence renewed.

(c) The holder of a licence who fails to renew his licence within 14 days of its expiry date shall, on renewal of his licence, pay, in addition to the prescribed fee, an amount representing 50 per cent of that fee.

(10) In this section—

"interested person" includes any person who supplies petrol or diesel oil to the holder of a licence;

"petrol service station" means any premises where petrol or diesel oil is sold by retail to the public;

"private petrol station" means any premises where petrol or diesel oil is restored for private consumption.

(11) This section shall be in addition to and not in derogation from, the Inflammable Liquids and Substances Act.

[S. 166A amended by s. 3 of Act 55 of 1983 w.e.f. 27 December 1983; s. 4 of Act 7 of 1994 w.e.f. 1 September 1994; reprinted by Reprint 3 of 1994.]

167. Instructor's and driving school licences

(1) No person shall—

(a) teach; or

(b) cause to be taught,

for gain, the driving of motor vehicles, except under the authority of an instructor's licence issued by the Commissioner of Police.

(2) No person shall—

(a) set up; or

(b) maintain,

an establishment for teaching, for gain, the driving of motor vehicles, except under the authority of a driving school licence issued by the Commissioner of Police.

168. Application for licence

(1) A person applying for—

(a) an instructor's licence;

(b) a driving school licence; or

(c) a variation of any of the conditions of a licence under paragraph (a) or (b),

shall make an application in the prescribed form and submit to the Commissioner of Police such particulars as may be prescribed.

(2) On receipt of an application for an instructor's licence, the Commissioner of Police—

(a) shall cause the applicant's competence to be tested;

(b) may, in the case of an application for an instructor's licence or a driving school licence or any variation of the licence, if he thinks necessary, cause to be verified the facts stated in the application; and

(c) shall grant or refuse a licence or variation, as the case may be, subject to such conditions as he may impose.

(3) A licence under this section shall be valid for such period as may be prescribed and shall be granted on payment of the prescribed fee.

169. Appeal

(1) Where the Commissioner of Police refuses to grant—

(a) an instructor's licence;

(b) a driving school licence; or

(c) a variation of the conditions of the licence referred to in paragraph (a) or (b),

the applicant may, within 10 days of the notification of the refusal, appeal to the Minister in accordance with such procedure and upon payment of such fee as may be prescribed.

(2) The decision of the Minister shall be final.

170. Transfer of powers

The powers conferred and duties imposed on the Commissioner of Police under sections 167 to 169 may, by Order, be transferred, by the Minister to any other officer.

171. Licence not transferable

An instructor's licence and a driving school licence shall—

(a) be personal to the person who is—

(i) teaching or causing to be taught, the driving of motor vehicles; or

(ii) the proprietor of the driving school; and

(b) not be transferable.

172. Power to inspect premises

(1) A police officer authorised by the Commissioner of Police or an officer in charge of a police station may, for the purpose of examining a motor vehicle in respect of which he has reason to believe that

an offence under this Act has been committed, enter any place where he suspects the motor vehicle to be kept.

(2) A police officer authorised by the Commissioner of Police or an officer in charge of a police station, in conducting an investigation in respect of an offence in connection with which a motor vehicle is suspected to be involved, may enter any place to search for and examine the vehicle.

(3) Any person who obstructs an officer in the exercise of his powers and duties under this section shall commit an offence.

173. Power to affix seals to motor vehicle

(1) Where a person is found or is reasonably suspected of, using a motor vehicle in contravention of this Act or any regulations or prohibition made under this Act or in breach of the terms or conditions of the licence for the motor vehicle and steps are needed to cause a discontinuance of the offence or where a licence has been suspended under section 25A or has not been surrendered in accordance with section 29A, a road transport inspector or a police officer may—

(a) take or cause to be taken or require the person in charge to take the vehicle to a place of safety; or

(b) serve a written notice on the owner or person in charge of the vehicle directing him to keep the vehicle at his residence or other place of safety on an appointed date and time,

where seals shall be affixed to the vehicle until released by order of the Commissioner or the Commissioner of Police, as the case may be.

(2) A notice referred to under subsection (1) (b) shall be served by—

(a) delivering it to the owner or person in charge of the vehicle; or

(b) forwarding it by registered post addressed to the owner or person in charge of the vehicle,

at his last known place of residence or business or any address furnished by him.

(3) Any person who—

(a) refuses or neglects to comply with a direction under subsection (1);

(b) breaks the seals or removes the motor vehicle from the place of safety pending the order of the—

(i) Commissioner; or

(ii) Commissioner of Police,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 10,000 rupees.

[S. 173 repealed and replaced by s. 12 of Act 46 of 2002 w.e.f. 15 May 2003; s. 23 (f) of Act 27 of 2012 w.e.f. 22 December 2012.]

173A. Power to seize vehicle

(1) Where the owner of a motor vehicle is convicted of an offence under section 173, expenses incurred by or on behalf of the Commissioner or the Commissioner of Police in implementing that section shall be recoverable as a civil debt from the owner of the motor vehicle.

(2) (a) Where a motor vehicle is detained under section 173, the Commissioner or the Commissioner of Police shall, with all reasonable dispatch, give notice in writing to the owner, where his name and address is known, of the seizure.

(b) Where the motor vehicle is not claimed by its owner within one month of the date of its detention, the Commissioner or the Commissioner of Police may, after giving one month's

notice in the *Gazette* of his intention to do so, sell by public auction or otherwise dispose of the motor vehicle.

(c) Any proceeds from the sale or disposal of the motor vehicle shall be applied in payment of—

(i) any licence fee which may be due in respect of the motor vehicle;

(ii) any charge incurred in implementing this section.

(d) Any surplus shall be—

(i) paid to the owner of the motor vehicle; or

(ii) where it is not claimed by the owner of the vehicle within 12 months after the date of its sale or disposal, forfeited to the Government.

[S. 173A inserted by s. 13 of Act 46 of 2002 w.e.f. 15 May 2003.]

174. Certificate of examination admissible

(1) Where, in any proceedings under this Act, a question arises as to whether a motor vehicle or trailer does or does not comply with this Act, a certificate—

(a) purporting to be signed by an authorised examiner or a vehicle examiner, as the case may be, that he has examined the vehicle or trailer; and

(b) specifying the result of his examination,

shall be sufficient evidence of any fact or opinion stated in it relating to the matter in question, without proof of the handwriting of that vehicle examiner, unless the Court decides that the attendance of the authorised examiner or vehicle examiner is necessary.

(2) In any proceedings under section 142 (1) (b) (vii), a certificate purporting to be signed by an authorised examiner or a vehicle examiner shall be sufficient evidence of the facts stated in it, without proof of the handwriting of that officer, unless the Court decides that the attendance of that officer is necessary.

[S. 174 amended by s. 10 of Act 19 of 2016 w.e.f. 3 November 2016.]

175. Certificate of ownership or driver admissible

(1) In any proceedings for an offence under this Act, a certificate in the prescribed form—

(a) purporting to be signed by a road transport inspector or by a police officer of or above the rank of Sergeant; and

(b) certifying that a person specified in the certificate stated to the road transport inspector or to the police officer that a particular motor vehicle—

(i) was being driven by or belonged to, that person on a particular occasion;

(ii) belonged, on a particular occasion, to a firm in which that person also stated that he was, at the time of the statement, a partner; or

(iii) belonged, on a particular occasion, to a corporation of which that person also stated that he was, at the time of the statement, a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or to whom it belonged, as the case may be, on that occasion.

(2) This section shall not be deemed to make a certificate admissible as evidence in proceedings for an offence—

(a) unless a copy of the certificate has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; or

(b) where the person charged with the offence—

(i) not later than 3 days before the hearing or trial; or

(ii) within such additional time as the Court may, in special circumstances, allow,

serves notice on the prosecutor requiring the attendance at the trial of the person who signed the certificate.

176. Extract of register admissible

(1) An extract from the register or other records kept under this Act shall, if it purports to be certified to be a true extract by the officer having custody or control of the register or records or by a police officer having made the extract from any electronically recorded form of such register or records kept under this Act, be received in a Court on production by any person and without further proof as *prima facie* evidence of the facts stated in it.

(2) The registration book of a motor vehicle or trailer shall be received in a Court on production by any person and without further proof as *prima facie* evidence of the facts stated in the book.

[S. 176 amended by s. 14 of Act 46 of 2002 w.e.f. 15 May 2003.]

177. Commissioner to resolve doubt

(1) (a) Where a doubt arises as to whether a vehicle or class or type of vehicle falls within a particular class or type of vehicle under this Act, the matter shall be referred to the Commissioner.

(b) The Commissioner shall determine within what particular class or type of vehicle the vehicle falls.

(2) A decision given by the Commissioner under this section shall be final.

178. ***

[S. 178 repealed by s. 13 (a) of Act 9 of 2003 w.e.f. 1 September 2003.]

178A. National Road Safety Council

(1) There shall be established for the purposes of this Act a National Road Safety Council.

(2) The functions of the Council shall be to—

(a) advise the Minister on—

(i) the introduction of appropriate road safety measures;

(ii) appropriate methods to promote the education of road users and the organisation of road safety campaigns;

(iii) proper law enforcement methods, introduction of appropriate legislation and the need for amendment of existing legislation with regard to road safety;

(iv) the condition and maintenance of vehicles; and

(v) driver training;

(b) analyse data on road accidents, identify dangerous spots where accidents frequently occur and suggest remedial measures;

(c) appraise and assess the cost effectiveness of road safety measures;

(d) ensure coordination among the various Government bodies and motoring organisations dealing with road safety matters; and

(e) consider, either on its own initiative or upon reference from the Minister, any matter relating to road safety and the prevention of road accidents and to tender advice to the Minister on the matter.

(3) The Council shall consist of—

(a) a Chairperson, to be appointed by the Minister;

(b) the Permanent Secretary of the Ministry responsible for the subject of land transport or his representative;

(c) a representative of the Traffic Management Unit;

(d) a representative of the Attorney-General's Office;

(e) a representative of the Commissioner of Police;

(f) a representative of the National Transport Authority;

(g) a representative of the Ministry responsible for the subject of health;

(h) a representative of the Ministry responsible for the subject of education;

(i) a representative of the Road Development Authority;

(j) a representative of the Association of Urban Authorities;

(k) a representative of the Association of District Councils;

(l) a representative of the motor insurance business, to be appointed by the Minister;

(m) 2 persons engaged in the road transport industry, to be appointed by the Minister; and

(n) 2 members of the public with adequate knowledge in psychology, advertising or mass communication, to be appointed by the Minister.

(4) Every appointed member shall hold office on such terms and conditions and for such time, as the Minister may determine.

(5) (a) There shall be a Secretary to the Council who shall be a public officer designated by the Minister.

(b) The Secretary shall keep all the records of proceedings of the Council in safe custody.

(6) The Chairperson, the Secretary and every other member shall be paid such fees as the Minister may determine.

(7) (a) The Council shall meet as often as necessary and at least once a month.

(b) Eight members of the Council shall constitute a quorum.

(c) Subject to this section, the Council shall regulate its proceedings in such manner as it thinks fit.

(8) The Council shall furnish to the Minister such information with respect to its activities as the Minister may require.

[S. 178A amended by s. 9 of Act 43 of 1992 w.e.f. 19 December 1992; s. 30 (2) (b) of Act 6 of 1998 w.e.f. 21 July 1998.]

178B.Road Transport Advisory Board

(1) There shall be established for the purposes of this Act a Road Transport Advisory Board.

(2) The functions of the Board shall be to—

(a) advise the Minister on the formulation of policies on road transport planning, management and economics;

(b) advise the Minister on the overall structure of the bus industry to ensure its financial viability;

(c) advise on the form and level of Government assistance in matters of road transport;

(d) make proposals on road transport pricing policies as and when required; and

(e) consider, either on its own or on reference from the Minister, any matter affecting road transport and tender advice to the Minister on the matter.

(3) The Board shall consist of—

(a) a Chairperson, to be appointed by the Minister;

(b) a representative of the National Transport Authority;

(c) a representative of the Ministry responsible for the subject of land transport;

(d) a representative of the Ministry responsible for the subject of finance;

(e) —

(f) 2 persons engaged in the road transport industry, to be appointed by the Minister;

(g) 2 persons with adequate knowledge in road transport and finance, to be appointed by the Minister; and

(h) 2 other fit and proper persons, to be appointed by the Minister.

(4) Every appointed member shall hold office on such terms and conditions and for such time as the Minister may determine.

(5) The Chairperson and every other member shall be paid such fees as the Minister may determine.

(6) The Board may, with the approval of the Minister—

(a) co-opt any person on the Board; and

(b) enlist the services of any person or firm.

(7) (a) The Board shall meet as often as necessary and at least once a month.

(b) The meetings of the Board shall be convened by the Chairperson or, in his absence, by the Minister.

(c) The Board shall otherwise regulate its proceedings as it thinks fit.

(d) Six members of the Board shall constitute a quorum.

(8) The Minister may, in relation to the exercise by the Board of its functions, give such directions of a general character to the Board as he considers necessary in the public interest and the Board shall comply with these directions.

(9) The Board shall furnish to the Minister such information with respect to its activities as the Minister may require.

(10) Every member of the Board shall—

(a) maintain and aid in maintaining the secrecy of any matter which comes to his knowledge in the performance of his duties; and

(b) refrain from revealing to an unauthorised person any matter specified in paragraph (a).

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(11) Any member of the Board who, without lawful or reasonable excuse, contravenes subsection (10), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 178B inserted by s. 30 of Act 1 of 1990 w.e.f. 7 April 1990.]

179. Control of roads and traffic

(1) The Minister may, by regulations—

(a) prohibit a specified description of traffic from using a road;

(b) restrict the volume or speed of a specified description of traffic on a road;

(c) prohibit a specified description of traffic from travelling on a road otherwise than in a specified direction;

(d) prohibit or restrict—

(i) the stopping or waiting of any description of traffic; or

(ii) the loading or unloading of vehicles on a road;

(e) prohibit the use of a road by through traffic;

(f) prohibit or restrict the overtaking of traffic by vehicles or any class of vehicles on a road;

(g) restrict the use of a road to—

(i) traffic of a special description; or

(ii) vehicles being used for a specified purpose or by or under the directions of a specified person; or

(h) prohibit the use of a road by—

(i) animals or vehicular traffic of a kind; or

(ii) vehicular traffic in a manner,

which is unsuitable, having regard to the existing character of the road or adjoining property.

(2) —

(3) Any person who fails to comply with any regulations made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

180. Diversion of traffic

(1) Subject to this section, where the Minister is satisfied that traffic on a road, the maintenance of which he is responsible for, should, by reason of works of repair or construction being required or being in progress on or near that road, be diverted onto any other road, he may, by regulations—

(a) prohibit or restrict the use of that road in such manner as may be specified; and

(b) direct that such traffic as may be affected by the prohibition or restriction use other existing roads.

(2) Where regulations made under subsection (1) are in force, a notice—

(a) stating the effect of the regulations; and

(b) describing the alternative route available for traffic,

shall be kept posted in a conspicuous manner at each end of the part of the road to which the regulations relate and at the points at which it is necessary for vehicles to diverge from the road and the diversion route shall be clearly indicated to traffic using it by means of suitable signs.

(3) In addition to the powers conferred on him by subsection (1), the Minister may, by means of suitable barriers, close or restrict the use of a road, the maintenance of which he is responsible for, for the purposes of repair or reconstruction provided that—

(a) where possible, a diversion for the passage of traffic is provided; and

(b) adequate traffic signs are displayed in accordance with section 185 (2), giving reasonable warning to traffic using the road at the closure or restriction.

(4) Any person who—

(a) uses; or

(b) causes or permits the use of,

an animal or vehicle in contravention of any regulations made by the Minister under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200 rupees.

181. Regulation of traffic

(1) Where, in the opinion of the Commissioner of Police, a road is liable or likely to be thronged or obstructed, he or a police officer may—

(a) direct the route to be observed by—

(i) vehicles which are in use or are being driven or propelled in or near to that road; or

(ii) persons riding or driving an animal in or near to that road;

(b) prevent—

(i) vehicles or any class of vehicles;

(ii) pedestrians; or

(iii) persons riding or driving any animals, from going into that road;

(c) require heavy or slow-moving vehicles to keep to a particular portion of that road;

(d) (i) prescribe the line to be kept by persons using that road; and

(ii) compel them to keep to that line; or

(e) generally, do all that is necessary to—

(i) prevent a congestion of the traffic; and

(ii) provide for the safety and convenience of the public.

(2) The Commissioner of Police or a police officer acting under his authority, may prohibit or restrict the use of a road by vehicles and pedestrians on the occasion of—

(a) a parade;

(b) a procession;

(c) a sport;

(d) a race; or

(e) any other public gathering.

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(3) Any person who—

(a) disregards; or

(b) fails to obey;

a reasonable order of the Commissioner of Police or a police officer acting under his authority, given under this section, shall commit an offence.

182. Control of traffic at fires

(1) The senior police officer present at a fire may stop and regulate the traffic, vehicular or pedestrian, on a road, if he considers it necessary or desirable to do so for—

(a) the purpose of facilitating the extinguishing of the fire; or

(b) the safety or protection of life or property.

(2) Any person disregarding or failing to obey a reasonable order of the senior police officer or any police officer acting under his authority, given with the object of implementing subsection (1), shall commit an offence.

183. Prohibiting use of bridges by vehicles

(1) Where the Minister is satisfied that a bridge over which a road passes is insufficient to carry vehicles the gross weight of which exceeds a certain limit, he may, by a conspicuous notice placed in a proper position at each end of the bridge, prohibit the use of the bridge by a vehicle whose gross weight exceeds the weight specified in the notice.

(2) In this section, "placed in a proper position" means placed in such a position—

(a) on or near the bridge; or

(b) on or near the road leading to the bridge,

as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it.

(3) (a) The fact that a prohibition under subsection (1) has been made by the Minister and has been notified in the manner prescribed in that subsection shall be published in the *Gazette*.

(b) An omission to publish the prohibition and notification shall not affect the validity of the prohibition or notification.

(4) (a) Where, without the consent of the Minister, a vehicle is driven across a bridge in contravention of a notice placed under subsection (1)—

(i) the driver of the vehicle; or

(ii) the person who causes or permits it to be driven,

shall, without prejudice to any civil liability incurred by him in the case of damage being caused to the bridge or otherwise, commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

(b) Where, in any proceedings under this subsection, the prosecutor satisfies the Court that there are reasonable grounds for believing that the gross weight of the vehicle exceeded the weight specified in the notice, the burden shall lie on the defendant to prove that the gross weight of the vehicle did not exceed the weight specified in the notice.

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184. Traffic signs

(1) Subject to and in conformity with, such general or other directions as may be given by the Minister, the Permanent Secretary or the Commissioner of Police may cause or permit traffic signs to be placed on or near any road.

(2) Notwithstanding any other enactment, no traffic sign shall be placed on or near a road except by or with the consent of, the Permanent Secretary or the Commissioner of Police.

(3) Traffic signs shall be of the prescribed size, colour and type except where the Minister authorises the erection or retention of a sign of another character.

(4) (a) No traffic sign, other than a traffic sign placed by or with the consent of the Permanent Secretary or the Commissioner of Police, shall be placed on or near a road except under and in accordance with this section.

(b) Nothing in this section shall apply to—

(i) a notice in respect of the use of a bridge; or

(ii) a traffic sign placed by the owners or workers of a tramway or light railway undertaking, a dock undertaking or a harbour undertaking under powers conferred by any enactment.

(5) (a) The Permanent Secretary or the Commissioner of Police shall, by notice in writing, require the owner or occupier of any land adjacent to a road on which there is—

(i) a traffic sign;

(ii) an object which so closely resembles a traffic sign that it might reasonably be taken to be a sign; or

(iii) an advertisement and on which road a speed exceeding 30 miles an hour is permitted,

to remove the sign or advertisement.

(b) Where a person fails to comply with a notice under paragraph (a), the Permanent Secretary or the Commissioner of Police may effect the removal of the sign or advertisement, doing as little damage as may be and the expense incurred in the removal may be recovered as a civil debt from the defaulting person.

(c) Paragraph (a) shall not apply to a sign or object which complies with subsection (3) and the retention of which is expressly authorised by the Permanent Secretary or the Commissioner of Police.

(6) The Permanent Secretary or the Commissioner of Police may enter any land and exercise such other powers as may be necessary in the performance of his functions under this section.

185. Temporary traffic signs

(1) A police officer or a person acting under the instructions of the Commissioner of Police, may place on—

(a) a road;

(b) a structure on a road;

a traffic sign of any size, colour or type prescribed or authorised under section 184 (3), which indicates such prohibitions, restrictions or requirements relating to vehicular traffic as may be necessary or expedient to prevent or mitigate—

(i) congestion or obstruction of traffic; or

(ii) danger to or from traffic in consequence of an accident or other unforeseen or extraordinary circumstances.

(2) The powers conferred by subsection (1) may also be exercised by the Permanent Secretary or the Road Development Authority when engaged upon works of maintenance or reconstruction in respect of the length of road which is being maintained or reconstructed.

(3) A traffic sign placed in accordance with this section shall be removed as soon as the circumstances or works on account of which it was placed have ceased to exist or have been completed.

[S. 185 amended by s. 30 (2) (c) of Act 6 of 1998 w.e.f. 21 July 1998.]

186. Experimental scheme of traffic control

Where it appears, to the Commissioner of Police, expedient to do so for the purpose of carrying out, within a specified area, an experimental scheme of traffic control, he may, with the consent of the Minister and after giving such notice as the Minister may direct, make regulations for controlling vehicular traffic in that area in any manner specified by the regulations.

187. Register of repaired vehicles

(1) Every repairer of motor vehicles or trailers shall keep a register in the prescribed form of—

(a) all motor vehicles and trailers repaired by him or kept on premises occupied by him whether for repairs or not; and

(b) any work done or repair effected to a motor vehicle or trailer.

(2) The pages of the register under subsection (1) shall be numbered and bear the initials of the Superintendent of Police of the district in which the business is carried on.

(3) The register shall be produced on demand to a police officer not below the rank of Sergeant or to a vehicle examiner.

(4) Any person who fails to comply with this section or makes a false entry in the register kept under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

188. Proceedings

(1) Where it is averred, in any proceedings for an offence under this Act, that a person has unlawfully used a motor vehicle or caused or permitted it to be so used, for hire or reward or for the conveyance of passengers at separate fares and it is proved that the motor vehicle was not licensed to be used for that purpose, the Court may convict that person where, having regard to all the circumstances of the case, it can reasonable be inferred that he did so use or cause or permit to be so used, the vehicle.

(2) In all prosecutions before a Court, a certificate under the hand of—

(a) the licensing officer; or

(b) the Commissioner,

shall be sufficient evidence of the facts stated in it, without proof of the handwriting of that officer, unless the Court decides that the attendance of the officer is necessary.

[S. 188 amended by s. 14 of Act 11 of 2003 w.e.f. 1 June 2006.]

188A.Admissibility of certain evidence

(1) Evidence of a fact relevant to proceedings for an offence under this Act may be given by the production of—

(a) a measurement or record obtained by a prescribed device; and

(b) a statement, signed by a police officer, as to the circumstances

in which the measurement or record was produced.

(2) A measurement or a record made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence under this Act unless—

(a) the device is of a type approved by the Minister; and

(b) any conditions subject to which the approval was given are satisfied.

189. ***

[S. 188A inserted by s. 11 of Act 9 of 2003 w.e.f. 1 September 2003.]

190. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the levying of fees and taking of charges.

(3) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

(4) In particular and without prejudice to the generality of the power under subsection (1), the Minister may make provision for—

(a) anything which by this Act may or is to be prescribed;

(b) prescribing the forms to be used;

(c) the fees payable for licences and the various appeals, documents and services specified in this Act;

(d) (i) the circumstances in which fees paid may be refunded either in whole or in part;

(ii) the allocating of taxes and fees paid; and

(iii) the rendering of accounts;

(e) (i) the form of—

(A) vehicle and motor vehicle licences;

(B) driving licences and all other licences;

(C) registration books;

(D) certificates of all kinds; and

(ii) the conditions attaching to the licences, books and certificates under subparagraph (i) and the conditions precedent to their issue and, where applicable, the periods of the validity of and the manner of displaying, the certificates and licences;

(f) measures to—

(i) prevent a person holding illegally more than one licence, registration book or certificate; and

(ii) facilitate the identification of the holders of the licence, registration book or certificate;

(g) (i) regulating the particulars that are to be marked on vehicles, motor vehicles or trailers and the manner in which they are to be displayed or affixed; and

(ii) prohibiting the display on a motor vehicle or trailer of any registration or distinguishing mark, other than that of the country in which the motor vehicle or trailer is registered and licensed;

(h) prohibiting a practice which leads to obstruction of or damage to a road;

(i) declaring a portion of a road to be a footpath or cycle track and regulating traffic on the footpath or cycle track;

(j) regulating traffic on—

(i) a road; or

(ii) a ford, bridge, pontoon or culvert on a road;

(k) (i) the rules of the road;

(ii) the signals to be given by the drivers of vehicles; and

(iii) the signals and traffic signs to be observed by drivers of vehicles and by pedestrians;

(l) the establishment of pedestrian crossings on roads and the precedence of vehicles and pedestrians with respect to—

(i) the movement of traffic, including pedestrians at and in the vicinity of a crossing, including regulations prohibiting pedestrian traffic on the carriage way within 100 feet of a crossing;

(ii) the indication of the limits of a crossing by marks on the roadway or otherwise;

(iii) the erection of traffic signs in connection with and in relation to crossings in the vicinity of and at a distance from, a junction of roads; and

(iv) traffic which is controlled by the Police and by traffic signals and by different kinds of traffic signals and which is not controlled;

(m) the maximum speeds permitted for different classes of vehicles in or on different areas and roads;

(n) (i) the parking of vehicles;

(ii) the levy of any charges for parking; and

(iii) the manner in which the charges may be levied;

(o) the detention of a vehicle in respect of a contravention or suspected contravention of this Act;

(p) prohibiting sound warnings—

(i) on specified roads; or

(ii) in specified areas or parts of roads either at all times or at specified times;

(q) information to be furnished in relation to a vehicle;

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(r) (i) the construction and equipment of vehicles, motor vehicles and trailers and the conditions under which they may be used on roads; and

(ii) the prohibition of emblems, mascots or other devices that are liable to a source of danger to any person on the road or of distraction to the driver or to other road users;

(s) the width, height, length and other dimensions of vehicles, motor vehicles and trailers and of the loads carried by them;

(t) (i) the gross weight of vehicles, motor vehicles and trailers, the maximum weight to be transmitted to the road or any specified area of the road by a vehicle, motor vehicle or trailer of any class or description or by any part or parts of that vehicle or trailer in contact with the road;

(ii) the methods by which the weights under subparagraph (i) are determined and the conditions under which they may be required to be tested;

(u) (i) the number of trailers which may be drawn by a vehicle and the towing of one vehicle by another; and

(ii) prohibiting the operation of a vehicle which is being used to tow trailers where the combined length of the vehicle and trailers exceeds a prescribed limit;

(v) the number of persons who may be carried on vehicles or trailers for the purpose of controlling or attending to them;

(w) (i) regulating the number and kinds of lamps and reflectors that are to be carried on vehicles, motor vehicles and trailers and the manner in which those lamps and reflectors are to be used; and

(ii) prohibiting the use of such lamp or lighting device as may be specified;

(x) (i) regulating and specifying the number and type of brakes;

(ii) the affixing of efficient brakes; and

(iii) ensuring that brakes, steering gear and other parts of a vehicle are maintained in proper working order;

(y) (i) prohibiting the use of any cut out, fitting or other apparatus or device rendering it possible to open the exhaust of a motor vehicle;

(ii) efficient silencers to minimise noise;

(iii) prohibiting the unnecessary issue of smoke or fumes and the unnecessary discharge of fuel, oil or lubricants; and

(iv) prohibiting nuisance caused by the working of motor vehicles and the use on roads of motor vehicles or trailers which cause excessive noise due to defect, lack of repair, faulty adjustment or faulty packing of loads on those vehicles or trailers;

(z) regulating—

(i) the loading of vehicles, motor vehicles and trailers; and

(ii) the securing of loads so that danger is not caused or likely to be caused, by reason of the load or part of the load falling or being liable to fall, from the vehicle or trailer;

(za) prohibiting the use of a motor vehicle which is so constructed or loaded that manual signals given by the driver cannot be readily seen from the rear of the vehicle by a person in line with the offside unless it is fitted with an apparatus to enable its driver efficiently to signal his intention to stop or change direction;

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(zb) prescribing the methods to be used and appliances to be fitted for signalling the approach of a motor vehicle, for enabling the driver of a motor vehicle to become aware of the approach of another motor vehicle from the rear and for intimating the intended movement of a motor vehicle; securing that such appliances shall be efficient and kept in proper working order;

(zc) providing for the examination, on the road or elsewhere, of motor vehicles, either generally or of such classes as may be specified, for the exemption of specified vehicles or classes of vehicles from the need to be examined and for the notification of the result of examinations;

(zd) (i) those vehicles or motor vehicles that may be exempted from the need to be registered or licensed and under what conditions;

(ii) the driving licences or permits issued outside Mauritius or the equivalents of those licences or permits that may be deemed to have effect within Mauritius as if issued under Part IV; and

(iii) the conditions to which driving licences, permits or their equivalents may under subparagraphs (i) and (ii), be made or may be deemed to be subject in their application to Mauritius;

(ze) the procedure to be adopted and the conditions to be observed in connection with—

(i) the issue of international certificates for motor vehicles and international driving permits; and

(ii) the use of those certificates and permits under subparagraph (i) issued elsewhere than in Mauritius;

(zf) exempting vehicles, motor vehicles and trailers from compliance with the provisions of this Act relating to construction and equipment;

(zg) (i) the construction and equipment of public service vehicles; and

(ii) the circumstances in which and the conditions on which vehicles may be substituted for authorised vehicles, otherwise than in the case of breakdown or unforeseeable emergency;

(zh) (i) the hours and conditions of service of the drivers of such classes of motor vehicles as may be specified;

(ii) regulating the licensing of drivers of public service vehicles and of conductors in buses; and

(iii) the badges to be worn by the drivers and conductors under subparagraph (ii);

(zi) (i) the means of identifying public service vehicles authorised to be used under road service licences; and

(ii) the period of validity of the means of identification under subparagraph (i), the particulars that they are to contain, the manner of their display, the fees to be charged for them and their custody, production, return and cancellation on expiration, suspension or revocation;

(zj) (i) the records that are to be kept; and

(ii) the returns that are to be made by persons holding or applying for licences issued under Part VI or Part VII or subject to Part VIII;

(zk) the manner in which—

(i) indications for the grant, revocation or suspension of; and

(ii) the variation of conditions of, road service licences are to be published;

(zl) (i) the carriage of persons on motorcycles; and

(ii) the shape, construction, quality and other particulars of protective helmets to be worn by persons on motorcycles and side cars;

(zm) the classes of motor vehicles for which driving licences and provisional driving licences may be expressed to be valid;

(zn) the licensing, control and inspection of driving schools and of instructors;

(zo) the inspection of any premises, vehicles, equipment, records or any other place or thing used in connection with the teaching for—

(i) gain of driving; and

(ii) ensuring that the curriculum is suitable and that the instructors are competent;

(zp) (i) the revocation of; and

(ii) the variation of the conditions of and the making and hearing of appeals in respect of,

instructor's licences and driving school licences;

(zq) any other provision that is deemed necessary for the proper licensing, control and inspection of the teaching, for gain, of driving and for ensuring that the conditions of any licence relating to the teaching are observed;

(zr) (i) the removal from roads; and

(ii) the moving from one position on a road to another position on that or any other road, of vehicles which have broken down or which have been permitted to remain at rest on a road in contravention of any lawful prohibition or restriction or in such a position or in such a condition or in such circumstances as to be likely to cause danger to other persons using the road or as to cause obstruction to such persons or as to appear to have been abandoned; and

(iii) the removal or movement of any loads carried in or on the vehicles under subparagraphs (i) and (ii);

(iv) the disposal by sale or otherwise of any vehicle which is deemed to have been abandoned on a road;

(v) the payment of fees by the owner of a vehicle in respect of the removal or moving of his vehicle or of any loads carried in it; and

(vi) the recovery of any expenses reasonably incurred in the execution of any power given or duty imposed by the regulations;

(zs) the use and registration of cycles and the payment of fees in respect of registration and in particular—

(i) the procedure to be followed by cycle owners for the registration of cycles;

(ii) the manner in which cycles are to be registered;

(iii) the form of registration certificates, the issue of certificates and of copies, in case of loss or destruction of the original and the fees to be paid;

(iv) the procedure for notifying a change of ownership of a cycle or for cancelling the registration of a cycle;

(v) the plate or other distinguishing mark or design to be affixed to or borne by, a cycle for the purpose of its identification and the manner in which the plate or other mark or design is to be affixed to or borne by the cycle;

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(vi) the carriage of goods on cycles; and

(vii) the prevention of the fraudulent use of an unregistered cycle;

(zt) the exclusion of specified vehicles from the definition of "motor vehicle" in section 2;

(zu) the amendment of—

(i) the Schedules, other than the First and Third Schedules;

(ii) the First and Third Schedules with the approval of the Minister to whom responsibility for the subject of finance is assigned;

(zv) the form, manner and procedure of an appeal authorised under this Act.

[S. 190 amended by s. 15 of Act 46 of 2002 w.e.f. 15 May 2003; s. 23 (g) of Act 27 of 2012 w.e.f. 22 December 2012.]

Part XI – Fixed penalties

191. Fixed penalty notice

(1) Where a person commits an offence specified in the first column of the Fourth Schedule, the police officer, road transport officer or traffic warden who detects the offence shall require the driver of the motor vehicle involved to elect whether to accept a Fixed Penalty Notice (FPN) or to be reported with a view to proceedings being taken against him before a Court.

(2) Where the driver elects to accept an FPN pursuant to subsection (1), one copy of the FPN, in the form set out in the Seventh Schedule and drawn up in quadruplicate, shall immediately be served on him, calling upon him to pay within 21 days the appropriate fine specified in the second column of the Fourth Schedule to the appropriate District Court.

(3) The person who detected the offence shall—

(a) forward one copy of the FPN to the Commissioner of Police or the Commissioner, as the case may be;

(b) forward one copy to the appropriate District Court; and

(c) retain the fourth copy.

(4) —

[S. 191 inserted by s. 5 of Act 43 of 1992 w.e.f. 1 August 1993; amended by s. 4 of Act 30 of 1995 w.e.f. 2 December 1995; s. 14 of Act 38 of 1999 w.e.f. 1 December 2000; s. 16 of Act 46 of 2002 w.e.f. 15 May 2003; repealed and replaced by s. 14 of Act 17 of 2012 w.e.f. 10 May 2013; amended by s. 14 of Act 7 of 2015 w.e.f. 27 July 2015.]

192. Payment of fixed penalty

(1) A person who elects to accept an FPN pursuant to section 191 (1) shall, within 21 days—

(a) attend the appropriate District Court specified in the FPN;

(b) produce—

(i) the FPN;

(ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, that licence or permit, as the case may be; and

(iii) his National Identity Card or, where he is the holder of an international driving permit, his passport; and

(c) pay the fine specified in the FPN.

(2) On receipt of payment made under subsection (1), the District Court Officer shall, in the case of an offence specified in the second column of the Third Schedule, fill in Part B of the FPN and, within 14 days of the date of payment, return the FPN to the licensing officer.

**[S. 192 added by s. 5 of Act 43 of 1992 w.e.f. 1 August 1993; amended by s. 8 of Act 4 of 1999 w.e.f. 14 February 2000; repealed and replaced by s. 15 of Act 17 of 2012 w.e.f. 10 May 2013; amended by s. 15 of Act 7 of 2015 w.e.f. 27 July 2015.]*

193. Non-payment of fixed penalty

Where a person who has been served with a notice under section 191 fails to pay the appropriate fine within the time limit mentioned in the notice and criminal proceedings are instituted against him for the offence in respect of which he was served with the notice, he shall, notwithstanding this Act or any other enactment, be liable, on conviction, to a fine which shall not be less than twice the amount specified in the second column of the Fourth Schedule in respect of that offence.

[S. 193 of added by s. 5 of Act 43 of 1992 w.e.f. 1 August 1993; amended by s. 16 of Act 17 of 2012 w.e.f. 10 May 2013; s. 16 of Act 7 of 2015 w.e.f. 27 July 2015.]

194. Parking notice

(1) Notwithstanding this Act or any other enactment, where such parking offences as may be prescribed are committed, a police officer, road transport inspector or traffic warden, may serve such notices on such persons and in such manner, as may be prescribed.

(2) Every person served with a notice under this section may, notwithstanding this Act, pay the prescribed penalty, including any fixed penalty, within the delay and at the place prescribed.

(3) Where the penalty specified in subsection (2) is not paid, criminal proceedings shall be instituted against such persons as may be prescribed.

[S. 194 added by s. 17 of Act 46 of 2002 w.e.f. 15 May 2003.]

195. Photographic Enforcement Device Notice

(1) Where an offence specified in the Eighth Schedule is detected by means of a Photographic Enforcement Device, a police officer shall, within 14 days, cause a Photographic Enforcement Device Notice (PEDN) in the form set out in the Eighth Schedule to be served on the owner of the motor vehicle calling upon him—

(a) to pay, within 21 days from the date of issue of the PEDN, the appropriate fine specified in the Eighth Schedule;

(b) —;

(c) where he was not the driver or owner of the motor vehicle at the time of the offence, to fill in and sign Part B of the PEDN and return it to the licensing officer within 14 days from the date of the issue of the PEDN.

(2) Where the licensing officer receives a PEDN with Part B filled in, he shall, within 14 days, cause the PEDN to be served on the new owner or driver of the motor vehicle, as the case may be, calling upon him to comply with the requirements of subsection (1) (a).

(3) A driver who has been served with a PEDN shall, within 21 days—

(a) attend the appropriate District Court specified in the PEDN;

(b) produce—

(i) the PEDN;

(ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, that licence or permit, as the case may be; and

(iii) his National Identity Card or, where he is the holder of an international driving permit, his passport; and

(c) pay the fine specified in the PEDN.

(3A) (a) Without prejudice to subsection (3), a driver who has been served with a PEDN may cause another person duly authorised by him in writing to pay the fine specified in the PEDN.

(b) The person authorised under paragraph (a) shall—

(i) attend the appropriate District Court specified in the PEDN within 21 days from the date the driver has been served with the PEDN;

(ii) produce the PEDN duly signed by the driver;

(iiA) produce, where the driver is the holder of a driving licence, a provisional driving licence or an international driving permit, the licence or permit of the driver, as the case may be;

(iiB) produce the National Identity Card of the driver or, where the driver is the holder of an international driving permit, the passport of the driver;

(iii) produce his National Identity Card or, in the case of a nonresident, his passport; and

(iv) pay the fine specified in the PEDN.

(3B) Notwithstanding any other enactment, a driver who has been served with a PEDN or another person duly authorised by the driver under subsection (3A) (a) may pay the fine specified in the PEDN in any District Court convenient to the driver or the person.

(4) —

(5) On receipt of payment made under subsection (3), the District Court Officer shall fill in Part D of the PEDN and, within 14 days of the date of payment, return the PEDN to the licensing officer.

(6) —

(7) The photographic evidence may be viewed by the owner or driver of the motor vehicle on written application made to the Commissioner of Police within 14 days of the date of issue of the PEDN and on payment of the prescribed fee.

(8) In this section—

"owner" includes—

(a) a person in whose name the vehicle is registered, except where the person has sold or otherwise disposed of the vehicle and has complied with the enactment applicable to him in regard to such sale or disposal;

(b) a person who is the joint owner of the vehicle;

(c) a person who has possession of the vehicle, under a hiring, hirepurchase or lease agreement, but who is not the owner under any such agreement;

(d) the holder of a motor dealer's vehicle licence issued under section 32; and

(e) the holder of a permit to remove a vehicle under the Road Traffic (Removal of Unlicensed Vehicles) Regulations 1969;

"serve" means—

(a) deliver in person; or

(b) send, by registered post, to a person's usual or last known place of residence or business address.

[S. 195 added by s. 3 of Act 39 of 2008 w.e.f. 20 December 2008 and repealed and replaced by s. 17 of Act 17 of 2012 w.e.f. 10 May 2013; amended by s. 21 (d) of Act 26 of 2013 w.e.f. 21 December 2013; s. 17 of Act 7 of 2015 w.e.f. 27 July 2015.]

196. Non-payment under section 195

Where the owner or driver of a motor vehicle, as the case may be, who is served with a PEDN fails to pay the specified penalty within 21 days of the date of issue of the PEDN, he shall—

(a) be presumed to have been the driver of the vehicle at the time of the offence; and

(b) where criminal proceedings are instituted against him for the offence in respect of which he was served with the PEDN, be liable, on conviction, to a fine which shall not be less than twice the amount specified in the Eighth Schedule in respect of that offence.

[S. 196 added by s. 18 of Act 17 of 2012 w.e.f. 10 May 2013; amended by s. 18 of Act 7 of 2015 w.e.f. 27 July 2015.]

197. Giving false or misleading information

Where a person knowingly gives false or misleading information in filling Part B of a PEDN, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

[S. 197 added by s. 19 of Act 17 of 2012 w.e.f. 10 May 2013.]

First Schedule (Section 29)

	Mauritius			Rodrigues		
	3 months	6 months	12 months	3 months	6 months	12 months
Type of vehicles	**(Rs)**	**(Rs)**	**(Rs)**	**(Rs)**	**(Rs)**	**(Rs)**
1. Motor car/Dual-purpose vehicle/Double cab pickup						
Engine capacity						
1250 cc and below	1,100	1,900	3,500	600	1,000	1,800
1251 cc - 1 600 cc	1,200	2,200	4,000	700	1,100	2,000
1601 cc - 1 850 cc	2,600	4,700	8,500	1,300	2,400	4,300
1851 cc - 2250 cc	3,200	5,800	10,500	1,600	2,900	5,300
Above 2250 cc	4,000	7,200	13,000	2,000	3,600	6,500
2. Motor car/Dual-purpose/Double cab pickup vehicle registered on a company or a trade name						
Engine capacity						
1250 cc and below	1,400	2,500	4,500	700	1,300	2,300
1251 cc - 1 600 cc	1,500	2,700	5,000	800	1,400	2,500
1601 cc - 1 850 cc	3,200	5,800	10,500	1,600	2,900	5,300

1851 cc - 2250 cc	3,800	7,000	12,500	1,900	3,500	6,300
Above 2250 cc	4,600	8,300	15,000	2,300	4,200	7,500
3. Double cab pickup						
A double cab pickup owned by—						
(a) a planter, fisherman or cattle, goat, sheep or pig breeder, every one of whom is, to the satisfaction of the Commissioner, operating on a small scale;	1,200	2,200	4,000	700	1,100	2,000
(b) a person carrying on a small enterprise or a handicraft enterprise holding a registration certificate issued by the Small Enterprises and Handicraft	1,200	2,200	4,000	700	1,100	2,000

Development Authority.						
4. Classic/Vintage motor car						
(Registered before 01 January 1970)	_	_	1,000	_	_	1,000
5. Contract car						
Engine capacity						
1250 cc and below	1,400	2,500	4,500	700	1,300	2,300
1251 cc — 1600 cc	1,500	2,700	5,000	800	1,400	2,500
1601 cc — 1850 cc	3,200	5,800	10,500	1,600	2,900	5,300
1851 cc — 2250 cc	3,800	7,000	12,500	1,900	3,500	6,300
Above 2250 cc	4,600	8,300	15,000	2,300	4,200	7,500
6. Taxi						
Engine capacity						
1600 cc and below	300	500	900	200	300	500
1601 cc and above	600	1,100	2,000	300	600	1,000
7. Heavy motor car						
Engine capacity						
3000 cc and below	4,600	8,300	15,000	2,300	4,200	7,500

3001 cc and above	6,000	11,000	20,000	3,000	5,500	10,000
8. Motor cycle/3 Wheelers						
Engine capacity						
100 cc and below	-	-	600	-	-	300
101 cc - 200 cc	-	-	700	-	-	350
201 cc - 300 cc	-	-	800	-	-	400
301 cc — 500 cc	-	-	900	-	-	450
501 cc and above	-	-	1,000	-	-	500
9. Bus						
Engine capacity						
6000 cc and below	1,000	1,700	3,000	500	900	1,500
6001 cc and above	1,400	2,500	4,500	700	1,300	2,300
10. Contract bus						
Seating capacity						
Up to 15 seats	1,000	1,700	3,000	500	900	1,500
Between 16 seats and 35 seats	1,200	2,200	4,000	600	1,100	2,000

More than 35 seats	1,500	2,700	5,000	800	1,400	2,500
11. Motor tractor/Goods vehicle/Trailer						
Maximum Gross Weight						
Up to 3.5 tonnes	1,000	1,700	3,000	500	900	1,500
More than 3.5 tonnes but up to 10 tonnes	1,500	2,700	5,000	800	1,400	2,500
More than 10 tonnes but up to 20 tonnes	2,800	5,000	9,000	1,400	2,500	4,500
More than 20 tonnes	5,600	10,000	18,000	2,800	5,000	9,000
12. Locomotive						
Per tonne of weight unladen, to the nearest tonne	400	700	1,200	200	400	600
13. Motor car belonging to visitor						
Any motor car belonging to a person on a temporary visit to Mauritius or Rodrigues of not less than one week		(1,500 per month)			(1,500 per month)	
14. Motorcycle belonging to visitor						

Any motorcycle belonging to a person on a temporary visit to Mauritius or Rodrigues of not less than one week		(800 per month)			(800 per month)	
15. Motor tractor/Goods vehicle/Tractor used during crop season						
Maximum Gross Weight						
5 tonnes and below	300	700	1,200	-	-	-
More than 5 tonnes but up to 10 tonnes	600	1,400	2,400	-	-	-
More than 10 tonnes but up to 20 tonnes	1,100	2,800	5,000	-	-	-
More than 20 tonnes	2,000	5,400	10,000	-	-	-
16. Hybrid vehicle	50 per cent of the amount, rounded to the nearest hundred rupees, corresponding to the class of motor vehicle as specified in the Schedule.					
17. Electric motor vehicle						
Not exceeding40.0 kW	1250 cc and below					
40.1 kW - 57.5 kW	1251 cc - 1600cc	50 per cent of the amount, rounded to the nearest hundred rupees, corresponding to the class of motor vehicle as specified in the Schedule.				
57.6 kW - 71.5 kW	1601 cc - 1850cc					

71.6 kW - 90.0 kW	1851 cc - 2250cc	
Exceeding 90.0 kW	Above 2250 cc	

Second Schedule (Section 52)

Offences involving disqualification for holding or obtaining, cancellation and endorsement of, driving licences

Section	Offence	First, second or subsequent offence	Cancellation		Disqualification		Endorsement		
			Obligatory	Permissible	Obligatory	Permissible	Obligatory	Permissible	Remarks
15	No test certificate	First	No	No	No	No	No	Yes	-
		Second or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
21	No motor vehicle or trailer licence	First	No	No	No	No	No	Yes	—
		Second or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
40 (a) (i)(ii)	Driving with no driving licence, lice having expi	First or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
	Permitting or employing an unlicensed per-son to drive a motor vehicle, his licence having expired								
(b) (i) (ii)	Driving with no driving licence, having	First or subsequent	*		Yes	No	*		*Not applicable

	never been licensed							
	Permitting or employing an unlicensed person, who has never been licensed, to drive a motor vehicle	First or subsequent	Yes	No	Yes	No	Yes	No	
53 (4)	Fraudulent application for or obtaining of, driving licence, driving while under disqualification	First or subsequent	Yes	No	Yes*	No	Yes	No	*To take effect from expiry of current period of disqualification where applicable
55	Vehicle uninsured	First or subsequent	Yes	No	Yes	No	Yes	No	—
107 (1)	Driving public service vehicle or goods vehicle without appropriate licence under Part VII	First or subsequent	No	Yes	No	Yes	Yes*	Yes	*If licence is cancelled or offender is disqualified
110	Public service vehicle or goods vehicle driver buying or consuming intoxicating liquor while on duty	First	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
		Second or subsequent	No	Yes	No	Yes	Yes*	Yes	*If licence is cancelled or offender is disqualified

123	Using vehicle without certificate of fitness or when use is prohibited	First	No	No	No	No	No	Yes	—
		Second or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
123A	Dangerous driving	First	No	Yes	No	Yes	Yes*	Yes	*If offender is disqualified
									Minimum disqualification period of 6 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 1 2 months
123B	Causing death by dangerous driving	First	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 2 years
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 5 years
123C	Careless or inconsiderate driving	First	No	No	No	Yes	Yes*	No	*If offender is disqualified
		Second, Third or subsequent	NoYes	YesNo	YesYes	NoNo	YesYes	NoNo	Minimum disqualification period of 6 months
123D	Causing death	First	Yes	No	Yes	No	Yes	No	Minimum disqualification

	by careless driving when under the influence of intoxicating drink or drug								period of 2 years
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 5 years
123E	Driving or being in charge of motor vehicle when under influence of intoxicating drink or drug	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 1 2 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 24 months
123F	Driving or being in charge of motor vehicle with alcohol concentration above prescribed limits	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 1 2 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 24 months
123G	Failing to provide specimen of breath for	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 8 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	

	breath test								
123H	Failing to provide specimens of breath, blood or urine for analysis	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 8 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	
133	Involuntary homicide	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 9 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	
133	Involuntary wounds and blows	First	No	Yes	No	Yes	Yes*	No	*If offender is disqualified
		Second or subsequent	No	Yes	Yes	No	Yes	No	
135	Driving motor vehicle or trailer in dangerous condition	First or subsequent	No	No	No	No	No	Yes	—
140 -									
151(3)	Taking and driving away a motor vehicle without consent of owner or other	First or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified

	lawful authority								

[Second Sch. reprinted by Reprint 3 of 1983; 3 of 1994; amended by Act 7 of 1994; s. 12 of Act 9 of 2003 w.e.f. 1 September 2003; s. 19 of Act 7 of 2015 w.e.f. 27 July 2015; s. 11 of Act 23 of 2016 w.e.f. 8 December 2016.]

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Third Schedule (Section 123AG)

Offences		Offence code
1.	Using a motor vehicle as a bus, contract bus, taxi or contract car without a public service vehicle licence(section 76 (1))	PSVL07
2.	Failing to wear securely a prescribed protective helmet while riding a motorcycle or an autocycle(section 123N (3) (a) and (4))	HELM01
3.	Carrying a load insecurely fastened and falling or liable to fall, from a vehicle or projecting from the vehicle(section 123V and regulations 4 (2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010)	LOAD01
4.	Failing to comply with traffic sign whilst driving by crossing a continuous white line on a road(sections 123AD (2), 163, 184 and 185 and the Traffic Signs Regulations 1990)	LINE01
5.	Failing to comply with traffic sign whilst driving by not conforming to the requirements of a traffic light(sections 123AD (2), 163, 184 and 185 and the Traffic Signs Regulations 1990)	TRLT01
6.	Using a hand-held microphone or telephone handset whilst driving(section 123AE)	PHON01
7.	Exceeding speed limit by more than 15 but not more than25 kilometres per hour(section 124 and the Road Traffic (Speed) Regulations 2011)	SPED05

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8.	Exceeding speed limit by more than 25 kilometres per hour (section 124 and the Road Traffic (Speed) Regulations 2011)	SPED06
9.	Failing to allow free and uninterrupted passage to a pedestrian using a crossing(regulations 3 (b) and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002)	CROS01
10.	Overtaking or passing a vehicle which has stopped at a pedestrian crossing(regulations 4 and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002)	OVCR01
11.	Failing to wear a seat belt whilst driving a motor vehicle (regulations 87 (1) (a) (i), (b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010)	BELT01

[Third Sch. inserted by s. 20 of Act 17 of 2012 w.e.f. 10 May 2013; amended by GN 101 of 2013 w.e.f 10 May 2013; repealed and replaced by s. 20 of Act 7 of 2015 w.e.f. 27 July 2015.]

Fourth Schedule (Section 191)

Offences	Fine (Rs)
Using a motor vehicle or trailer without a valid certificate of fitness -sections 114 (1) and 122 (a)	500
Using a motor vehicle for a purpose other than that for which it has been licensed - section 21 (3)	500
Using a motor vehicle as a bus, contract bus, taxi or contract car without a public service vehicle licence - section 76 (1)	500
Breach of condition attached to Public Service Vehicle Licence - sections 76 (5) and 163	500
Breach of condition attached to Road Service Licence - section 77 (3)	500
Admitting more passengers in public service vehicle - section 79 (2)	500
Touting - sections 82 and 163	200
Breach of condition attached to carrier's licence - sections 87 (4) and163	500
Breach of lane discipline on a dual carriageway section 123AM	1,000
Plying for hire at an unauthorised place - sections 103 (6) and 163	500
Acting as conductor of a public service vehicle without licence - section 108	300
Exceeding speed limit (by not more than 15 kilometres per hour) - section 124 and the Road Traffic (Speed) Regulations 2011	1,000

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Exceeding speed limit (by more than 15 but not more than 25 kilometres per hour) - section 124 and the Road Traffic (Speed) Regulations 2011	1,500
Exceeding speed limit (by more than 25 kilometres per hour) - section 124 and the Road Traffic (Speed) Regulations 2011	2,500
Driving vehicle in dangerous condition - section 135	300
Failing to comply with traffic sign - Traffic Signs Regulations 1990 and sections 123AD and 163	2,000
Failing to wear securely prescribed protective helmet while riding a motorcycle or autocycle - section 123N (3) (a) and (5)	500
Motor Vehicle Licence not fixed up - regulation 15 of the Road TrafficRegulations 1954 and sections 137 and 163	200
Tariff of fares not fixed up in bus - regulation 27 of the Road TrafficRegulations 1954 and sections 137 and 163	200
Destination indicator not clearly affixed - regulation 29 of the RoadTraffic Regulations 1954 and sections 137 and 163	200
Certificate of fitness of public service vehicle or goods vehicle not fixed up - regulations 36 (4) and (5) of the Road Traffic Regulations 1954 and section 163	200
No or insufficient warning sign at the rear of a goods vehicle or trailer -regulation 38 (3) of the Road Traffic Regulations 1954 and sections 137 and 163	500
Allowing vehicle to cause obstruction on public road - regulation 40 (1) of the Road Traffic Regulations 1954 and section 163	500
Failing to give proper signal when about to turn - regulation 40 (8) of the Road Traffic Regulations 1954 and section 163	300
Driving on a public road designated and signposted for one way traffic in a direction other than that	500

designated - regulation 40 (13) of the Road Traffic Regulations 1954 and section 163	
Leaving engine on whilst motor vehicle is stationary - regulation40 (16) of the Road Traffic Regulations 1954 and section 163	500
Unauthorised use of horn - regulation 40A (2) of the Road Traffic Regulations 1954 and section 163	200
Use of unauthorised horn - regulation 40A (3) of the Road Traffic Regulations 1954 and section 163	200
Inefficient hand brake - regulation 41 of the Road Traffic Regulations 1954 and sections 137 and 163	500
Using a motor vehicle on a road without head lamps, rear lamps and registration plate lamps kept lighted during hours of darkness - regulations 103 (1) (b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
Inefficient silencer - regulation 45 of the Road Traffic Regulations 1954 and section 163	300
Permitting oil, grease, petrol or any other fluid from vehicle to drop on road - regulation 45A of the Road Traffic Regulations 1954 and section 163	500
Setting down or taking up passengers at a place other than a bus stop - regulation 47 (5) of the Road Traffic Regulations 1954 and section 163	500
Equipping bus with radio apparatus, cassette player or loud speaker -regulation 48 of the Road Traffic Regulations 1954 and section 163	200
Allowing door to remain open while vehicle is in motion - regulation 3 (ix) of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954 and section 163	200
Failing to carry in vehicle a fire extinguisher readily available for use -regulation 6 of the Road Traffic (Construction and Use of Goods Vehicles and Trailers) Regulations 1952 and section 163	300

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Failing to issue ticket - regulation 3 of the Road Traffic (Control of Bus Ticket) Regulations 1953 and section 163	300
Failing to produce Public Service Vehicle Licence on demand - regulation 20 of the Road Traffic (Public Service Vehicles Road Service and Carrier's Licences) Regulations 1964 and section 163	200
Failing to produce Carrier's Licence on demand - regulation 26 of the Road Traffic (Public Service Vehicles, Road Service and Carrier's Licences) Regulations 1964 and section 163	200
Registration mark not in keeping with prescribed dimensions - regulation 7 (2) of the Road Traffic (Registration of Motor Vehicles and Trailers) Regulations 1963 and section 163	500
Registration mark at rear not illuminated - regulation 7 (6) of the Road Traffic (Registration of Motor Vehicles and Trailer) Regulations 1963 and sections 137 and 163	500
Using an unregistered motor vehicle or trailer on a road - sections 5 (1) and 163	500
Using a motor vehicle or trailer which has been prohibited for use by an authorised examiner or a vehicle examiner - section 122 (c)	500
Registration mark not easily distinguishable - sections 20 (1) and 163	500
Plying for hire outside bus stands or stopping places - sections 103 (2) and 163	500
Load insecurely fastened and falling or liable to fall, from a vehicle or projecting from the vehicle - regulations 4 (2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 and section 123V (1) and 3	500
Stationing vehicle on a road without a light on between sunset and sunrise - sections 144 and 163	500

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Causing a vehicle to be used in contravention of the laden or axle weight - section 166	500
Carrying excess load in goods vehicle - regulation 35 (2) of the RoadTraffic Regulations 1954 and section 163	500
Failing to carry wedge-shaped blocks in a goods vehicle - regulation 38 (2) of the Road Traffic Regulations 1954 and section 163	200
Negligently or wilfully preventing, hindering or interrupting traffic on the road - regulation 40 (3) of the Road Traffic Regulations 1954 and section 163	500
Failing to give signal when about to turn or stop - regulations 40 (8) of the Road Traffic Regulations 1954 and section 163	300
Failing to take precautions when coming out of a less important road onto a more important one - regulation 40 (10) of the Road Traffic Regulations 1954 and section 163	500
Failing to give way to traffic from the right when approaching a roundabout - regulation 40 (10a) (a) of the Road Traffic Regulations 1954 and section 163	500
Load projecting more than 3 inches beyond the external edges of thetyres of the wheels of motor vehicle or truck - regulation 43 of the Road Traffic Regulations 1954 and section 163	500
Failing to carry in a public service vehicle a fire extinguisher readily available for use - regulation 6 of Part I of the Road Traffic (Construction and Use of Motor Buses and Taxis) Regulations 1954 and section 163	300
Identification plate on a taxi car not in keeping with such a pattern as may be approved by the Authority - regulation 2 of the Road Traffic (Identification Signs on Taxis) Regulations 1965 and section 163	500
Using on a road a loaded vehicle exceeding 12 feet in height from the ground - regulation 3 (4) of Part II of the Road Traffic (Construction and Use of Goods	300

Vehicles and Trailers) Regulations 1952 and section 163	
Carrying persons on top of loaded vehicle exceeding 10 feet in height from the ground - regulation 3 (4) (b) of Part II of the Road Traffic (Construction and Use of Goods Vehicles and Trailers) Regulations 1952 and section 163	500
Failing to provide sitting accommodation or to carry tarpaulin in a goods vehicle - regulation 8 (1) and (2) of Part III of the Road Traffic (Construction and Use of Goods Vehicles and Trailers) Regulations 1952 and section 163	300
Failing to comply with conditions attached to a motor dealer's vehicle licence and with other requirements - regulations 4, 8, 9, 10 and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988 and section 163	500
Smoking in public service vehicle (bus) - regulation 5 of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954 and section 163	500
Refuelling in the course of a journey - regulation 8 of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954 and section 163	300
Failing, when acting as conductor or driver of a public service vehicle, to wear a badge in a conspicuous position - regulation 12A (2) of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954 and section 163	200
Failing to produce conductor's or driver's licence or badge on demand -regulation 12A (8) of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954 and section 163	200
Failing to allow free and uninterrupted passage to a pedestrian using a crossing - regulations 3 (b) and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002	500
Overtaking or passing a vehicle which has stopped at a pedestrian crossing - regulations 4 and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002	500

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Failing to issue tickets in compliance with prescribed requirements -regulation 3 of the Road Traffic (Control of Bus Tickets) Regulations 1953 and section 163	500
Plying for hire at separate fares at another base or stand or at or within 60 metres of a bus stopping place or at any stand appointed for any other class of public service vehicles or for goods vehicle - sections 103 (4) and 163	500
Breach of a condition attached to a petrol service station licence or a private petrol station licence - sections 163 and 166A (4) (a) (c)	500
Driving a vehicle, the unladen weight of which exceeds 2000 kilograms and failing to cover its rear axle casing found in between the rear wheels with a coat of white paint - regulation 38 (4) of the Road Traffic Regulations 1954 and section 163	200
Quitting motor vehicle without taking due precaution against its being set in motion - regulation 40 (1) of the Road Traffic Regulations 1954 and section 163	300
Causing motor vehicle to travel backwards for a greater distance or time than may be necessary for turning or other reasonable purpose -regulation 40 (2) of the Road Traffic Regulations 1954 and section 163	300
Failing to overtake traffic on the right - regulation 40 (4) of the RoadTraffic Regulations 1954 and section 163	500
Failing to deflect beam of light - regulation 40 (11) (i) of the Road Traffic Regulations 1954 and section 163	300
Carrying more than one passenger at a time on a motorcycle or an autocycle - regulation 40 (19) (g) of the Road Traffic Regulations 1954 and section 163	500
Driving motorcycle whose engine capacity exceeds 50 cc without putting lights on - regulation 40 (20) of the Road Traffic Regulations 1954 and section 163	300

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Driving a motor vehicle without horn - regulation 40A (1) of the RoadTraffic Regulations 1954 and section 163	300
Admitting into the front seat of a motor vehicle, other than a motor bus, a child under the age of 10 - regulation 40C of the Road Traffic Regulations 1954 and section 163	300
Driving a motor vehicle having its windows and windscreens covered with plastic or other material or made of tinted glass - regulation 42A (1) of the Road Traffic Regulations 1954 and section 163	500
Failing to carry a pair of triangular reflectors in motor vehicle - regulation 44A (1) of the Road Traffic Regulations 1954 and section 163	300
Failing, in case of an accident, a breakdown or an emergency, to display triangular reflectors - regulation 44A (2) of the Road Traffic Regulations 1954 and section 163	500
Using a radio apparatus, cassette player, loud speaker or gramophone while travelling in a bus without the approval of the Authority - regulation 48 (2) of the Road Traffic Regulations 1954 and section 163	500
Overtaking bus whose driver has signalled his intention of moving out of a bus stopping place - regulation 48 (3) of the Road Traffic Regulations 1954 and section 163	300
Fitting or causing to be fitted any additional seat in motor vehicle without approval of Commissioner - regulation 48B of the Road Traffic Regulations 1954 and section 163	500
Failing to submit monthly return - regulations 2, 3 and 4 of the Public Service Vehicles (Returns and Records) Regulations 1984 and section 163	500
Smoking or carrying lighted pipe, cigar or cigarette in a public service vehicle in or on which a notice is exhibited that smoking is prohibited - regulations 4 (o) and 8 of the Road Traffic (Conduct of Passengers) Regulations 1967	500

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Keeping a bus stationary at a bus stop for a longer period of time than is necessary for enabling a person to alight or to enter the bus - regulation 4 (2) (b) of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954 and section 163	500
Load and tare not painted on vehicle - regulation 7 of Part III of the Road Traffic (Construction and Use of Goods Vehicles and Trailers) Regulations 1952 and section 163	300
Driving a motor vehicle which is not fitted with an efficient windscreen wiper - regulation 8 of the Road Traffic (Construction and Use of Motor Buses and Taxis) Regulations 1954 or regulation 8 of the Road Traffic (Construction and Use of Goods Vehicles and Trailers) Regulations 1952 and section 163	300
Driving a taxi without a valid certificate of registration - regulations 3 (1) and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	500
Failing to display certificate of registration as licensee or part-time driver in a visible manner inside the taxi - regulations 5 (1) and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	300
Failing to produce register of driver on demand - regulations 6 (1) and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	300
Failing to make appropriate entry in the register of driver of taxi - regulations 6 (2) and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	300
Displaying without authorisation upon or near the windscreen or any window of a taxi any word, letter, sign or label - regulations 10 and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	300
Failing to display licence number and base of operation on the front doors of a taxi - regulations 11 and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	500
Particulars and dimensions of licence number and base of operation of taxi not in conformity with	500

regulations - regulations 11 and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	
Driving, riding, stopping or parking vehicle on footpath or part thereof -regulation 3 (3) of the Road Traffic (Driving and Parking Directions) Order 1951 and section 163	500
Breach of motor dealer's licence - regulations 4 (1) and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
Carrying unauthorised person in a motor vehicle used under a motor vehicle dealer's licence - regulations 4 (2) and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
Failing to affix identification plates to the front and to the rear of a vehicle used under a motor dealer's vehicle licence - regulations 4 (2) and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
Motor dealer's identification plate of a motor vehicle not as approved by the Authority - regulations 8 and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
Driving, moving, stopping or remaining at rest on a central reservation -regulation 8 of the Road Traffic (Motorways) Regulations 1964 and section 163	500
Failing to apply for permission to remove an unlicensed vehicle from premises where it is kept to other premises - sections 22 and 163	500
Failing to wear seat belt when driving a motor vehicle - regulations 87 (1) (a) (i), (b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
Driving a motor vehicle with a person riding on the front failing to wear a seat belt - regulations 6 and 9 of the Road Traffic (Seat Belts) Regulations 2002	300
Failing to communicate result of exhaust emission test to Commissioner within prescribed period - regulation 13 (2) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 16	2,000

Failing to issue, prior to delivery of a new or second hand imported vehicle to its owner, a certificate stating that the vehicle complies with the specified standard for exhaust and noise emissions - regulation 14 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	2,000
Failing to submit vehicle to exhaust emission test - regulation 13 (1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	2,000
Failing to take his vehicle to a place specified by an authorised officer for an opacity test within the specified period of time - regulation 16 (1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000
Failing to take his vehicle to a place specified by an authorised officer for a noise emission test within the specified period of time - regulation 18 (1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000
Driving a motor vehicle, other than motorcycle or an autocycle on a road without an insurance vignette being affixed to and conspicuously displayed on the left corner of its windscreen - sections 57A (2) (b) and 163	2,000
Driving motorcycle or an autocycle, on a road without an insurance vignette being affixed to and conspicuously displayed, on the near side of its front seat - sections 57A (2) (a) and 163	2,000
Failing to affix on the centre of the roof or the roof-rack of the taxi a yellow sign bearing the word “Taxi” in black - regulations 9 (1) and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	500
Failing to carry in his vehicle an Agreed Statement of Facts Form - section 68B (3)	300
Failing to produce driving licence or a photocopy thereof on request when driving a motor vehicle on a road - sections 46 (1) and 163	300
Failing to produce driving licence within 5 days at such police station as specified by driver on request - section 46 (3)	1,000

Failing to stop engine of or other machinery attached to or forming part of motor vehicle when vehicle is stationary - regulation 21 (1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	500
Failing to operate and maintain approved facility - regulation 15 (1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	5,000
Failing to have his equipment tested and calibrated - regulation 15 (2) (b) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	2,000
Refusing to allow the carrying out of an exhaust or noise emission test - regulation 19 (a) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000
Removing, tampering, defacing or otherwise damaging a prohibition notice - regulation 20 (3) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000
Taxi sign not complying with prescribed colours or dimensions - regulation 9 of the Road Traffic (Control of Taxi Operations) Regulations 1996 and section 163	500
Using a hand-held microphone or telephone handset whilst driving -section 123AE	1,500
Using a hand-held or hand-free microphone or telephone handset while driving a motor vehicle or riding a motor cycle - regulations 90 (1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,500
Using a motor vehicle issued with a prohibition notice - regulation 20 (4) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	3,000
Using or causing or permitting to be used, a diesel-driven motor vehicle emitting smoke over opacity limit of 50 per cent - regulation 8 (2) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	2,000

Using or causing or permitting to be used, a motor vehicle not complying with the specified standard for noise emission - regulation 10 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000
Using or causing or permitting to be used, a motorcycle or an autocycle emitting carbon monoxide over 4.5 per cent by volume - regulation 8 (3) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000
Using or causing or permitting to be used, a petrol-driven motor vehicle, other than motorcycle or an autocycle, not complying with the specified standard for exhaust emission - regulation 8 (1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163	1,000

[Fourth Sch. added by Act 43 of 1992; amended by GN 110 of 1994; GN 158 of 2002; GN 213 of 2004 w.e.f. 1 February 2005; GN 137 of 2006 w.e.f. 1 October 2006; s. 21 of Act 17 of 2012 w.e.f. 10 May 2013; s. 21 of Act 7 of 2015 w.e.f. 27 July 2015.]

Fifth Schedule (Section 68B)

Part A

Agreed statement of facts form

If you are involved in a road accident _____

AGREED STATEMENT OF FACTS on motor vehicle accident

What to do immediately after an accident

- Switch on the warning lights and place the reflecting mangles at a reasonable distance from the rear of the vehicle.
- If your damaged vehicle is likely to cause an obstruction on the road, remove your vehicle from the road to the nearest safe place only after you have clearly marked on the surface of the road the position of its wheels and registration mark with a yellow indelible marker or chalk. You do not have to wait for the police to do so.

When to use this form

Fill in the form on the spot of the accident. All required details must be recorded.

- DO NOT ADMIT LIABILITY. It is the insurers who will determine the respective liabilities of the drivers from the information recorded on the form.
- The completed form (in 2 originals) must be signed by the drivers before leaving the scene of the accident.
- Each driver must keep a copy of the completed and signed form. Changes to information recorded on the form will not be possible after signature.

- Remit a copy of the completed and signed form to your insurer or agent as soon as possible as is reasonably practicable and, in any case, not later than 5 days.

When this form cannot be used

This form should not be filled if—

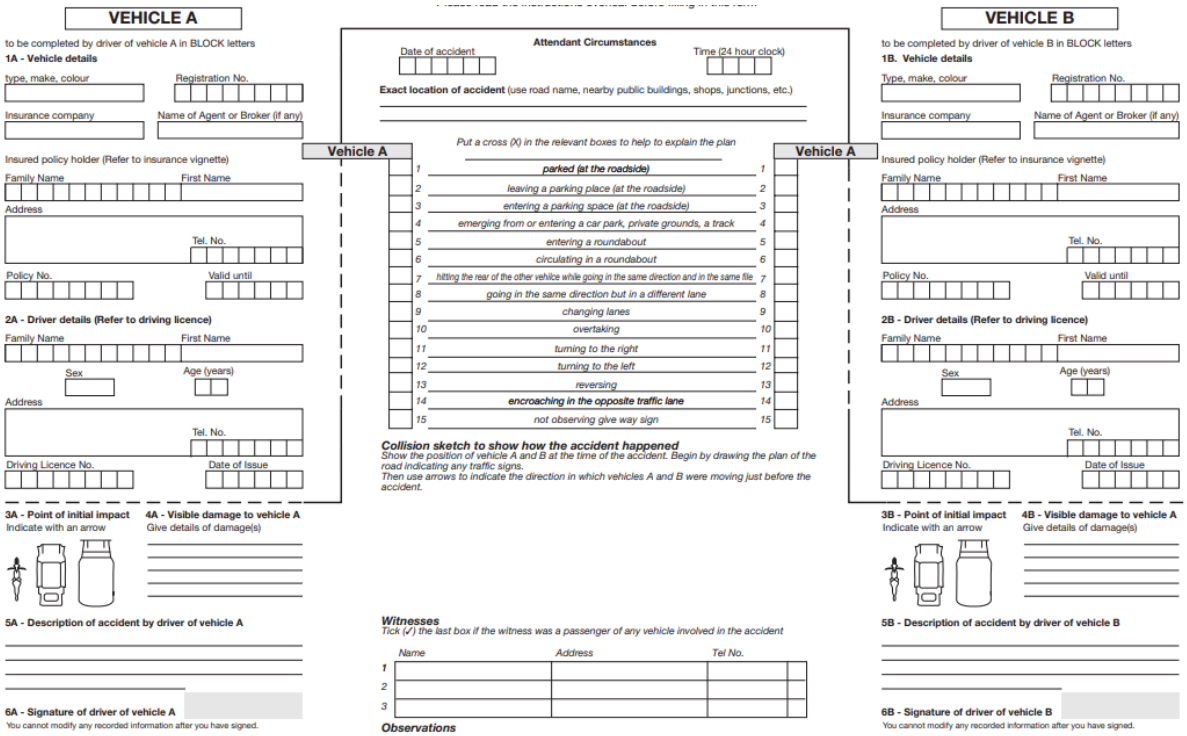
- The driver of the other vehicle does not agree with you on how the accident happened.
- The driver appears to be under the influence of alcohol or drugs.
- There are casualties (fatal, serious or slight injuries).
- There is damage to structure and property other than the vehicles (e.g., traffic signs. guardrails, kerbs, boundary walls, gates, etc.).
- A State-owned vehicle is involved in the accident.
- Any of the motor vehicles does not have an insurance vignette.
- One of the drivers does not hold a valid driving licence.

What to do in situations where this form cannot be used

- Call immediately the police for assistance
- _____ Always keep your calm and behave in a polite manner

AGREED STATEMENT OF FACTS on motor vehicle accident

Please read the instructions overleaf before filling in this form



Part B

Scales of liabilities

General principles

Elements taken into consideration

The elements taken into consideration are only those which appear in the practical situations in these scales of liabilities.

Excluded elements

- Elements relating to speed, lighting or overloading of the vehicles.
- Elements relating to signaling devices of vehicles, except in the situation provided in case 10.
- Specific regulations applying to lanes reserved for certain types of vehicles.

Location of accidents

These scales of liabilities are applicable to accidents occurring on all roads.

Circumstances not specifically provided for in the scales of liabilities

Should this occur, the most suitable case in the scales should be used.

Admission of fact

Admission of liability must not be taken into consideration. Only an admission of fact relating to one of the elements provided in the scales of liabilities shall be considered.

NOTE:-

- The conditions under which each case applies are specified or commented in each case.
- "Changing file" includes the movement of a vehicle to the right or to the left of another vehicle.

Section 1 Vehicles moving in the same direction on the same road

- Traffic in a single file involving an impact at the rear of **A**. The point of impact at the rear of A is a precondition for the application of **case 01**.

A and **B** moving in single or two file

Vehicles ar considered to be in the same file even if partially offset.

- The impact at the rear of a v ehicle does not, however, establish that the traffic was in single file as the impact may have been the result of a change of file by the vehicle hit at the rear.

In the case of dispute by the driver of B, traffic along a single file cannot be inferred by the point of impact: such reference should be made by using other evidence (eg. Observations, sketches, etc. ...).

In the absence of such evidence, the traffic is deemed to be moving in two files. **Cases 02, 03** and **04** are then applicable.

- Overtaking is inconsistent with traffic moving in a single file.
- A point of impact on the side of a v ehicle, even when it is behind the rear wheel, is sufficient ev idence of traffic moving in two files, notwithstanding anything to the contrary.

Vehicles **A** and **B** are moving in single file and one of them is hit at the rear

CASE 01

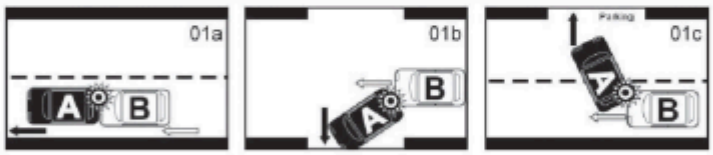
01

Vehicles **A** and **B** are moving in the same direction

Vehicles A and B are moving in the same direction

Case 01

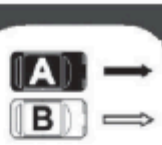
	A	B
DEGREE OF RESPONSIBILITY:	0%	100%

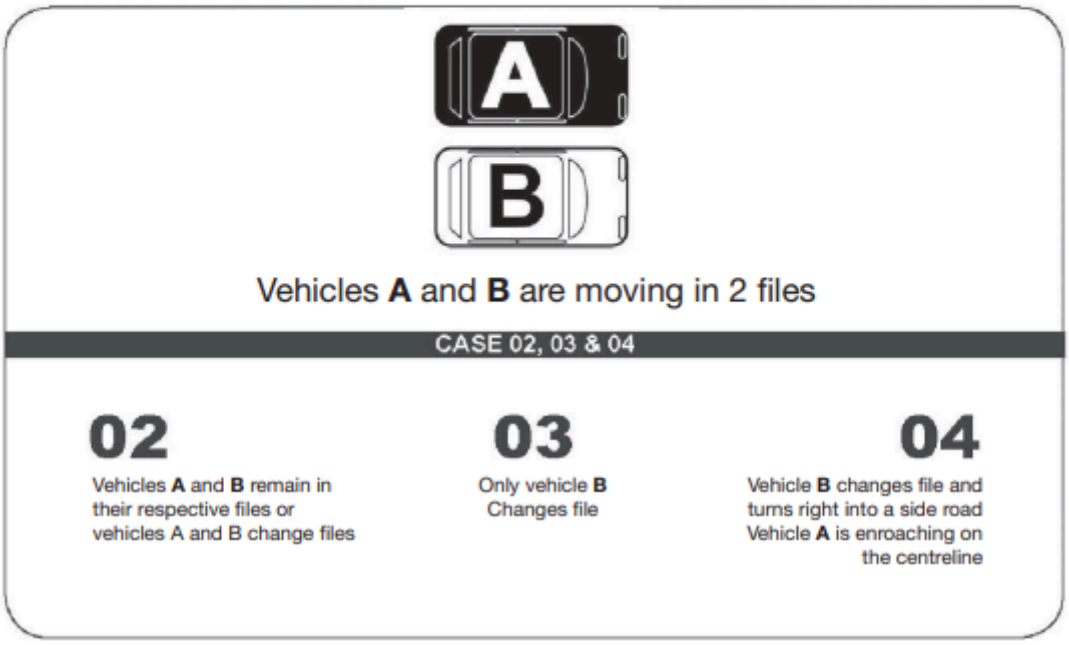


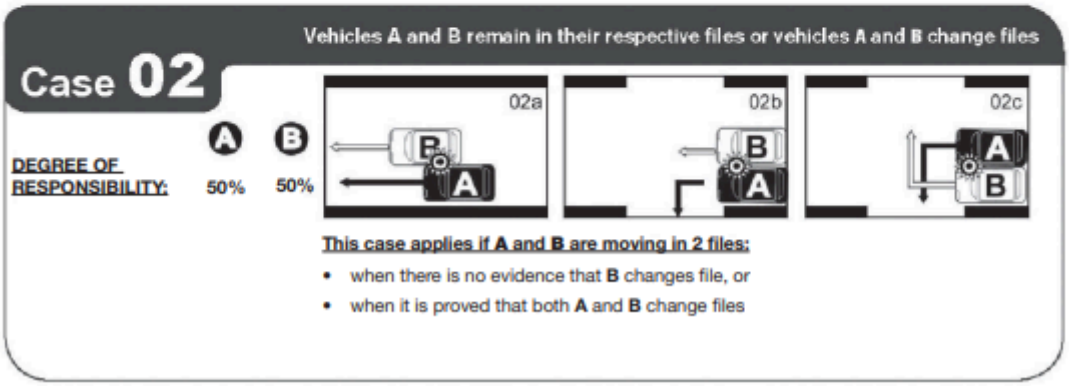
This case applied when the front part of B knocks against the rear part of A. It also applies in the following cases:

- Side impact of **B** against the rear part of **A** (E.g. skidding or manoeuvre of **B**)
- **A** turns to the right or left in a side road.
- **A** enters a parking bay or zone on the right or left of the road, takes to the right or left into a parking area. A place to which the public is not granted access on untarred road.

Vehicles moving in the same direction on the same road

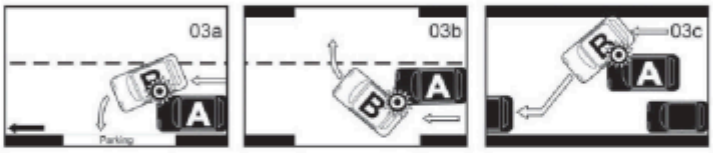






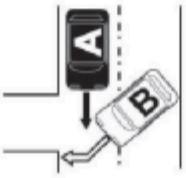
Case 03

Only vehicle B changes file



DEGREE OF RESPONSIBILITY: A 0% B 100%

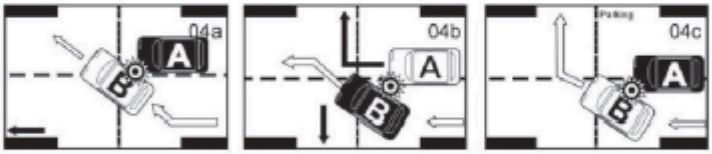
This Case applies when A and B are moving in 2 files and B changes file:



- **B** changes file to enter a place other than a side road.
- **B** turns to the right to enter a side road, cutting-in in front of **A**
- **B** turns to the left to enter a side road and out-in in front of A provided it is proved that **A**
  - does not encroach on or does not cross the centreline, or
  - moves under the same conditions as provided for in **case 05**
- **B** is hit at the rear while changing file an the initial movement of both vehicles in a single file is not established.

Case 04

Vehicle B turns right into a side road
Vehicle A is encroaching on the centreline



DEGREE OF RESPONSIBILITY: A 0% B 100%

These cases apply when A and B are moving in 2 files and B changes file or turns right to enter a parallel lane or side road:

If **A** shows that there was no enroachment on or crossing over of the centreline, case 03 is applicable against **B**

EXCEPTION: If the road is a one-way **case 03** is applicable against **B**

Vehicles moving in opposite directions

Section 2

Vehicles **A** and **B** are moving in opposite directions

CASE 05 & 06

05

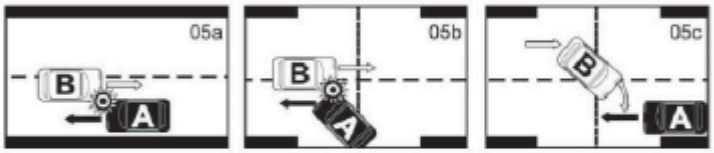
Vehicle **B** encroaches on the centreline. Vehicle **A** is moving in its lane

06

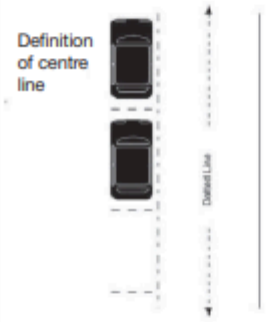
Vehicles **A** and **B** encroach on the centreline or their positions with regard to that line cannot be established

Vehicle B encroaches on the centreline.
Vehicle A is moving in its lane

Case 05



	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



This Case applies in case of an encroachment on the centreline by B:

It also applies against B when the position of right flank coincides with the centreline.

Centreline means:

- The continuous or broken white line.
- In the absence of a white line, the middle of the road, or, of that part of the road left open to traffic by a line of parked vehicles or by road works.
- In the absence of a continuous white line, the centreline of the road, even if for example a step to the entrance of premises or a container encroaches on the road.
- In case of a 3-lane road which has no continuous or broken white line, the middle of the central lane.

Encroachment shall be presumed by the following:

Where the vehicle is carried off course or skids

- The carrying off course or skidding of a vehicle to the right is evidence of encroachment.
- Carrying off course or skidding is presumed to be to the right until the contrary is established.

Explanatory notes

- Evidence of encroachment over the centreline may consist of an undisputed written note inserted in the column "Observations" of the Agreed Statement of Facts Form (eg. Driving on the right, keeping to the right, staying on the right, cutting across, take a bend to the right or far to the right, driving or staying in the middle of the road, skidding, crossing the centre of the road, losing control, going straight ahead at a left bend, being carried off course).
- But a note such as "to force one's way through or overtake" is not such evidence.

Evidence of non-encroachment of one of the 2 vehicles:

- If it is established that one vehicle is not encroaching then the other one is considered to be encroaching.

  Evidence of this may consist on an unchallenged entry inserted in the column "observations" of the Agreed Statement of Facts Forms or else by means of an acceptable note such as: "driving on the left, keeping to the left, staying on the left, driving normally, moving or follow one's file or lane".

By a sketch

- Encroachment can also be established by the positions of the vehicles on a sketch.
- When on a sketch, the position of left flank of a vehicle coincides with the left side of the road in its line of motion. It means that the vehicle was keeping to its left (a fortiori when its left flank oversteps the left side of the road in its line of motion).

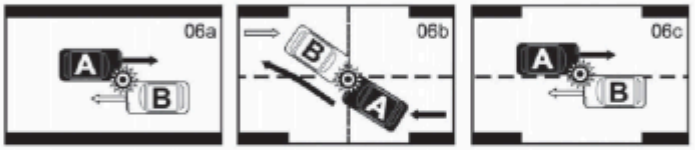
By the point of impact

- Encroachment can also be established from the location of the point of impact when it is shown that the point of impact is situated in an area situated entirely in the lane of A.

Vehicles moving in opposite directions

Case 06

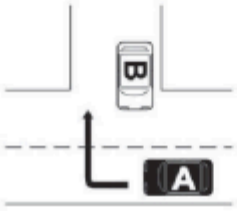
Vehicles **A** and **B** encroach on the centreline or their position with regard to that line cannot be established



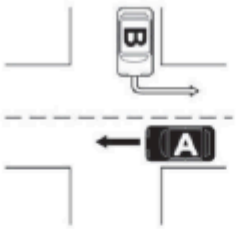
DEGREE OF RESPONSIBILITY: A 0% B 100%

Special situations [(i) - (iv)]

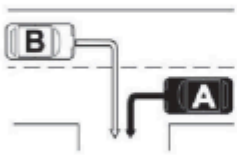
(i)



(ii)



(iii)



(iv)

This Case applies:

When it is established that **A** and **B** both encroach on the centreline, even if the point of impact occurs in the lane of either **A** or **B.**

Or when the positions of A and B cannot be established with regard to the centreline.

Collisions when vehicles are moving in opposite directions or when one h as priority

- When **B** cuts-in in front or prepares to cut-in in front of **A** to turn right, **case 06** applies against **B**.
- If it is established that **A** did not encroach on the centreline, **case 06** applies against **B**.
- When a collision occurs at crossroads or at an intersection, and the vehicles are coming from different roads, **case 07** (or **08**) applies except where it is established that the directions in which the vehicles were moving neither cross nor meet each other.
- If it is established that **A** turns right and that the direction in which **B** is moving is not known then **case 07** applies against **B**, in the absence of any other available evidence.
- If it is established that **B** turns left, **case 06** or **07** applies depending whether there is evidence or encroachment of **A** and/or **B**.

Collision involving vhicles in opposite directions or in the same direction

- If it is established that **A** and **B** are moving in opposite directions and A turns left while B turns right to enter the same road, then case 05 applies againt **B**.
- The rule also applies when the collision occurs beyond any road junction.

Collision involving vehicles in opposite directions with a difference in priority

- If **A** does not have priority (i.e. **A** must give way or stop), and has not moved forward unto the road and is hit by **B**, then **case 05** applies against **B**.

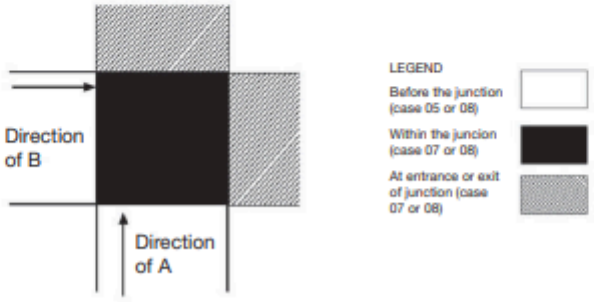
Section 3

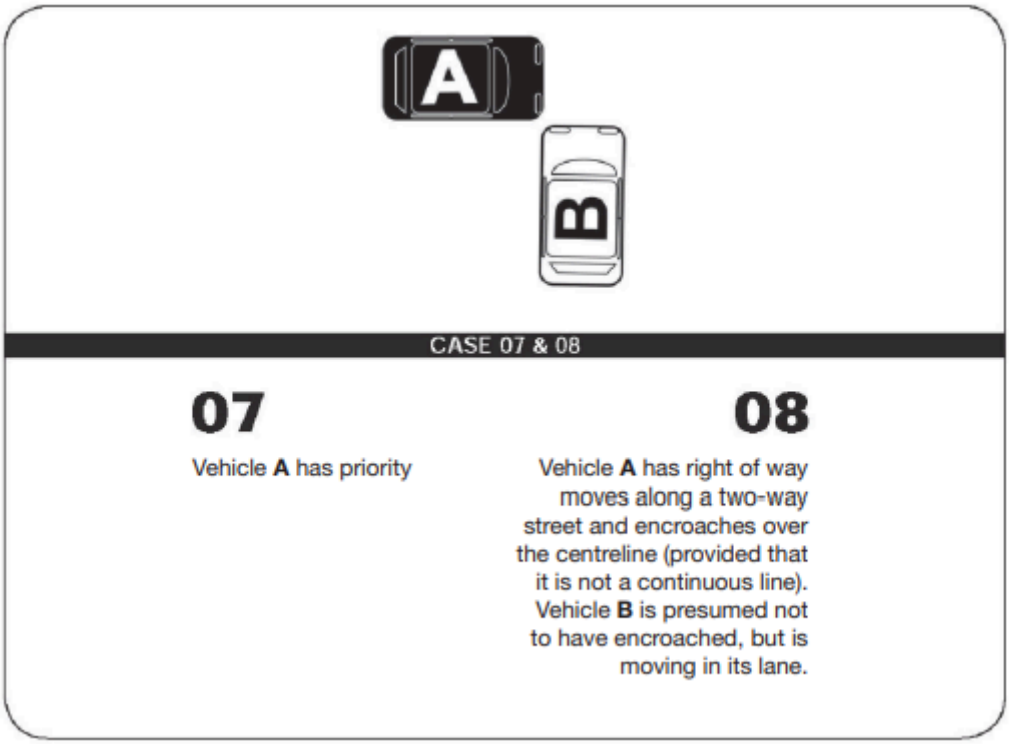
Vehicles coming from different roads and their directions either intersect or meet

Cases 07 and 08 apply to collisions occurring at crossroads or intersections.

A collision occurs in the crossroads area when it is established that the vehicles come from different roads and their directions intersect or meet even though the impact occurs behond the junction.

On the other hand, if there is evidence that the collision occurs before the junction, case 05 applies (the collision is presumed to have occurred before the junction so long as the collision is loacated before the prolongation of the nearside of the road is in line of motion of A).



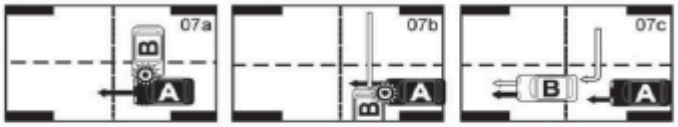


Vehicles come from different roads and their directions either intersect or meet

Case 07

Vehicle **A** has priority

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%

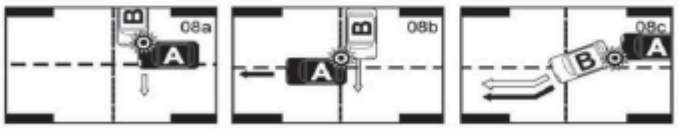


This case applies when **A** is moving in its lane and has right of way

Case 08

Vehicle **A** which has right of way moves along a two-way street and encroaches over the centreline (provided that it is not a continuous line), vehicle **B** is assumed not to have encroached, but is moving in its lane.

	A	B
DEGREE OF RESPONSIBILITY:	50%	50%



This case applies when **A** having right of way, moves along a two-way street and encroaches over the centreline or oversteps it.

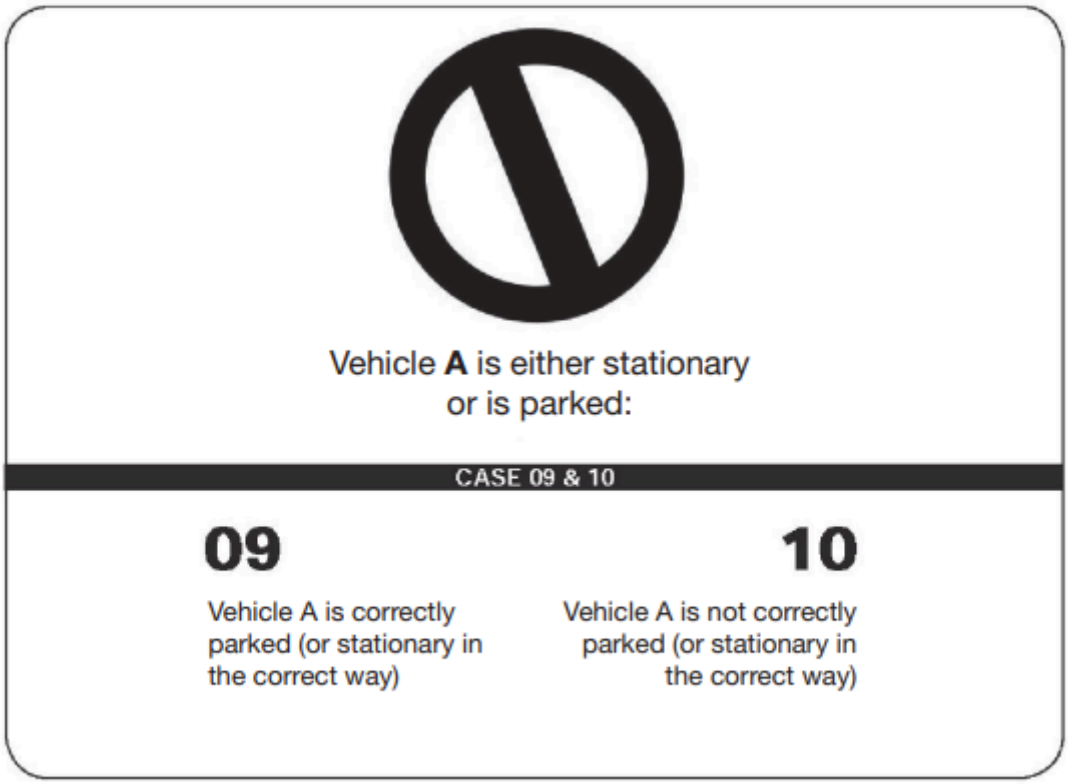
If it is proved that both **A** and **B** encroach on the centreline, **case 07** applies against **B**.

Section 4 — One of the vehicles is either stationary or is parked

Cases 09 and 10 apply to the following situations:

- The vehicle is stationary for a moment in order to allow persons to embark or disembark, or the loading or unloading of goods while the driver is at the steering wheel or in the immediate vicinity so that he may move the vehicle whenever this is necessary.

that are stoped due to traffic conditions should not be taken to be stationary vehicles.

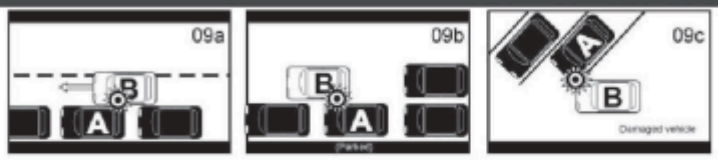


One of the vehicles is either stationary or parked

Case 09

Vehicle A is correctly parked (or stationary in the correct way)

DEGREE OF RESPONSIBILITY:	A	B
	0%	100%



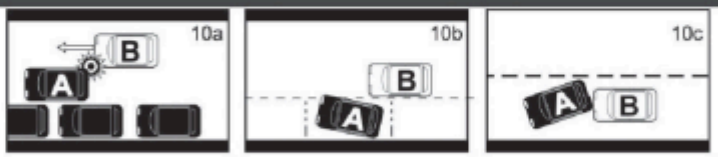
The case applies when A is parked or stationary in the correct way

It also applies when **A** and **B** are moving in 2 files and A has stopped without changing file.

Case 10

Vehicle A is not correctly parked (or is not stationary in the correct area)

DEGREE OF RESPONSIBILITY:	A	B
	50%	50%



This case applies when A is not correctly parked or is not stationary in the correct way, that is:

- Anywhere except in a space provided to that effect.
- Otherwise than alongside a footpath, a pavement, a kerb or the correct border of the road as the case may be.

Special rule

- This case also applies when a vehicle is at rest on the road as a result of a previous accident and without any appropriate indication.

Section 5 — The prohibitions

Prohibitions

CASES 11a - 11d

11a
Vehicle **B** does not comply with a traffic light signal

11b
Vehicle **B** does not comply with either a police roadblock or an official order.

11c
Vehicle **B** does not comply with either a "No Entry", a "No Overtaking", a "No Right Turn" or a "No Left Turn" sign.

11d
Vehicle **B** does not comply with either a continuous line, a road marking (eg. directional arrows or zebra crossing), or moves on the footpath.

CASES 12a - 12e

12a
When vehicle **B** does not comply either with a priority sign ("Give Way" or "Stop") Or Priority to stage buses leaving a bus stop.

12b
An object or a person falls or has fallen from vehicle **B** (either an object being carried by, or an element of, vehicle **B**).

12c
Vehcle **B** is either reversing, or performs a U turn or stops at an angle across The Road.

12d
Vehicle **B** leaves a parking bay, emerging from a parking area, from a place to whick The public has no right of way, from an untarred road.

12e
Impact against the open door of vehicle **B**.

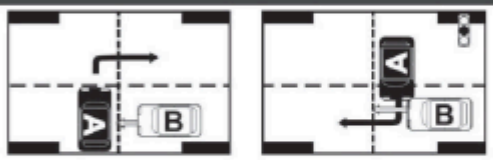
Prohibitions

First Series:

Case 11a

Vehicle B does not comply with a traffic light signal

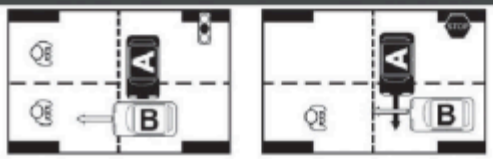
	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Case 11b

Vehicle B does not comply with either a police road block check or an official order

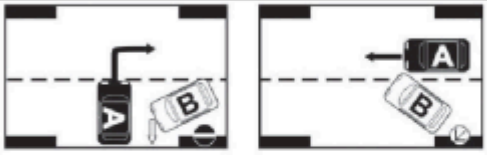
	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Case 11c

Vehicle B does not comply with either a No Entry, a No Overtaking, a No Right Turn, or a No Left Turn sign

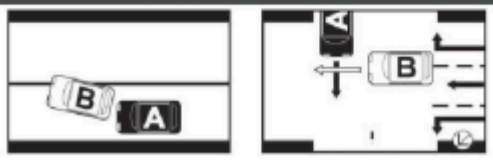
	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Case 11d

Vehicle B does not comply with either a continuous line, a road marking, (eg. directional arrows or zebra crossing), or moves on the footpath

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



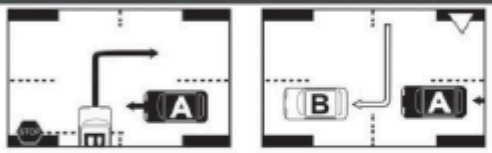
Prohibitions

Second Series:

Case 12a

When vehicle B does not comply either with a priority sign (Give Way or priority to stage buses leaving a bus stop

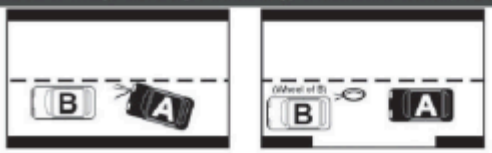
	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Case 12b

An object or a person falls or has fallen from vehicle B (either an object being carried by, or an element of, vehicle B)

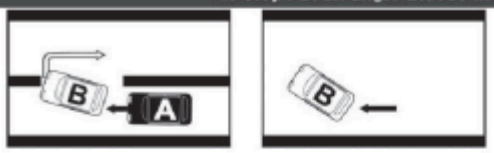
	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Case 12c

Vehicle B is either reversing, or performs a U turn, or stops at an angle across the road

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Case 12d

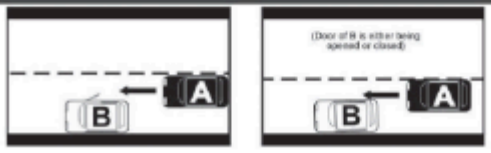
Vehicle B leaves a parking bay, emerges from a parking area, from a place to which the public has no right of way, from an untarred road

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%

Case 12e

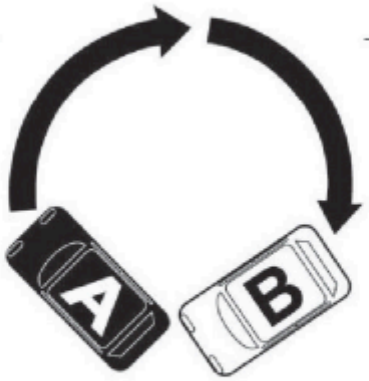
Impact against the open door of vehicle B

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



Vehicles negotiating a roundabout

Section 6



Vehicle **A** and **B** negotiating or entering a roundabout:

CASES 13, 14, 15 & 16

13

Vehicle **A** and **B** negotiates a roundabout.

14

Vehicle **A** and **B** negotiates a roundabout.

15

Vehicle **B** is negotiating a roundabout and vehicle **A** enters the roundabout.

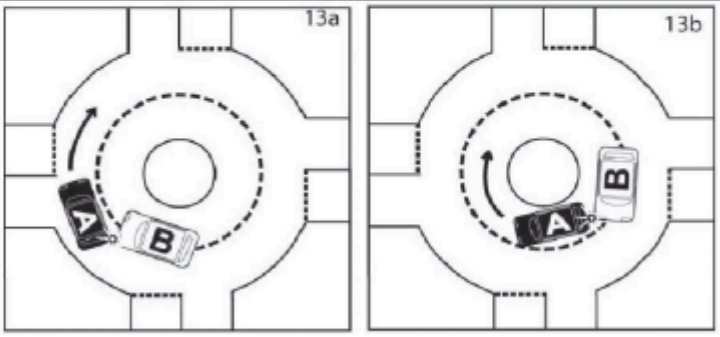
16

Vehicle **B** is negotiating a roundabout and vehicle **A** enters the roundabout

Vehicles **A** and **B** negotiate a roundabout.

Case 13

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%

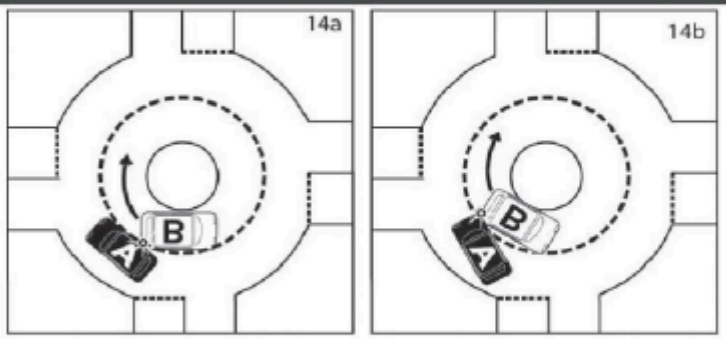


This case applies when the impact occurs on the front of vehicle **B** and on the rear of vehicle **A**

Vehicles **A** and **B** negotiate a roundabout.

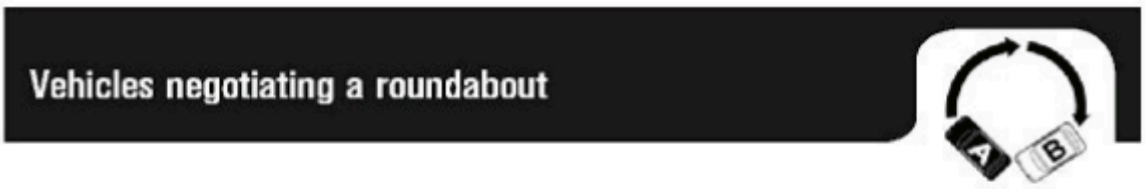
Case 14

	A	B
DEGREE OF RESPONSIBILITY:	0%	100%



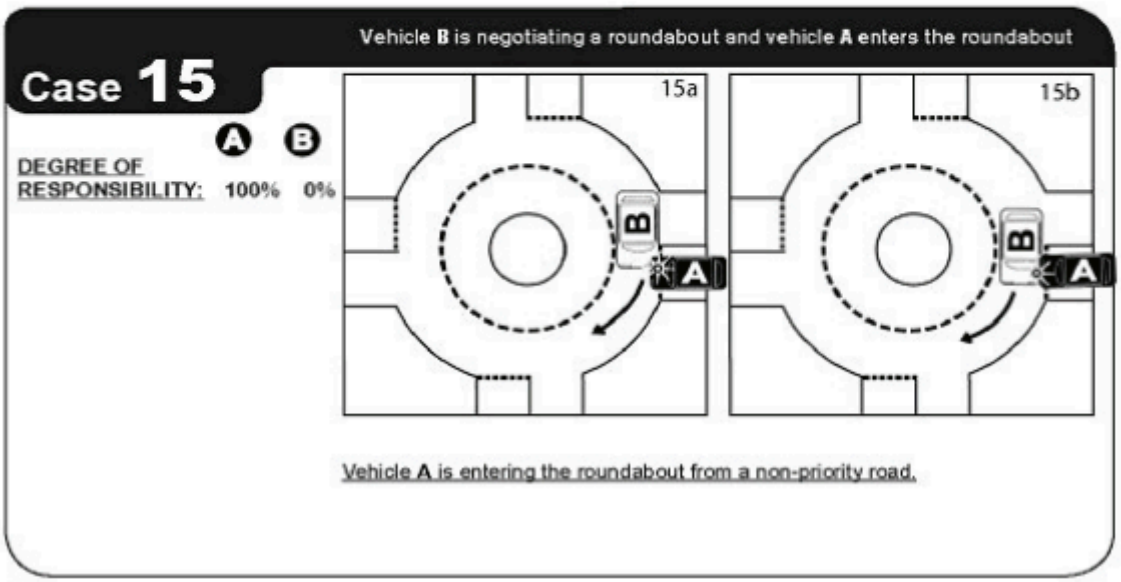
This case aplies in all situations (other than case 13) where **A** and **B** are already negotiating the roundabout.

Vehicles negotiating a roundabout



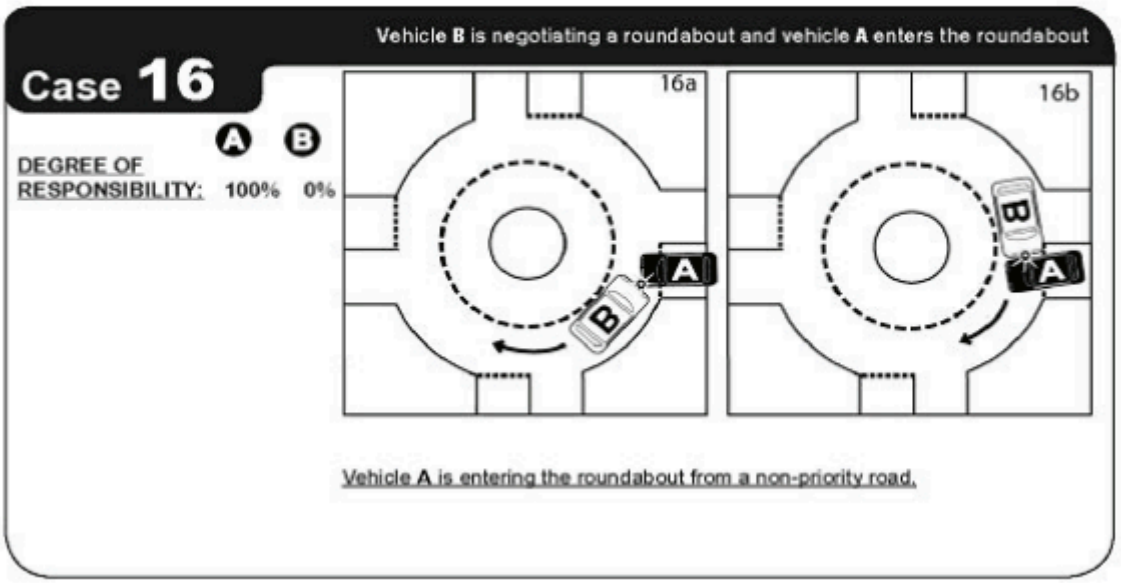
Case 15

Vehicle **B** is negotiating a roundabout and vehicle **A** enters the roundabout



Case 16

Vehicle **B** is negotiating a roundabout and vehicle **A** enters the roundabout



[Fifth Sch. added by s. 6 of Act 36 of 2003 w.e.f. 1 August 2004.]

Sixth Schedule (Section 68H)

Procedural rules of the motor vehicle insurance arbitration committee

1. Where a dispute referred to in section 68E has not been resolved amicably, within the statutory period, any party to the dispute may lodge an application with the Secretary on a form to be approved by the Committee precisely stating the issues which the Committee will be expected to determine.

1A. An application lodged under paragraph 1 shall be accompanied by a processing fee of 3,000 rupees.

2. On receipt of the application, the Secretary shall request the other party to make written representations to the Committee, in reply to the issues raised by the applicant, within a period of 7 days from the date of receipt of the request made by the Secretary.

3. The Committee shall determine the dispute on the basis of the written representations made but may call for further information from the parties to the dispute or from other persons having the relevant expertise in matters to be decided by the Committee.

4. Upon receipt of written representations from the respective parties, the Committee shall determine the dispute within a period of 6 weeks as from the date the application is submitted to the Secretary.

4A. (a) The Committee may make such order as to costs, not exceeding 3,000 rupees, as it thinks fit.

(b) An order made under subparagraph (a) shall be enforced in the same manner as an order for costs in proceedings before a Magistrate.

5. The Committee shall communicate its findings in writing by registered post, stating briefly the reasons in support thereof, to the parties within 2 weeks from the date of its determination.

[Sixth Sch. added by s. 6 of Act 36 of 2003 w.e.f. 1 August 2004; amended by GN 128 of 2010 w.e.f. 1 June 2010.]

Seventh Schedule (Section 191)

Fixed penalty notice

Part A

Fixed Penalty Notice no. _____

Surname of offender _____

Name(s) of offender _____

This is to bring to your attention that today _____ *(date)* at _____ *(time)* at _____ *(place)* you have committed the following offence(s)—

Offence		Offence code	Fine(RS)
1.			
2.			
3.			

in connection with the presence on the road of the following motor vehicle—

(a) type _____

(b) registration mark _____

(c) make _____

You have to pay the abovementioned fine(s) at _____

District Court at latest by _____ in accordance with section 192 of the Road Traffic Act, failing which you shall be liable, on conviction, to a fine of not less than twice the amount specified above.

_____

Name of Issuing Officer

_____

Signature of Issuing Officer

Part B

IN THE DISTRICT COURT OF _____

Particulars of offender

(*To be filled in by District Court Officer*)

National Identity Card no./ Passport no.* _____

Driving licence no. _____

Date of payment _____

_____

Signature of offender

_____

Name of District Court Officer

_____

Signature of District Court Officer

Official Stamp

[Seventh Sch. added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; repealed and replaced by s. 22 of Act 7 of 2015 w.e.f. 27 July 2015.]

* Delete as appropriate

Eighth Schedule (Section 195)

Photographic enforcement device notice

Part A

PEDN no.		Ref no. _____
Name of owner/driver		
Address of owner/driver		
Motor vehicle	Registration mark	Make and model of vehicle
Was photographed at _____		
On (dd/mm/yy)	Time	Photographic enforcement device operated by
Speed limit (km/h)	Speed registered by device. (km/h)	Speed exceeded by (km/h)
OFFENCE COMMITTED	**FINE (RS)**	**OFFENCE CODE**
Exceeding speed limit, in breach of section 124 of the Road Traffic Act coupled with regulation 3 of the Road Traffic (Speed) Regulations 2011		

- You are hereby required to pay the abovementioned fine within 21 days of the date of issue of this notice at any District Court. You may also authorise in writing an adult to pay the fine on your behalf.

  (Refer to Part C)
- If you were not the driver/owner of the vehicle on the date and at the time specified above, you shall fill in Part B of this notice and send it, within 14 days from its date of issue to the Commissioner of Police, Photographic Enforcement Device Unit, Samlo Tower, Aurele Feillafe Street, Port Louis.
- By virtue of section 195 of the Road Traffic Act, the photographic evidence may be viewed at the Photographic Enforcement Device Unit on written application made to the Commissioner of Police, within 14 days of the date of issue of this notice, against payment of the prescribed fee of 100 rupees.

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_____

Date of issue

_____

Name of Issuing Officer

_____

Signature of Issuing Officer

Part B

I, Mr./Mrs./Ms.* _____ *(name)*, _____ *(telephone no.)*, wish to inform you that on _____ *(date)* at _____ *(time)*, I was not the owner/ driver* of the abovementioned vehicle and the particulars of the owner/ driver* *(delete as applicable)*, on the date and at the time of the offence, are as stated hereunder.

Name of owner/driver* _____

Telephone no _____

Address _____

_____

Signature

_____

Date

Please note that any person who knowingly gives false information under Part B of this notice shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

Part C – Payment instructions

- Cheques shall be made payable to the Government of Mauritius and the PEDN no. shall be mentioned on the verso of the cheque.
- The driver of the vehicle on the date and at the time of the offence may either appear personally to effect payment and shall produce this notice, his original driving licence and his National Identity Card or authorise, in writing, an adult to pay the fine on his behalf. Such person shall bring along his own National Identity Card, the documents of the driver mentioned above, as well as an authorisation letter and the PEDN with Part D duly signed by the offender.

* Delete as appropriate

* Delete as appropriate

* Delete as appropriate

* Delete as appropriate

- In case you fail to pay the specified penalty within 21 days of the date of issue of this notice, you shall be presumed to be the driver of the abovementioned vehicle on the date and at the time of the offence and you shall, where criminal proceedings are instituted against you, be liable, on conviction, to a fine not less than twice the amount payable in respect of that offence.

Part D

(*To be filled in by District Court Officer*)

Name of offender _____

Driving licence no. of offender _____

National Identity Card no. of offender/Passport no.* _____

Offence: Exceeding Speed Limit

Offence code	

To be read and filled in by offender

I understand that payment of the fine at Part A constitutes an admission of the offence.

_____

Signature of offender

_____

Date

To be filled in by district court officer

Date of payment _____

_____

Name of District Court Officer

_____

Signature of District Court Officer

_____

Date

_____Official stamp

[Eighth Sch. added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; amended by GN 101 of 2013 w.e.f. 10 May 2013; s. 21 (e) of Act 26 of 2013 w.e.f. 21 December 2013; repealed and replaced by s. 23 of Act 7 of 2015 w.e.f. 27 July 2015.]

Ninth Schedule (Sections 2 and 123AG)

Cumulative road traffic convictions certificate

Surname _____

* Delete as appropriate

Other name(s) _____

Driving licence no.* _____

Status of licence: *(competent/provisional*)*/International Driving Permit/No licence* _____

National Identity Card/Passport no.* _____

Date of birth _____

Address _____

No.	Court	Cause No./ Ref No.	Offence	Offence code	Date of conviction	Date of commission of offence
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						

Was the driver previously disqualified under section 123AG of the Road Traffic Act? Yes/No*

District Court of _____

Cause number _____

Date of disqualification _____

* Delete as appropriate

* *Delete as appropriate*

* Delete as appropriate

* Delete as appropriate

Date of issue of certificate _____

_____

Name of Licensing Officer

_____

Signature of Licensing Officer

_____

Date

[Ninth Sch. added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; repealed and replaced by s. 24 of Act 7 of 2015 w.e.f. 27 July 2015.]

Tenth Schedule (Section 2)

Driving licence

<table>
<tr><th colspan="6">License card</th></tr>
<tr><td colspan="2" rowspan="2">Government of Mauritius driving licence
Road Traffic Act</td><td>Type of vehicle</td><td colspan="2">Seal of authority</td><td>Remarks</td></tr>
<tr><td></td><td>L as from</td><td>P as from</td><td></td></tr>
<tr><td rowspan="4">Photograph of Holder</td><td rowspan="4">No. _____</td><td>A Auto cycle</td><td>O</td><td>O</td><td></td></tr>
<tr><td>A1 Motorcycle</td><td>O</td><td>O</td><td></td></tr>
<tr><td>B Private Car</td><td>O</td><td>O</td><td></td></tr>
<tr><td>B1 Taxi</td><td></td><td>O</td><td></td></tr>
<tr><td colspan="2">Signature of licensee _____</td><td>B2 Van 2.5 tons</td><td></td><td>O</td><td></td></tr>
<tr><td colspan="2">Name _____</td><td>C Goods Vehicle</td><td>O</td><td>O</td><td></td></tr>
<tr><td colspan="2">Surname _____</td><td>D Bus</td><td>O</td><td>O</td><td></td></tr>
<tr><td colspan="2">Date of birth _____</td><td>E Tractor onP Tyres</td><td></td><td>O</td><td></td></tr>
<tr><td colspan="2">Licence no. _____</td><td>E1 Track Tractor</td><td></td><td>O</td><td></td></tr>
<tr><td colspan="2">Date of issue _____</td><td>F Heavy Motor CarNE___ Passengers</td><td></td><td>O</td><td></td></tr>
<tr><td colspan="2">Commissioner of Police</td><td>F1 Heavy MotorVehicle NE___ Kilos</td><td></td><td>O</td><td></td></tr>
</table>

	G Any otherVehicles		O	

[Tenth Sch. added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; amended by s. 25 of Act 7 of 2015 w.e.f. 27 July 2015.]

Eleventh Schedule (Sections 123AG)

Conviction certificate

Surname _____

Other name(s) _____

Driving licence no.* _____

Status of licence: *(competent/provisional* *)/International Driving Permit/No licence* _____

National Identity Card/Passport no.* _____

Date of birth _____

Address _____

Court	Cause No.	Offence code	Date of conviction	Date of offence	Fine (Rs)

Particulars of disqualification

Disqualification period	From	To

- Is the licence cancelled? Yes/No*

* Delete as appropriate

* *Delete as appropriate*

* Delete as appropriate

* Delete as appropriate

* Delete as appropriate

- Is the licence endorsed? Yes/No*
- Other details (if any) _____

_____

Name of Court Officer

_____

Signature of Court Officer

_____

Date

_____

Official stamp

[Eleventh Sch. added by s. 26 of Act 7 of 2015 w.e.f. 27 July 2015.]

* Delete as appropriate