

ROAD TRAFFIC*

Act 22 of 1962 – 1 January 1963

Amended GN 179/01; 20/02; GN 68/02; GN 158/02; 46/02 (P 10/03 - sections 1, 2, 4, 6(a), 7 and 11 to 17; P 14/04 – sections 3, 9, 10; P 8/06 – section 5 – cio 1.6.06); 9/03 (P 20/03 - various sections); 11/03 (s. 13 and 14 – cio 1.06.06); 20/03; 36/03 (P 29/04); 9/04; GN 213/04; GN 62/05; 21/05 (P 19/07); 14/06; GN 137/06; GN 230/06; 25/06 (NIF); 33/07; cp GN 81/07; GN 104/08; 18/08

*Ed. (1) Sections 3, 12(a) and 14 of Act 38/99 amend respectively sections 2, 142(1)(a) and 191 of this Act. Section 15 of the amending Act also provides for the replacement of "road traffic inspector" by "road transport inspector".

(2) The date of commencement of these changes, by virtue of Proclamation 43/00, made under section 20 of Act 38/99 (as repealed and replaced by Act 18/00), is 1.12.00. These changes have accordingly been edited in this Act.

- (3) The other sections, other than section 18, of the amending Act –
- (a) amend sections 8, 9, 9A, 10, 10A, 13, 16, 26, 142, 174 and the Fourth Schedule of this Act;
 - (b) repealed and replaced Part VIII of this Act;
 - (c) add the new Fifth and Sixth Schedules to this Act. [The new Fifth Schedule, which is not in force, has been subsequently amended by the deletion of the words "under the Hire Purchase and Credit Sale Act" in paragraphs 3 and 4 by section 14 of Act 26/00].

They have not been incorporated in this consolidated text.

- (4) Section 18 of the amending Act makes consequential amendments to –
- (a) section 21 of the Hire Purchase and Credit Sale Act (vol 4 p 380). [Section 21 itself has been replaced by section 10 of Act 26/00];
 - (b) section 3 and the First, Second and Sixth Schedules of the Registration Duty Act (vol 6);
 - (c) the Schedule to the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act (vol 6);
 - (d) sections 1A, 5, 7 and 10 of the Sales by Auction Act (vol 7).

(5) The amendments and the consequential amendments mentioned in paragraphs (3) and (4) above have been edited into the Acts to which they relate. Where the amendments are not in force as at 1.01.01, the corresponding unamended provisions appear in Mauritius Laws 1996.

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PART I – PRELIMINARY

1 Short title

This Act may be cited as the Road Traffic Act.

2 Interpretation

In this Act –

“actual owner” means the person who, under the civil law, is the owner of the vehicle;

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

[Added 36/03 (P 29/04)]

“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;

“assessable value” has the meaning assigned to it by section 10;

“authorised examiner” means a person authorised by the Commissioner to examine any class of motor vehicles so as to ensure that they comply with the requirements of this Act or any regulations made under it;

“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;

“auto cycle” has the meaning assigned to it by 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;

[Added 9/03]

“bus” has the meaning assigned to it by section 75;

“carriage of goods” includes the haulage of goods;

“carriageway” means –

- (a) 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;

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

“Commissioner” means the Road Transport Commissioner;

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

“Committee” means the Motor Vehicle Insurance Arbitration Committee specified in section 68F;

[Added 36/03 (P 29/04)]

“contract bus” has the meaning assigned to it by section 75;

“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;

[Added 9/03]

“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;

“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
- (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;

[Added 9/03]

“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 rear-most part of the steering wheel and the backrests of the rear-most row is, when the seats are ready for use, not less than one-third of the distance between the rear-most part of the steering wheel and the rear-most 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;

“fail” includes refuse;

[Added 9/03]

“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;

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

“goods” includes burden of any description;

“goods vehicle” has the meaning assigned to it by section 83;

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

“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 by section 4;

“heavy trailer” means a trailer exceeding 8,000 pounds gross weight;

“heavy vehicle” means a motor vehicle exceeding 8,000 pounds gross weight;

"hospital" means a state-controlled institution, which provides medical or surgical treatment for in-patients or out-patients;

[Added 9/03]

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

[Added 46/02 (P 14/04)]

"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;

[Added 9/03]

"invalid carriage" has the meaning assigned to it by 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 agréée' for the purposes of article 2202-2 of the Code Napoléon, and which is the holder of a leasing licence;

"licensing officer" means a person appointed by the Minister to exercise the powers and carry out the duties of licensing officer under Part IV;

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

"light trailer" means a trailer with pneumatic tyres the gross weight of which does not exceed 2,000 pounds;

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

"local authority" means a municipal council;

"Minister" means the Minister to whom responsibility for the subject of road traffic is assigned;

"Minor Road Accident Report Form" means the form specified in section 68C(1)(b);

[Added 36/03 (P 29/04)]

"motor-car" has the meaning assigned to it by section 4;

"motor-cycle" has the meaning assigned to it by section 4;

"motor tractor" has the meaning assigned to it by 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 by section 3 of the National Transport Corporation Act;

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

"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" means keep a vehicle, 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;

“Permanent Secretary” means the Permanent Secretary or some other senior administrative officer directly responsible to the Minister;

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

“prescribed limit” means, in relation to Part VIIIA,

- (a) 23 microgrammes of alcohol in 100 millilitres of breath;
- (b) 50 miligrammes of alcohol in 100 millilitres of blood; or
- (c) 67 miligrammes of alcohol in 100 millilitres of urine;

or such other proportion as may be prescribed.

[Added 9/03]

“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;

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

“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) a 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;

“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 by 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 motor cycle, nor 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 examinations 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.

[Amended 23/91; 30/95; 6/98; 38/99]

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 11½ 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 1½ tons, but exceeds 7¼ 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 7¼ 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 2½ tons;
 - (e) motor cars, that is to say mechanically propelled vehicles, other than vehicles classified under this section as motor cycles 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 2½ tons;
 - (f) motor cycles, that is to say mechanically propelled vehicles, other than auto cycles 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 purpose of this Act –
- (a) where a motor vehicle is so constructed that a trailer may, by partial superimposition, 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 side car attached to a motor cycle complies with the prescribed conditions, it shall be regarded as forming part of the vehicle to which it is attached.

[Amended 43/91]

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 registered number or registered letter and number, which shall become the registration mark of the vehicle or trailer.

(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.

[Amended 23/91]

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.

[Added 23/91]

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 by 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 ownership, 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 themselves 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, with 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 effected.

(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 thinks fit; 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 or declaration 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 have been registered with the Registrar-General.

9 Proof of transfer of ownership

- (1) The transfer of ownership of a motor vehicle or trailer shall be established by –
- (a) the production of the deed witnessing the transfer of the vehicle; or
 - (b) where there is no deed, by a declaration signed by the owner of the vehicle.

(2) The deed or declaration shall be drawn up in 2 identical originals on paper of A4 size and of not less than 90 gms, and shall state –

- (a) the price or consideration for which the transfer of the vehicle was effected; or
- (b) where the transfer has been effected without consideration, the actual value of the vehicle; and
- (c) the make, model, engine number and capacity, chassis number and registration mark of the vehicle; and
- (d) the name and address of the transferor and that of the transferee.

(3) One of the originals of the deed or declaration shall bear the following annotation, dated and signed by the transferor or the transferee –

“I certify that this original is identical to the other original with which it has been duly collated”.

(4) The deed or declaration 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.

[Amended 20/03]

(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 two originals of the deed or declaration 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 (3).

(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 or declaration regarding the transfer of a motor vehicle or trailer shall be registered unless it complies with this section.

(8) –

(9) One of the originals referred to in subsection (5)(a) shall be returned to the transferee and the other original shall be kept by the Registrar-General for a period of not less than 20 years.

[Amended 23/85; 15/88; 37/90; 25/94]

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, or modifications of, or adaptations to, section 9, as may be specified in regulations made under this section.

[Added 19/97]

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 the date of the coming into operation of this Act -

- (a) present to the Registrar-General for registration, the 2 originals of 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; of
 - (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.

[Added 46/02 (P10/03)]

10 -

[Amended 35/83; Repealed 20/03]

11 - [Repealed 20/03]

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 Examination of vehicles

(1) Before registering a motor vehicle or trailer the Commissioner –

(a) shall verify all the particulars entered in the form of application; and

(b) may, where he considers it necessary, send the vehicle or trailer to be examined by a vehicle examiner for the purpose of ensuring that it is of such construction and in such condition as to comply with this Act.

(2) A police officer may send for examination by a vehicle examiner a motor vehicle or trailer which appears to be in such a state of disrepair as to constitute a danger to –

(a) other users of the road; or

(b) any person conveyed in the motor vehicle or trailer.

(3) The Commissioner may call for examination by a vehicle examiner a motor vehicle or trailer which he has reason to believe –

- (a) is not in a fit and proper state of repair; or
 - (b) does not conform with this Act in terms of construction and/or equipment.
- (4) (a) On examining a motor vehicle or trailer sent to him under subsection (1), (2) or (3), a vehicle examiner –
- (i) shall supply to the owner of the motor vehicle or trailer a list of any defects that have to be remedied;
 - (ii) shall notify him of the date on which the vehicle must be produced for re-examination; and
 - (iii) may, if he thinks necessary in the interests of safety, forthwith prohibit the use of the motor vehicle or trailer until the defects have been remedied.
- (b) Where the defects have been remedied to his satisfaction, the vehicle examiner shall report the fact to the Commissioner who, if the examination was made under subsection (1), may then register the motor vehicle or trailer.
- (5) (a) On each examination of a motor vehicle or trailer under this section, and on any subsequent examination for the purpose of ensuring that any alterations or repairs ordered by the vehicle examiner have been effected, the owner of the vehicle or trailer shall pay the prescribed fee.
- (b) In the case of examinations, other than those for the purpose of ensuring that alterations or repairs ordered earlier have been effected, no fee shall be payable if a motor vehicle or trailer called for examination under subsection (2) or (3) is found to be without defect and to conform with the provisions of this Act relating to construction and equipment.
- (6) (a) Where the owner of a motor vehicle or trailer is aggrieved by a decision of a vehicle examiner, he may, within 7 days of the communication of the decision to him, appeal to the Commissioner.
- (b) The Commissioner may vary or cancel the requirements of the vehicle examiner or order them to be enforced.
- (7) Any person who –
- (a) obstructs a vehicle examiner or a police officer acting under this section;
 - (b) fails to comply with any direction given under subsections (1) to (4); or
 - (c) uses a motor vehicle or trailer after a vehicle examiner has prohibited its use under subsection (4),

shall commit an offence.

14 Test certificate

- (1) This section and section 15 shall have effect for the purpose of ascertaining whether the provisions of this Act relating to the construction and condition of –
- (a) motor vehicles and trailers; or
 - (b) their accessories or equipment,
- are complied with.
- (2) The Minister may, by regulations, make provision for –
- (a) the examination of motor vehicles and trailers submitted for examination under this section; and
 - (b) where it is found on the examination of a motor vehicle or trailer that the requirements of this Act are complied with, the issue of a test certificate at the date of the examination the requirements of this Act were complied with in relation to that motor vehicle or trailer.
- (3) An examination made under this section shall be carried out by a vehicle examiner.
- (4) (a) Where a test certificate is refused, the vehicle examiner shall issue a notification of the refusal stating the grounds of the refusal.
- (b) Any person who is aggrieved by the refusal may appeal to the Minister within 28 days of the notification.

(c) On an appeal under paragraph (b), the Minister shall cause a further examination to be made and issue a test certificate or a notification of refusal.

(5) The Minister may –

(a) at any time, call for the examination of a motor vehicle or trailer which he has reason to believe –

- (i) is not in a fit and proper state of repair; or
- (ii) does not conform with the provisions of this Act relating to construction and equipment; and

(b) revoke any test certificate issued in respect of the motor vehicle or trailer.

(6) (a) The Minister may make regulations in order to give effect to this section and in particular to provide for the –

(i) establishment and maintenance of stations where examinations under this section may be carried out and the provision and maintenance of apparatus for carrying out those examinations;

(ii) manner in which and conditions under which examinations are to be carried out, and the inspection of premises at which and apparatus with which examinations are being, or are to be, carried out;

(iii) manner in which applications for, or notices of, examinations due under this section are to be made, the manner in which appeals may be brought under subsection (4), the information to be supplied, the documents to be produced and the fees to be paid on the application, examination or appeal, and the repayment of the whole or part of the fee paid on the appeal where it appears to the Commissioner that there were substantial grounds for contesting the whole or part of the decision appealed against;

(iv) form of, and particulars to be contained in, test certificates, their display and production on demand to any police officer or any officer authorised by the Commissioner, and the form of notification of a refusal to issue a test certificate;

(v) issue of duplicates of test certificates lost or defaced, and the fees to be paid;

(vi) keeping by vehicle examiners of registers of test certificates, and the inspection of the registers by such persons and in such circumstances as may be prescribed; and

(vii) keeping by vehicle examiners of such other records as may be prescribed and the furnishing by them of returns and information to the Commissioner.

(b) Regulations made under this section may make different provision in relation to different motor vehicles and trailers or classes of motor vehicles and trailers.

[Amended 11/90]

15 Using a vehicle without a test certificate

(1) Any person who –

- (a) uses; or
- (b) causes or permits to be used,

a motor vehicle or trailer to which this section applies and in respect of which no test certificate has been issued within the appropriate period shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

(2) The motor vehicles and trailers to which this section applies shall be such as the Minister may, by notification in the *Gazette*, determine.

(3) The Minister may, by regulations, exempt from subsection (1) the use of motor vehicles or trailers for such purpose as may be prescribed.

(4) The Minister may, by regulations, exempt from subsection (1) the use of motor vehicles or trailers in such area or on such road as may be prescribed.

(5) (a) The Minister may, by regulations, provide that, where an application is made under section 22 for a licence for a motor vehicle or trailer to which this section applies, the licence shall not be granted except after –

- (i) the production of such a certificate or the production of such evidence as may be prescribed of the granting of an effective test certificate; or
- (ii) the making of such a declaration as may be prescribed that the motor vehicle or trailer is not intended to be used during the period for which the licence is to be in force except for a purpose prescribed under subsection (3) or in an area or on a road prescribed under subsection (4).

(b) In paragraph (a)(i) “effective test certificate”, in relation to an application for a licence for a motor vehicle or trailer, means a test certificate relating to the motor vehicle or trailer and issued within the appropriate period before the date from which the licence is to be in force.

(6) Where, within the appropriate period after the issue of a test certificate, but not earlier than one month before the end of that period, an additional test certificate is issued in relation to the same motor vehicle or trailer, the additional certificate shall be treated, for the purpose of this section, as if it were issued at the end of that appropriate period.

(7) In this section “appropriate period” means a period of 12 months or such shorter period as may be prescribed.

16 Application of Part VIII

Sections 13(2) to (6), 14 and 15 shall not apply in relation to a motor vehicle or trailer to which Part VIII applies.

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 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, 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 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 to any motor vehicle or trailer which he subsequently registers.

18 Exemption from need for registration

There shall be exempted from registration –

- (a) subject to the provisions of 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 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 than 3,000 rupees and not more than 10,000 rupees or to imprisonment for a term not exceeding 6 months.

[Amended 46/02 (P 8/06)]

(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.

[Amended 46/02 (P 8/06)]

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

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 a 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

[Amended 46/02]

(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 in 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.

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.

[Amended 20/02]

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 of –

- (a) in the case of a first conviction, not less than 3 months nor more than 6 months; and
- (b) in the case of a second or subsequent conviction, 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.

[Amended 46/02]

- (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.

[Repealed and replaced 46/02]

(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.

[Added 46/02]

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

[Added 46/02]

(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 Suspension or refusal of licence

(1) (a) Where on an examination of a motor vehicle or trailer under section 13(2) or (3) or 14, the vehicle or trailer is found to be so constructed or in such a condition as to be a source of danger to any person travelling in the vehicle or trailer, or to any user of a road, or to be likely to cause damage to the road, or where the owner of the vehicle or trailer fails by the notified date to remedy the defects pointed out by the vehicle examiner, the Commissioner may suspend or refuse the renewal of a motor vehicle or trailer licence for that vehicle or trailer.

(b) Any owner of a motor vehicle or trailer in respect of which the licence is suspended or the renewal of the licence refused may, within 30 days of the suspension or refusal being notified to him, appeal against the decision of the Commissioner to the Minister, and the Minister may, if he thinks fit, direct the Commissioner in writing to grant, or withhold the issue of, the licence applied for.

(2) This section shall not apply in relation to a motor vehicle or trailer to which Part VIII applies.

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

[Amended 20/02]

- (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.

[Amended 20/02]

- (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.

[Amended 20/02]

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

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.

[Amended 20/02]

(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 a vehicle examiner.

(4) Any person who –

(a) fails to comply with a direction given; or

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

under subsection (3) shall commit an offence.

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 has been granted in respect of a vehicle on receipt of a cheque and the cheque is subsequently dishonoured, 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 mentioned under paragraph (b) shall commit an offence.

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 Affixing false licence

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 any other driving licence or permit issued outside Mauritius; or
 - (b) the equivalent of a licence or permit under paragraph (a) which is, by virtue of regulations made under this Act, deemed to have effect in Mauritius as though it were a driving licence issued under section 41.

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 a driver's certificate or licence in any part of the world;

- (b) any certificate or licence under paragraph (a) has been endorsed, suspended or cancelled;
- (c) he has been disqualified for holding a driving licence; or
- (d) he is, under this Part 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 for grant or renewal, 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 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 for holding or obtaining a driving licence.

(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.

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 autocyple on a road.

(3) A person under the age of 18 shall not drive a motor vehicle other than an autocyple, a motor cycle 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 purposes 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 some time –

- (i) passed the prescribed test of competence to drive; or
- (ii) within 3 years before the date on which he makes the application, held a driver's certificate or licence issued by the competent authority 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 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 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.

[Amended 9/03]

(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.

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) any 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 a photocopy thereof.

[Amended 14/06]

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

(3) Where a driver –

(a) fails to produce his driving licence or a photocopy thereof; 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.

[Repealed and replaced 14/06]

(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.

[Repealed and replaced 9/04]

47 Delivery of licence to licensing officer

(1) (a) Where the 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 the 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' vehicle 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, the 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 (1st 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.

52 Powers of Court

(1) (a) 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 granted in Mauritius or a driving licence or its equivalent granted in any other country and

which is valid in Mauritius, declare that person disqualified from holding or obtaining a licence in Mauritius for such time as the Court thinks fit or cancel the licence or its equivalent and declare that person disqualified;
or

- (B) where the convicted person does not hold a driving licence or its equivalent, declare that person disqualified from holding or obtaining a licence in Mauritius for such time as the Court thinks fit;
- (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 and of any disqualification to which that person has become subject shall be endorsed on the licence or its equivalent 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) Any disqualification imposed under paragraph (a) may, if the Court thinks fit, be limited to the driving of a motor vehicle of the same class as the vehicle in relation to which the offence was committed.

- (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; or
 - (b) has had his driving licence cancelled,

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.

53 Disqualification

(1) Where a person, who is disqualified by virtue of a conviction or order under this Part, is the holder of a driving licence, the licence shall be suspended as long as the disqualification remains in force.

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

(3) (a) A person who, by virtue of a conviction or order under this Part, is disqualified from holding or obtaining a licence, may, at any time after the expiry of 6 months from the date of the conviction or order, 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 from holding or obtaining a driving licence –

- (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 and fine,
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.

[Amended 4/88]

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 a policy of insurance or such a 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.

[Amended 14/06]

- (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
 - (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.

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 a 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 2005;
[Repealed and replaced 21/05 (P 19/07)]
 - (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
[Repealed and replaced 21/05 (P 19/07)]
 - (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 arise; 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.

[Amended 21/05 (P 19/07)]

(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.

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 auto cycles; 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).

[Added 46/02 (P 14/04)]

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 2005; or
[Repealed and replaced 21/05 (P 19/07)]
 - (ii) some body 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, 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.

[Amended 48/91]

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 are mentioned 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 horse power, 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 a policy of insurance or such a 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 non-resident 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 mentioned 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 mentioned under 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 –

“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;

“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.

(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.

(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).

(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.

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.

[Added 36/03 (P 29/04)]

68B. Agreement between parties

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

- (a) shall record, in two originals, the facts of the accident on the Agreed Statement of Facts Form substantially in the form 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 Statements 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 purpose 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 fine not exceeding 5000 rupees.

[Added 36/03 (P 29/04)]

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 request 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.

[Added 36/03 (P 29/04)]

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 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 two insurers, whichever is the later.

[Added 36/03 (P 29/04)]

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.

[Added 36/03 (P 29/04)]

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 part-time basis.

(10) For the avoidance of doubt, a decision of the Committee shall be subject to judicial review by the Supreme Court.

[Added 36/03 (P 29/04)]

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.

[Added 36/03 (P 29/04)]

68H. Proceedings of the 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.

[Added 36/03 (P 29/04)]

68J. Removal of obstruction

(1) Where an accident to which section 68A applies occurs and the vehicles involved are likely to cause an obstruction of 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.

[Added 36/03 (P 29/04)]

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.

[Amended 48/91]

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 or 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 mentioned under 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 Chairman, who shall be a law practitioner;
- (ii) the Commissioner;
- (iii) the Permanent Secretary of the Ministry responsible for the subject of works 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) a representative of the Ministry responsible for the subject of economic planning;
- (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 Chairman and the members representing the general public shall be appointed annually by the Minister.

(ii) Notwithstanding the expiry of their term of office under subparagraph (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 Chairman 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 Chairman, 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.

[Amended 11/90; 11/96]

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 Chairman, the members shall elect a Chairman from among themselves.

(3) The meetings of the Authority shall be convened, by the Chairman or, in his absence, by the Permanent Secretary of the Ministry responsible for the subject of works.

(4) No member shall take part in any proceedings at a meeting of the Authority if, in the opinion of the Chairman, 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 Chairman of the meeting shall have a casting vote.

(7) At any meeting of the Authority, the Chairman 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.

[Amended 11/90; 11/96]

75 Public service vehicles

(1) Public service vehicles shall, for the purposes 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 the 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 service 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.

[Amended 2/95]

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 who 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 think 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 time table 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;
- (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 which 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 any route or in any 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 road service 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.

[Added 38/82]

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.

[Added 35/93]

78 Extension of validity of licence

Where, on the date of the expiry of a road service 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 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.

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.

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 motor cycle; 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 a place of 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 for the transport of goods or otherwise.
- [Added 18/08]
- (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.

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.

[Amended 26/86]

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
 - (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, terms 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.
- (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 a 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 –
 - (a) the Government; or
 - (b) the Development Works Corporation,

in furtherance of the social and economic development of Mauritius.

[Amended 26/86]

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 road service licences, taxi licences, contract car licences and public carrier's 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.

[Amended 26/86]

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.

[R 1/83; Amended 2/95]

96A Powers of the 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.

[Added 7/94; R 3/94]

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 vehicle 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
- (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.

[Amended 5/99]

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 stands 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 of –

(i) 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) at, in the case of –

(i) a taxi, its base or stand; and

(ii) a goods vehicle, 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,
for 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, colours 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;
- (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.

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 or conductor of a public service vehicle, 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.

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.

[Amended 5/99]

111 Regulating conduct of drivers

(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; or
(b) conductors of public service vehicles.

(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.

[Amended 5/99]

PART VIII – EXAMINATION OF CERTAIN CLASSES OF VEHICLES

112 Application of this Part

The motor vehicles to which this Part applies shall be –

- (a) public service vehicles;
- (b) heavy vehicles;
- (c) heavy trailers;
- (d) contract cars; and
- (e) motor vehicles used for gain for the teaching of driving.

113 Certificate of fitness

(1) No motor vehicle or trailer to which this Part applies shall be used unless there is in force in respect of the motor vehicle or trailer a valid certificate of fitness issued by a vehicle examiner.

(2) The Commissioner shall not issue a motor vehicle or trailer licence to which this Part applies unless there is produced to him such evidence as may be prescribed that, on the date when the licence comes into operation, there will be in force in respect of that motor vehicle or trailer a valid certificate of fitness.

(3) No person shall commit an offence where he contravenes subsection (1) if he proves that he has not had a reasonable opportunity to obtain a certificate of fitness.

114 Particulars of certificate of fitness

(1) A certificate of fitness shall –
(a) record such matters as are specified in section 79 and such other matters as may be prescribed; and
(b) state that –
(i) the motor vehicle or trailer in respect of which it is issued is in all respects fit for the purpose for which it is to be used; and
(ii) it complies with any conditions as to fitness and construction as may be prescribed.

(2) A certificate of fitness shall, at all times, be displayed in a conspicuous place on the motor vehicle in respect of which it was issued or, in the case of a trailer, on the trailer or on the motor vehicle drawing it at the time.

115 Defects

(1) Where a vehicle examiner, on an examination for a certificate of fitness, finds a motor vehicle or trailer to which this Part applies –

- (a) unfit for the purpose for which it is to be used; or

(b) not complying with any enactment applicable to the motor vehicle or trailer,
he shall –

- (i) make a full list in writing of all the defects;
- (ii) give the owner of the motor vehicle or trailer a copy of the list; and
- (iii) notify him of the date on which the motor vehicle or trailer must be produced for re-examination.

(2) Where all the defects under subsection (1) are subsequently remedied to the satisfaction of the vehicle examiner, he shall issue a certificate of fitness.

(3) Where the vehicle examiner, upon examining the motor vehicle or trailer to ascertain whether the defects have been remedied, finds any additional defects which have appeared or developed since the earlier examination, he shall require the owner to remedy those additional defects before issuing a certificate of fitness.

116 Examination on order of Commissioner

(1) (a) Where the Commissioner has reason –

- (i) to believe that a motor vehicle or trailer to which this Part applies is being used; or
- (ii) to suspect that the motor vehicle or trailer has ceased to be fit for the purpose for which it is being used,

he may order that the motor vehicle or trailer be produced for examination by a vehicle examiner at a specified time and place.

(b) Where the order under paragraph (a) is not complied with, the Commissioner may prohibit the use of the motor vehicle or trailer until the order is complied with.

(2) Where, on examination by a motor vehicle examiner, a motor vehicle or trailer is found to be unsafe for the purpose for which it is being used, the examiner may prohibit its use until all necessary repairs, adjustments or alterations have been effected to his satisfaction.

117 Testing vehicle on road

(1) A vehicle examiner may test a motor vehicle or trailer to which this Part applies on a road for the purpose of –

- (a) ascertaining whether the requirements imposed by law (whether generally or at specified times or in specified circumstances) as to –
 - (i) brakes;
 - (ii) silencers;
 - (iii) steering gear;
 - (iv) tyres;
 - (v) lighting equipment; and
 - (vi) reflectors,are complied with; and
- (b) bringing to the notice of the driver any failure to comply with the requirements under paragraph (a).

(2) For the purpose of testing a motor vehicle or a trailer under subsection (1), the examiner may drive it.

118 Powers of examiner

(1) (a) A vehicle examiner may, at any time, on production, if so required, of a written certificate –

- (i) purporting to be signed by the Commissioner; and
- (ii) certifying him to be a vehicle examiner,

require the person in charge of a public service vehicle or goods vehicle to produce and permit him to inspect and copy any document which under this Act is required to be carried on, or by the driver of, the motor vehicle, and, for that purpose, may detain the vehicle for such time as is required for the inspection and copying.

- (b) Any person who, when required by an examiner so to do, fails –

(i) to produce to the examiner any document under paragraph (a); or
(ii) to permit him to inspect or copy the document,
shall commit an offence.

(2) Subsection (1) shall apply in relation to a police officer as it applies in relation to a vehicle examiner, except that it shall not be necessary for a police officer wearing uniform to produce a certificate.

(3) A vehicle examiner may, at any time, on production, if so required, of a written certificate –

- (a) purporting to be signed by the Commissioner; and
- (b) certifying him to be a vehicle examiner,

exercise, with respect to the weighing of public service vehicles and goods vehicles, all such powers as are, under section 142, exercisable by an authorised police officer with respect to the weighing of motor vehicles and trailers.

119 Inspection by road transport inspector

(1) (a) A road transport inspector shall, at any time, on production, if so required, of his identity card, be entitled to enter and inspect any motor vehicle or trailer to which this Part applies.

- (b) For the purpose of paragraph (a), the inspector may –
 - (i) require the motor vehicle or trailer to be stopped; and
 - (ii) at any reasonable time, having regard to the circumstances of the case, enter any premises on which he has reason to believe that the motor vehicle or trailer is kept.

(2) (a) Where, on an inspection made under subsection (1), a road transport inspector is satisfied that it is necessary to do so he may –

- (i) order that the motor vehicle or trailer be taken off the road forthwith; or
- (ii) issue such directions restricting the use of the motor vehicle or trailer as he thinks fit.

(b) The inspector shall notify the Commissioner of any order or direction made under paragraph (a).

120 Examination by other examiners

Subject to an appeal to the Commissioner, no person shall have his motor vehicle or trailer examined under this Part for the purpose of ascertaining whether defects discovered earlier have been remedied, by a vehicle examiner, other than the one who discovered the defects, unless he consents to the examination of the motor vehicle or trailer by any other examiner.

121 Appeal

(1) The decision of a vehicle examiner that a motor vehicle or trailer is fit for use shall be final.

(2) The decision of a vehicle examiner that any motor vehicle or trailer is unsafe for use and an order, direction or prohibition made under section 116(2) or section 119 shall be subject to an appeal to the Commissioner within 14 days of the making of the decision, order, direction or prohibition.

122 Fees

(1) Fees may be prescribed and charged for examinations and re-examinations under this Part.

- (2) No fee shall be payable for –
 - (a) an examination under section 116 where no defects are discovered; or
 - (b) an examination under section 119.

123 Offences

Any person who –

- (a) uses a motor vehicle or trailer to which this Part applies and for which there is no certificate of fitness in force;
 - (b) fails to display, on a motor vehicle or trailer to which this Part applies, a certificate of fitness;
 - (c) causes or permits the use of a vehicle or trailer while a prohibition imposed under this Part is in force in relation to the motor vehicle or trailer;
 - (d) obstructs any road transport inspector or vehicle examiner in the course of his duty; or
 - (e) fails to comply with an order or direction given to him by a road transport inspector or vehicle examiner under this Part,
- shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

PART VIII ROAD SAFETY

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 5,000 rupees nor more than 10,000 rupees and to imprisonment for a term not exceeding 6 months.
 - (b) In the case of a second or subsequent conviction, the offender under paragraph (a) 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 12 months.
- (2) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

[Added 9/03]

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 3 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 to 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.

[Added 9/03]

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 3,000 rupees nor more than 10,000 rupees and to imprisonment for a term not exceeding 3 months.

(2) In the case of a second or subsequent conviction, the offender under subsection (1) shall be liable to a fine of not less than 5,000 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.

[Added 9/03]

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 3 years.

(2) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act 2002 shall not apply to a person liable to be sentenced under subsection (1).

[Added 9/03]

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 10,000 rupees nor more than 25,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) In the case of a second or subsequent conviction, the offender under subsection (1) shall be liable to a fine of not less than 20,000 rupees nor more than 50,000 rupees together with imprisonment for a term of not less than 6 months nor more than 12 months.

(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 2002 shall not apply to a person liable to be sentenced under subsection (1).

[Added 9/03]

123F. Driving or being in charge of a 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 for an offence under this section shall be liable to a fine of not less than 10,000 rupees nor more than 25,000 rupees and to imprisonment for a term not exceeding 6 months.

(4) In the case of a second or subsequent conviction, the offender under subsection (1) shall be liable to a fine of not less than 20,000 rupees nor more than 50,000 rupees together with imprisonment for a term of not less than 6 months nor more than 12 months.

(5) Sections 152, 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act 2002 shall not apply to a person liable to be sentenced under subsection (1).

[Added 9/03]

123G. Breath tests

(1) Subject to section 123K, a police officer in uniform may require –
(a) a person driving, or attempting to drive, or in charge of a motor vehicle on a road or other public place if he has reasonable cause to suspect him of being under the influence of alcohol, or having committed a traffic offence while the vehicle was in motion; or
(b) any person who he has reasonable cause to believe was driving or attempting to drive a vehicle which was involved in a road accident, to provide a specimen of his breath for a breath test either at the place where the requirement is made, or at the nearest police station where such test may be carried out.

(2) (a) A person who, without reasonable excuse, fails to provide a specimen of his breath for a breath test 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 25,000 rupees.

(b) In the case of a second or subsequent conviction, the offender under paragraph (a) shall be liable to a fine of not less than 5,000 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.

[Added 9/03]

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 –

(a) to provide 2 specimens of breath for analysis by means of a device of a type approved by the Minister; or

(b) to 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).

[Added 9/03]

123J. Choice of specimens of breath

(1) Subject to subsection (2), where 2 specimens of breath 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 millilitres 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.

[Added 9/03]

123K. Duties of doctors regarding patients

(1) A person who has been 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 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 2002 shall not apply to a conviction under this section.

[Added 9/03]

123L. Detention of persons affected by alcohol or a drug

(1) A person required to provide a specimen of breath, blood or urine may, upon the breath, blood or urine test, as the case may be, showing alcohol in excess of the prescribed limit, or upon a refusal to submit to such tests, 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) Subsection (1) shall not apply if appropriate arrangements are made for the vehicle to be driven by a person other than the person being under the influence of alcohol or a drug.

[Added 9/03]

123LA Suspension of driving licence

(1) Where a person -

(a) is charged with; provisionally charged with; or reasonably suspected by the Police of, having committed an offence to which subsection (2) applies, or

(b) refuses without reasonable excuse 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 section 123G or 123H, as the case may be,

a police officer not below the rank of Superintendent of Police shall, by written notice in the form approved by the Commissioner of Police, require that person to surrender his driving licence or provisional driving licence, as the case may be, to the licensing officer.

(2) Subsection 1(a) applies to an offence under -

(a) section 123D; or

(b) section 123F where -

(i) the proportion of alcohol in 100 millimetres of breath is 46 microgrammes or more;

(ii) the proportion of alcohol in 100 millimetres of blood is 100 milligrammes or more; or

(iii) the proportion of alcohol in 100 millimetres of urine is 134 milligrammes or more.

(3) Upon service of the notice on the person referred to in subsection (1), his driving licence, or provisional driving licence, as the case may be, shall be deemed to be suspended until -

(a) the determination of the charge laid against him; or

(b) he is informed by the Police that proceedings against him have been discontinued.

(4) Any person who fails or refuses to surrender his driving licence or provisional driving licence, as the case may be, upon being required to do so under subsection (1) shall commit an offence.

(5) (a) A driving licence or provisional driving licence suspended by virtue of this section shall, during the time of the suspension, be of no effect.

(b) Any person whose driving licence or provisional driving licence, is suspended under this section shall, for the purposes of this section and section 53(4) and (5), be deemed to have been disqualified from holding or obtaining a driving licence in respect of any motor vehicle.

(6) Any person on whom a notice has been served under subsection (1) may, within 7 days of the date of service of the notice on him, apply, by way of plaint with summons to the Magistrate of the District in which the notice has been issued, for the cancellation of the notice, specifying any undue hardship that would be caused to him to justify his application.

(7) Any application made under subsection (6) shall be heard expeditiously by the Magistrate.

(8) An application under subsection (6) or appeal from the decision of the Magistrate shall not operate as a stay of execution of the suspension.

[Added 14/06]

123LB Early hearing of section 123D and 123F offences

- (1) Any prosecution for an offence under -
 - (a) section 123D;
 - (b) section 123F where -
 - (i) the proportion of alcohol in 100 millimetres of breath is 46 microgrammes or more; or
 - (ii) the proportion of alcohol in 100 millimetres of blood is 100 milligrammes or more; or
 - (iii) the proportion of alcohol in 100 millimetres of urine is 134 milligrammes or more, or
 - (c) section 123F, where the offender's licence has been deemed to be suspended pursuant to section 123LA (1) (b),

shall be instituted in the competent Court within 4 months from the date of the commission of the offence.

(2) Notwithstanding subsection (1), such prosecution may be instituted after the period of 4 months where the court is satisfied that there are reasonable grounds for the delay.

[Added 14/06]

123M Provision 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.

[Added 9/03]

123N. Drivers and pillion riders of motorcycles and autocycles to wear protective helmets

(1) The Minister may make regulations prescribing the types, including shape, construction, of 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, or 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 drive a motorcycle or an autocycle unless –

- (a) he wears; and
- (b) any person riding as a pillion rider on his motorcycle or autocycle, as the case may be, wears,

securely on his head a protective helmet of a type prescribed under this section.

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

(5) Any person who contravenes subsection (2) 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 and to imprisonment for a term not exceeding 6 months.

[Added 9/03]

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.

[Added 9/03 (NIF)]

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.

[Added 9/03 (NIF)]

123R. Seat belts

(1) The Minister may make regulations requiring a person who is driving or riding in 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 make any prescribed 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.

[Added 9/03]

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.

[Added 9/03]

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.

[Added 9/03]

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.

[Added 9/03]

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.

[Added 9/03]

123W. Tampering with motor vehicles

A 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.

[Added 9/03]

123X. Holding or getting on to vehicle in order to be towed or carried.

(1) A 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.

[Added 9/03]

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) If any person is carried on a motorcycle or an auticycle in contravention of this section, the driver of the motorcycle or auticycle shall commit an offence.

[Added 9/03]

123Z. Dangerous cycling

- (1) A person who rides a cycle on a road dangerously shall commit an offence.
- (2) For the purposes 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 was riding a cycle in a dangerous state,
- such that there is a danger of injury to a person or of serious damage to property.

[Added 9/03]

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.

[Added 9/03]

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 drug 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 imprisonment 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 2002 shall not apply to a person liable to be sentenced under subsection(2).

[Added 9/03]

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 authorized, 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.

[Added 9/03 (NIF)]

123AD. Drivers to comply with traffic directions and signs

- (1) Any person driving a vehicle who neglects, or refuses –
- (a) to stop the vehicle; or
 - (b) to 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 –
 - (i) to stop the vehicle;
 - (ii) to make it proceed in, or keep to, a particular line of traffic;
 - or
 - (iii) to proceed to a particular point on, or near the road on which the vehicle is being driven,

being a direction given for the purposes 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.

[Added 9/03]

123AE. Drivers not to use phones 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) The provisions of subsection (1) shall not apply to a vehicle when it is being used for police, fire or ambulance purposes.

[Added 9/03]

123AF. Directions to pedestrians

(1) Where a police officer in uniform is for the time being engaged in the regulation of vehicular traffic in 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.

[Added 9/03]

123AG. Points system for suspension of driving licences

(1) The Minister may make regulations –

- (a) establishing a system of awarding points against a person convicted of an offence under this Act or regulations made under this Act;
- (b) specifying the minimum number of points to be accumulated by a person before his licence may be suspended for such period not exceeding 18 months as may be specified in the regulations.

(2) Where the points awarded against a person under the regulations made under subsection (1) reach 50 per cent of the minimum number of points at which the licensing officer may suspend the driving licence of such person under this section, the licensing officer shall give notice thereof in writing to the person.

(3) Where a court, in exercise of the powers conferred by section 52, suspends the driving licence of a person convicted of any offence in connection with the driving of a motor vehicle, points shall not be recorded against that person in respect of that offence.

(4) Where the holder of a valid driving licence commits on a single occasion more than one offence under this Act or the regulations, points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against a person.

(5) For the purposes of this section, a person shall be deemed to have been convicted of an offence under this Act or the regulations if he pays the prescribed penalty for that offence under section 191 or 194.

[Added 9/03 (NIF)]

123AH. Surrender and return of driving licence

(1) The licensing officer shall, upon suspending a driving licence under section 123AG, require the licence to be surrendered to him for retention.

(2) Any person whose driving licence has been suspended under section 123AG shall forthwith surrender the driving licence to the licensing officer.

(3) At the end of the period of suspension, a driving licence surrendered to the licensing officer under subsection (2) shall be returned to the holder thereof and the points awarded against him shall be cancelled.

(4) Any person whose driving licence has been suspended under section 123AG shall not, during the period of suspension, drive a motor vehicle on a road or other public place under any other driving licence issued by any other authority or otherwise.

(5) Any person who drives a motor vehicle on a road or other public place when his driving licence is suspended under section 123AG 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, or to both.

(6) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act 2002 shall not apply to a person liable to be sentenced under this section.

[Added 9/03 (NIF)]

123AI. Effect of suspension of driving licence

(1) A driving licence suspended by the licensing officer under section 123AG for a period of one year or any other longer period shall cease to be of any effect and the holder of the licence shall not drive a motor vehicle after the period of suspension unless he passes the prescribed test of competence to drive.

(2) Section 123AH(3) shall not apply to a licence subject matter of a suspension of one year or more.

[Added 9/03 (NIF)]

123AJ. Suspension to continue in certain circumstances

If any person whose driving licence is suspended under section 123AG drives while his licence is under suspension and causes death or serious injury to any other person and is provisionally charged, or charged, for an offence under this Act, the suspension shall continue until that offence has been tried and determined by a court.

[Added 9/03 (NIF)]

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 thinks fit.

(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 think fit,
- (b) take such other steps as he may think fit 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.

[Added 9/03]

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, 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.

[Added 9/03]

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 notification in the *Gazette*, prohibit the driving of –
 - (a) motor vehicles generally; or
 - (b) particular classes of motor vehicles above a specified speed,
 over any specified road or part of a specified road, either generally or for a specified period.
- (3) (a) Where a prohibition under subsection (2) remains in force, the Commissioner of Police shall cause to be erected and maintained traffic signs.
 - (b) The traffic signs shall –
 - (i) state the substance of the notification in the *Gazette* containing 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 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.

[Amended 5/99]

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 -

[Amended 5/99; Repealed 9/03]

128 -

[Amended 5/99; Repealed 9/03]

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 123C to be preferred against the accused and proceed with that charge.

[Amended 9/03]

(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).

[Amended 9/03]

130 Prosecution under sections 123A and 123C [Amended 9/03]

(1) Where a person is prosecuted for an offence under –

- (a) section 123A or section 123C; or

[Amended 9/03]

- (b) any of the provisions of this Part relating to the maximum speed at which motor vehicles may be driven,

he shall not 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.

131 -
[Amended 5/99; Repealed 9/03]

132 -
[Amended 5/99; Repealed 9/03]

132A -
[Added 43/92; Repealed 9/03]

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 purposes 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 123A, 123C, 123E and 123F,
[Amended 9/03]

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.

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
[Amended 9/03]
 - (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 - [Repealed 9/03]

136 - [Repealed 9/03]

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.

(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 - [Repealed 9/03]

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 4 hours 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 any of the provisions of this section, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding Rs 5,000 and to imprisonment for a term not exceeding 6 months.

(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.

[Repealed and replaced 9/03]

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 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) inspect the brakes or any part of a motor vehicle or trailer or its equipment in order to ascertain whether they comply with the regulations made under this Act;
- (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;
- (vi) where the condition of a motor vehicle or trailer is such that danger is likely to be caused to the occupants or to members of the public, direct its removal forthwith from the road and prohibit its use until the defects have been remedied to the satisfaction of a vehicle examiner in accordance with section 13;
- (vii) where the motor vehicle is, in his opinion, emitting smoke, visible vapour, fuel, oil or lubricant which is avoidable, serve a written notice on the driver or owner directing him to take the motor vehicle to a vehicle examiner to be examined in accordance with section 13 within such time as may be specified in the notice; or
- (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.

(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 weighings 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.

[Amended 38/99]

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, 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.

[Added 11/03 (9/06)]

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 reflectorised 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 lighting-up 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.

(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) - [Repealed 9/03]
- (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.
- (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.

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 - [Repealed 9/03]

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 - [Repealed 9/03]

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, his –
 - (i) driving licence; or
 - (ii) 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 under 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; or
- (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;
[Added 46/02 (P 14/04)]
- (i) an Agreed Statement of Facts Form; and
[Added 36/03 (P 29/04)]
- (j) a Minor Road Accident Report Form.
[Added 36/03 (P 29/04)]

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.

[Amended 46/02]

(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.

[Amended 46/02]

[Amended 5/99]

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 -

[Amended 43/91; Repealed 9/03]

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 those 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.

[Amended 55/83; 7/94; R 3/94]

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 under 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 vehicles

(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, 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 and not more than 10,000 rupees.

[Repealed and replaced 46/02]

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 despatch, 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 fees which may be due in respect of the motor vehicle;
 - (ii) any charges 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.

[Added 46/02]

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 a vehicle examiner 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 vehicle examiner is necessary.

(2) In any proceedings under section 142(1)(b)(vii) a certificate purporting to be signed by the Chief 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.

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.

[Repealed and replaced 46/02]

(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.

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 - [Repealed 9/03]

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 co-ordination 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 Chairman, to be appointed by the Minister;

(b) the Permanent Secretary of the Ministry responsible for the subject of works, 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 Chairman, 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) 8 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.

[Amended 43/92; 6/98]

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 to tender advice to the Minister on the matter.

- (3) The Board shall consist of –
- (a) a Chairman, 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 works;
 - (d) a representative of the Ministry responsible for the subject of finance;
 - (e) a representative of the Ministry responsible for the subject of economic planning;
 - (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 Chairman, 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 Chairman or, in his absence, by the Minister.
(c) The Board shall otherwise regulate its proceedings as it thinks fit.
(d) 6 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).

(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.

[Amended 1/90]

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.

(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.

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.

[Amended 6/98]

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 reasonably be inferred that he did so use, or cause or permit to be so used, the vehicle.

[Repealed and replaced 11/03 (P 9/06)]

(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.

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 a type approved by the Minister; and
- (b) any conditions subject to which the approval was given are satisfied.

[Added 9/03]

189 –

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.

[Added 46/02]

(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.

[Amended 46/02]

(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;
- (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 be 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;
- (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 motor cycles; and
 - (ii) the shape, construction, quality and other particulars of protective helmets to be worn by persons on motor cycles 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;
- (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 the Schedules; and
- (zv) the form, manner and procedure of an appeal authorised under this Act.

PART XI – FIXED PENALTIES

191 Fixed penalty notices

(1) Notwithstanding this Act or any other enactment, where a person commits an offence specified in the first column of the Fourth Schedule, the police officer, the road transport inspector, or the traffic warden who detects the offence may, immediately serve on that person a notice, or where that person refuses the notice, serve the notice on the person who, at the time of the commission of the offence, was the owner of the vehicle, by sending it by registered post addressed to the owner at his usual or last known place of residence or business within 14 days of the commission of the offence calling upon him to pay the appropriate fine specified in the second column of that Schedule.

[Amended 46/02]

- (2) A notice under subsection (1) shall –
- (a) be in such form as may be prescribed;
 - (b) be drawn up in quadruplicate; and
 - (c) specify –
 - (i) the name and address of the person committing the offence where the name and address have been ascertained;
[Amended 46/02]
 - (ii) the time and place of the offence;
 - (iii) the type, registration mark, and make of the vehicle;
 - (iv) the nature of the offence;
 - (v) the fine provided for the offence in the Fourth Schedule and the time within which it is to be paid;
 - (vi) the District Court where the fine is payable; and
 - (vii) the name and identification number of the police officer, the road transport inspector, or the traffic warden, or the name and the number of the identity card of the road transport inspector, who detected the offence.

(3) The police officer, the road transport inspector or the traffic warden who detects the offence shall –

- (a) cause the original of the notice to be served on the offender or the owner of the vehicle, as the case may be;
[Amended 46/02]
- (b) forward one copy to the Commissioner of Police or the Commissioner and another copy to the appropriate District Court; and
- (c) retain one copy.

(4) Notwithstanding section 130, where a person who has committed an offence against section 124 has been served with a notice under subsection (1), it shall not be necessary, for the purpose of any criminal proceedings that may subsequently be instituted against him for that offence, to serve or send a notice under section 130.

[Amended 43/92; 30/95; 38/99]

192 Payment of fixed penalty

Every person who is served with a notice under section 191 may, within 20 days of the service and upon production of the notice, pay the appropriate fine in the prescribed manner at the appropriate District Court.

[Added 43/92; 4/99]

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.

[Added 43/92]

194 Parking notices

(1) Notwithstanding this Act or any other enactment, where such parking offences as may be prescribed are committed, a police officer, a road transport inspector or a 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 the provisions of 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.

[Added 46/02]

FIRST SCHEDULE
(section 29)

	Mauritius			Rodrigues		
	3	6	12	3	6	12
	months	months	months	months	months	months
	Rupees	Rupees	Rupees	Rupees	Rupees	Rupees
Type of vehicles						
1. Motor car/Dual-purpose vehicle						
Engine Capacity						
1250 cc and below	1100	1900	3500	600	1000	1800

1251 cc - 1600 cc	1200	2200	4000	700	1100	2000
1601 cc - 1850 cc	2600	4700	8500	1300	2400	4300
1851 cc - 2250 cc	3200	5800	10500	1600	2900	5300
Above 2250 cc	4000	7200	13000	2000	3600	6500

2. Motor car/Dual-purpose vehicle registered on a company or a trade name

Engine Capacity

1250 cc and below	1400	2500	4500	700	1300	2300
1251 cc - 1600 cc	1500	2700	5000	800	1400	2500
1601 cc - 1850 cc	3200	5800	10500	1600	2900	5300
1851 cc - 2250 cc	3800	7000	12500	1900	3500	6300
Above 2250 cc	4600	8300	15000	2300	4200	7500

3. Other Dual-purpose vehicle

A dual-purpose vehicle owned by -

- | | | | | | | | |
|-----|--|------|------|------|-----|------|------|
| (a) | a planter, fisherman,
or cattle, goat,
sheep, or pig
breeder, every one of
whom should, to the
satisfaction of the
Commissioner, be
operating on a small
scale | 1200 | 2200 | 4000 | 700 | 1100 | 2000 |
| (b) | a person carrying on | | | | | | |

a small enterprise or
a handicraft
enterprise holding a
registration
certificate issued by
the Small Enterprises
and Handicraft
development
Authority.

4. Contract car

Engine Capacity

1250 cc and below	1400	2500	4500	700	1300	2300
1251 cc - 1600 cc	1500	2700	5000	800	1400	2500
1601 cc - 1850 cc	3200	5800	10500	1600	2900	5300
1851 cc - 2250 cc	3800	7000	12500	1900	3500	6300
Above 2250 cc	4600	8300	15000	2300	4200	7500

5. Taxi

Engine Capacity

1600 cc and below	300	500	900	200	300	500
1601 cc and above	600	1100	2000	300	600	1000

6. Heavy motor car

Engine Capacity

3000 cc and below	4600	8300	15000	2300	4200	7500
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3001 cc and above	6000	11000	20000	3000	5500	10000
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7. Motor cyclet/3 Wheelers

Engine Capacity

100 cc and below				600		300
101cc - 200 cc				700		350
201 cc -300 cc				800		400
301 cc - 500 cc				900		450
501 cc and above				1000		500

8. Bus

Engine Capacity

6000 cc and below	1000	1700	3000	500	900	1500
6001 cc and above	1400	2500	4500	700	1300	2300

9. Contract bus

Seating Capacity

Up to 15 seats	1000	1700	3000	500	900	1500
Between 16 seats and 35 seats	1200	2200	4000	600	1100	2000
More than 35 seats	1500	2700	5000	800	1400	2500

10. Motor tractor/Goods vehicle/Trailer

Maximum Gross Weight

Up to 3.5 tonnes	1000	1700	3000	500	900	1500
More than 3.5 tonnes but up to 10 tonnes	1500	2700	5000	800	1400	2500
More than 10 tonnes but up to 20 tonnes	2800	5000	9000	1400	2500	4500
More than 20 tonnes	5600	10000	18000	2800	5000	9000

11. Locomotive

Per tonne of weight unladen, to the nearest tonne	400	700	1200	200	400	600
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12. Motor car belonging to visitor

Any motor car belonging to a person on a temporary visit of not less than one week	(1000 rupees per month)	(1000 rupees per month)
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13. Motor cycle belonging to visitor

Any motor car belonging to a person on a temporary visit of not less than one week	(500 rupees per month)	(500 rupees per month)
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14. Motor tractor/Goods vehicle/Tractor used during crop season

	15 days Rupees	3 months Rupees	6 months Rupees
5 tonnes and below	300	700	1200
More than 5 tonnes but up to 10 tonnes	600	1400	2400
More than 10 tonnes but up to 20 tonnes	1100	2800	5000
More than 20 tonnes	2000	5400	10000

15. Motor vehicles which combine a conventional propulsion system with an onboard rechargeable energy storage system and which run on engine only, or batteries only or on a combination of both.

50 per cent of the amount corresponding to the class of motor vehicle as specified in the Schedule

[GNs 39/91; 144/92; 207/92; repealed and replaced GN 68/02; Amended GN 62/05; GN 230/06; GN 33/07; repealed and replaced GN 104/08]

SECOND SCHEDULE

(section 52)

OFFENCES INVOLVING DISQUALIFICATION FOR HOLDING OR OBTAINING, CANCELLATION AND ENDORSEMENT OF, DRIVING LICENCES

Section	Offence	First, of offence	Second, subsequent offence	Cancel- lation	Disquali- fication	Endorse- ment	Remarks
15	No test certificate	(First,		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 (second or (subsequent	No	No	No	No	No	Yes	–
			No	No	No	Yes	Yes*	Yes	* If offender is disqualified
40 (a)	(i) Driving with no driving licence, licence having expired								
	(ii) Permitting or employing an unlicensed person to drive a motor vehi- cle, his licence having expired	First or Subsequent	No	No	No	Yes	Yes*	Yes	* If offender is disqualified
(b)	(i) Driving with no driving licence, having never been licensed	First or Subsequent	*		Yes	No	*		*Not applicable
	(ii) Permitting or employing an unlicensed person, who has never been licen-sed, to drive a motor vehicle	First or subsequent	Yes	No	Yes	No	Yes	No	
53(4)	Fraudulent appli- cation for, or obtaining of, driving licence, driving while under disquali-fication	First or subsequent	Yes	No	Yes*	No	Yes	No	*To take effect from expiry of current period of disqualifica-tion where applicable
55	Vehicle uninsured	First or subsequent	Yes	No	Yes	No	Yes	No	–
107(1)	Driving public ser- vice vehicle or goods vehicle wi- thout 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 vehi- cle or goods vehicle driver buying or consuming intoxica-ting liquor while on duty	First Second or Subsequent	No No	No Yes	No No	Yes Yes	Yes* Yes*	Yes Yes	* If offender is disqualified * If licence is cancelled or offender is disqualified
123	Using vehicle with- out certificate of	First	No	No	No	No	No	Yes	–

	fitness or when use is prohibited	Second or Subsequent	No	No	No	Yes	Yes*	Yes	* If offender is disqualified
123A	Dangerous Driving	First Second or Subsequent	No No	Yes Yes	No Yes	Yes No	Yes*	Yes No	* If offender is disqualified. Minimum disqualification period of 6 months
123B	Causing death by dangerous driving	First or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 2 years
123C	Careless or inconsiderate driving	First Second Third or subsequent	No No Yes	No Yes No	No Yes Yes	Yes No No	Yes*	No No No	* If offender is disqualified. Minimum disqualification period of 6 months
123D	Causing death by careless driving when under the influence of intoxicating drink or drugs	First or Subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 2 years
123E	Driving or being in charge of motor vehicle when under influence of intoxicating drink or drug	First Second or Subsequent	No Yes	Yes No	Yes Yes	No No	Yes Yes	No No	Minimum disqualification period of 12 months
123F	Driving or being in charge of motor vehicle with alcohol concentration above prescribed limits	First Second or subsequent	No Yes	Yes No	Yes Yes	No No	Yes Yes	No No	Minimum disqualification period of 8 months

[Added 9/03]

124	Exceeding speed limit	First or subsequent	No	No	No	No	No	Yes	-
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127 - [Repealed 9/03]

128 - [Repealed 9/03]

131 - [Repealed 9/03]

132 - [Repealed 9/03]

132A - [Repealed 9/03]

133	Involuntary homicide [Added 9/03]	First Second or subsequent	No Yes	Yes No	Yes Yes	No No	Yes Yes	No No	Minimum disqualification period of 9 months
133	Involuntary wounds and blows [Repealed and replaced 9/03]	First Second or subsequent	No No	Yes Yes	No Yes	Yes No	Yes* Yes	No No	*If disqualified
135	Driving motor vehicle or trailer in dangerous condition	First or subsequent	No	No	No	No	No	Yes	-
140	- [Repealed 9/03]								
151(3)	Taking and driving away a motor vehicle without consent of owner or other lawful authority [Rep 3/83; 3/94; Amended 7/94]	First or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified.

THIRD SCHEDULE

[Repealed 20/03]

**FOURTH SCHEDULE
(section 191)**

<i>Offences</i>	<i>Fine Rs</i>
Using vehicle without a valid test certificate – section 15(1)	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) and 163	500
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 – section 124(4)	500
Driving vehicle in dangerous condition – section 135	300
Failing to comply with traffic sign – section 138	500
Failing to wear helmet – sections 163 and 165(1).....	500
Motor Vehicle Licence not fixed up – regulation 15 of the Road Traffic Regulations 1954 and sections 137 and 163	200
Tariff of fares not fixed up in bus – regulation 27 of the Road Traffic Regulations 1954 and sections 137 and 163	200
Destination indicator not clearly affixed – regulation 29 of the Road Traffic 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 designated – regulation 40(13) of the Road Traffic Regulations 1954 and section 163	500
Leaving engine on whilst motor vehicle is stationary – regulation 40(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
Failing to carry and exhibit sufficient lights – regulation 44(1) of the Road Traffic Regulations 1954 and section 163	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
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 Trailers 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 which has been prohibited for use by a vehicle examiner – sections 13(7) and 163.....	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
Using any vehicle to which Part VIII applies without a valid certificate of fitness – sections 113 and 123 ...	500
Load not properly secured or projecting from a vehicle – sections 136 and 163	500
Stationing vehicle on a road without a light on between sunset and sunrise – sections 144 and 163	500
Causing a vehicle to be used in contravention of the laden or axle weight – section 166	
Carrying excess load in goods vehicle – regulation 35(2) of the Road Traffic 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	300
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 the tyres 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 Vehicles and Trailers) Regulations 1952 and section 163	300
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 give free and uninterrupted passage to foot passenger using a crossing – regulations 4 and 8 of the Road Traffic (Foot Passenger Crossings) Regulations 1948 and section 163	200
Overtaking stationary vehicle at a pedestrian crossing – regulation 5A and 8 of the Road Traffic (Foot Passenger Crossings) Regulations 1948 and section 163	200
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 Added GN 158/02	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) Added GN 158/02	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
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
Failing to overtake traffic on the right - regulation 40(4) of the Road Traffic Regulations 1954 and section 163	500
Added GN 158/02	
Failing to deflect beam of light – regulation 40(11) (i) of the Road Traffic Regulations 1954 and section 163	300
Added GN 158/02	
Carrying more than one passenger at a time on a motor cycle or an autocycle – regulation 40(19)(g) of the Road Traffic Regulations 1954 and section 163	500
Added GN 158/02	
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
Added GN 158/02	
Driving a motor vehicle without horn - regulation 40A(1) of the Road Traffic Regulations 1954 and section 163	300
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
Failing to carry a pair of triangular reflectors in motor vehicle-regulation 44A(1) of the Road Traffic Regulations 1954 and section 163 ;:	300
Added GN 158/02	
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
Added GN 158/02	
Using a radio apparatus, cassette player, loud speaker or gramophone while traveling in a bus without the approval of the Authority – regulation 48(2) of the Road Traffic Regulations 1954 and section 163	500
Added GN 158/02	
Overtaking bus whose driver has signaled his intention of Moving out of a bus stopping place – regulation 48(3) of the Road Traffic Regulations 1954 and section 163	300
Added GN 158/02	
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
Added GN 158/02	
Failing to submit monthly return - regulations 2, 3 and 4 of the Public Service Vehicles (Returns and Records) Regulations	

1984 and section 163	500
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
Failing to produce register of driver on demand - regulations 6(1) and 13 of the Road Traffic (Control of Taxi Operations) Regulations 1996	300
Added GN 158/02	
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
Added GN 158/02	
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
Added GN 158/02	
Particulars and dimensions of licence number and base of operation of taxi not in conformity with regulations - regulations 11 and 13 of the Road Traffic (Control of Taxi Operations) regulations 1996	500
Added GN 158/02	
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
Added GN 158/02	
Breach of motor dealer's licence - regulations 4(1) and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
Added GN 158/02	
Added GN 158/02	
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 Added GN 158/02	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 Added GN 158/02	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 Added GN 158/02	500
Driving, moving, stopping or remaining at rest on a central reservation – regulation 8 of the Road Traffic (Motorways) Regulations 1964 and section 163 Added GN 158/02	500
Failing to apply for permission to remove an unlicensed vehicle from premises where it is kept to other premises – sections 22 and 163 Added GN 158/02	500
Failing to wear seat belt – regulations 5(1) and 9 of the Road Traffic (Seat Belts) Regulations 2002 Added GN 158/02	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 Added GN 158/02	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 163 Added GN 137/06	2000
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 Added GN 137/06	2000
Failing to submit vehicle to exhaust emission test - regulation 13(1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163 Added GN 137/06	2000
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 Added GN 137/06	1000
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 Added GN 137/06	1000
Driving a motor vehicle, other than motorcycle or an auto cycle 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 Added GN 137/06	2000
Driving motorcycle or an auto cycle, 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 Added GN 137/06	2000
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 Added GN 137/06	500
Failing to carry in his vehicle an Agreed Statement of Facts Form - section 68B (3) Added GN 137/06	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 Added GN 137/06	300
Failing to produce driving licence within 5 days at such police station as specified by driver on request - section 46(3) Added GN 137/06	1000
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 Added GN 137/06	500
Failing to operate and maintain approved facility - regulation 15(1) of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 and section 163 Added GN 137/06	5000
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 Added GN 137/06	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 Added GN 137/06	1000
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 Added GN 137/06	1000
Taxi sign not complying with prescribed colours or dimensions - regulation 9 of the Road Traffic (Control of Taxi Operations) Regulations 1996 and section 163 Added GN 137/06	500
Using a hand-held microphone or telephone handset while driving a motor vehicle - section 123 AE Added GN 137/06	2000
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 Added GN 137/06	3000
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 Added GN 137/06	2000
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 Added GN 137/06	1000
Using or causing or permitting to be used, a motorcycle or an auto cycle 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 Added GN 137/06	1000
Using or causing or permitting to be used, a petrol-driven motor vehicle, other than motorcycle or an auto cycle, 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 Added GN 137/06	1000

[Added 43/92; Amended GN 110/94; Added GN 158/02; Amended GN 213/04; GN 137/06]

FIFTH SCHEDULE

PART A

If you are involved in a road accident

What to do immediately after an accident

- Switch on the warning lights and place the reflecting triangles 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 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

The elements taken into consideration are only those which appear in the practical situations in these scales of liabilities.

These scales of liabilities are applicable to accidents occurring on all roads.

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.

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**.

and B moving in single file or two files



Vehicles are considered to be in the same file even if partially offset.

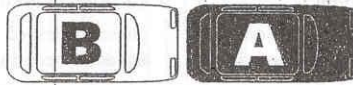
- The impact at the rear of a vehicle does not, however, establish that the traffic was in single file as the impact may have been the result of a change of file by the vehicle hit at the rear.

In the case of dispute by the driver of **B**, traffic along a single file cannot be inferred by the point of impact: such

Inference 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 vehicle, even when it is behind the rear wheel, is sufficient evidence 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

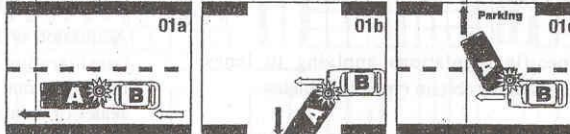
01

Vehicles **A** and **B** are moving in the same direction

Case 01

Vehicles **A** and **B** are moving in the same direction

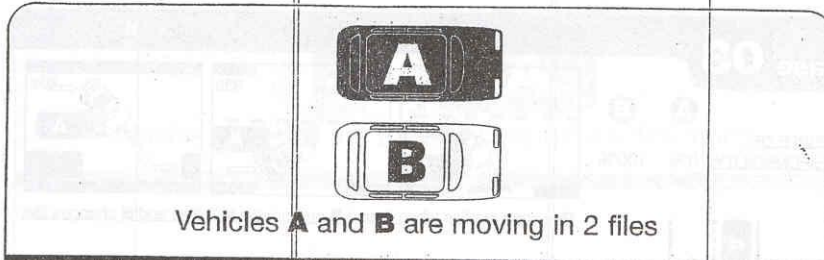
DEGREE OF RESPONSIBILITY: 0% 100%



This case applies 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, an untraded road.

Vehicles moving in the same direction on the same road



CASE 02, 03 & 04

02

Vehicles **A** and **B** remain in their respective files or vehicles **A** and **B** change files

03

Only vehicle **B** changes file

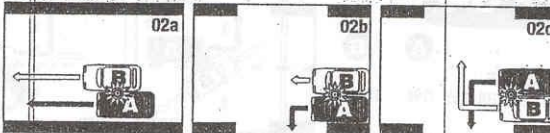
04

Vehicle **B** changes file and turns right into a side road. Vehicle **A** is encroaching on the centreline

Case 02

Vehicles **A** and **B** remain in their respective files or vehicles **A** and **B** change files

DEGREE OF RESPONSIBILITY: **A** 50% **B** 50%



This case applies if **A** and **B** are moving in 2 files;

- when there is no evidence that **B** changes file; or
- when it is proved that both **A** and **B** change files

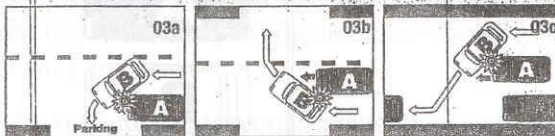
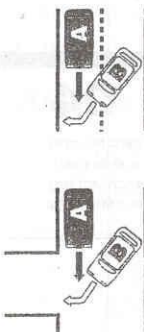


Vehicles moving in the same direction on the same road

Case 03

Only vehicle B changes file

DEGREE OF RESPONSIBILITY: 0% 100%



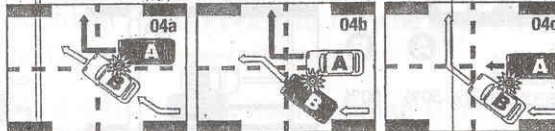
This case applies when A and B are moving in 2 files and B changes file:

- 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 cuts-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 and 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

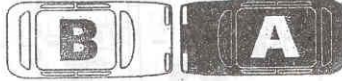
DEGREE OF RESPONSIBILITY: 0% 100%



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 encroachment 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 **A** and **B** are moving in opposite directions

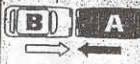
CASE 05 & 06

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



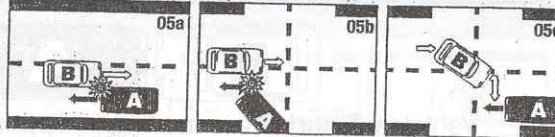
Vehicles moving in opposite directions

Case 05

Vehicle B encroaches on the centreline.
Vehicle A is moving in its lane.

DEGREE OF RESPONSIBILITY: 0% 100%

A B



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 note

- 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 Form 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".

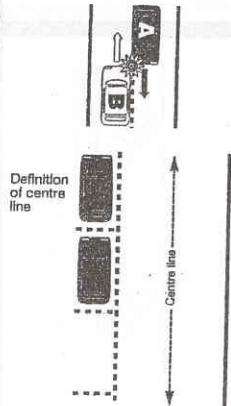
By a sketch

- 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



Vehicles **A** and **B** encroach on the centreline or their positions with regard to that line cannot be established

Case 06

DEGREE OF RESPONSIBILITY: **A** 50% **B** 50%

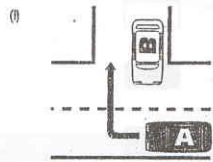


This case applies:

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**.

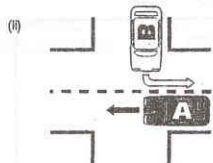
Or when the positions of **A** and **B** cannot be established with regard to the centreline.

Special situations [(i) - (iv)]

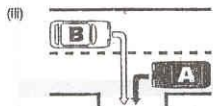


Collisions when vehicles are moving in opposite directions or when one has priority

- When **B** cuts-in in front or prepares to cut-in in front of **A** to turn right, **case 05** applies against **B**.
- If it is established that **A** did not encroach on the centreline, **case 05** 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.

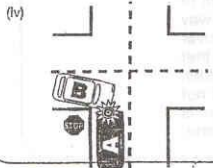


- If it is established that **B** turns left, **case 05** or **07** applies depending whether there is evidence of encroachment of **A** and/or **B**.



Collision involving vehicles 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 against **B**.
- This 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 onto the road and is hit by **B**, then **case 05** applies against **B**.

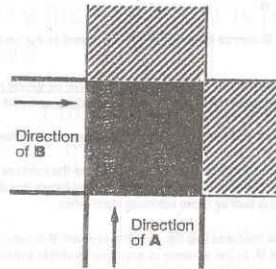
Section 3

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 beyond 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 located before the prolongation of the nearside of the road in the line of motion of A).



LEGEND :

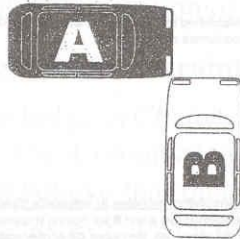
Before the junction
(case 05 or 06)



Within the junction
(case 07 or 08)



At entrance or exit
of junction
(case 07 or 08)



CASE 07 & 08

07

Vehicle A has priority

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 presumed not to have encroached, but is moving in its lane.

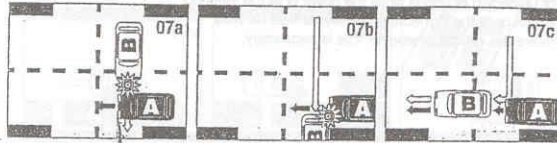
Vehicles come from different roads and their directions either intersect or meet



Case 07

Vehicle A has priority

DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%

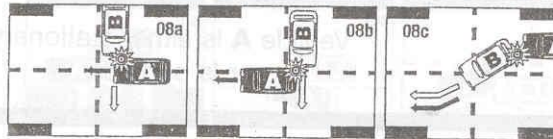


This case applies when **A** is moving in its lane and has right of way

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

DEGREE OF RESPONSIBILITY: **A** 50% **B** 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.
- Vehicles that are stopped due to traffic conditions should not be taken to be stationary vehicles.



Vehicle **A** is either stationary
or is parked :

CASES 09 & 10

09

Vehicle **A** is correctly
parked (or stationary
in the correct way)

10

Vehicle **A** is not correctly
parked (or is not stationary
in the correct way)

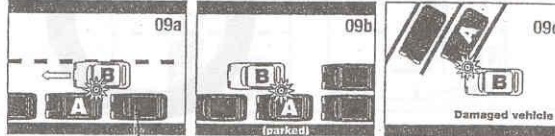
One of the vehicles is either stationary or parked



Case 09

Vehicle A is correctly parked (or stationary in the correct way)

DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%



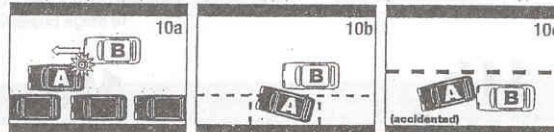
The case applies when A is parked or stationary in the correct way.

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** 50% **B** 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.



Prohibitions

CASES 11a - 11d

CASES 12a - 12e

First Series:

Second Series:

11a

Vehicle **B** does not comply with a traffic light signal.

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.

11b

Vehicle **B** does not comply with either a police roadblock or an official order.

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**).

11c

Vehicle **B** does not comply with either a "No Entry", a "No Overtaking", a "No Right Turn" or a "No Left Turn" sign.

12c

Vehicle **B** is either reversing, or performs a U turn or stops at an angle across the road.

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.

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.

12e

Impact against the open door of vehicle **B**.

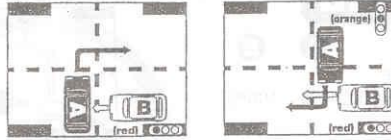
Prohibitions

First Series:

Case 11a

Vehicle B does not comply with a traffic light signal

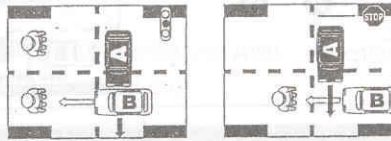
DEGREE OF RESPONSIBILITY: A B
0% 100%



Case 11b

Vehicle B does not comply with either a police road block check or an official order

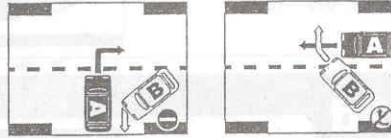
DEGREE OF RESPONSIBILITY: A B
0% 100%



Case 11c

Vehicle B does not comply with either a No Entry, a No Overtaking, a No Right Turn, or No Left Turn sign

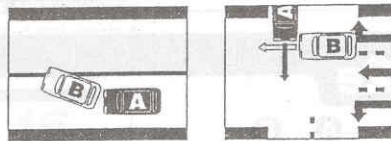
DEGREE OF RESPONSIBILITY: A B
0% 100%



Case 11d

Vehicle B does not comply with either a continuous line, a road marking, (e.g. directional arrows, or zebra crossing), or moves on the footpath

DEGREE OF RESPONSIBILITY: A B
0% 100%





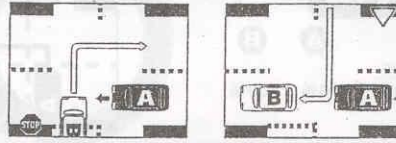
Prohibitions

Second Series:

Case 12a

Vehicle B does not comply either with a priority sign (Give Way) or the priority to stage buses when leaving a bus stop

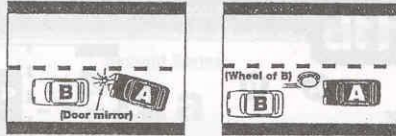
DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%



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)

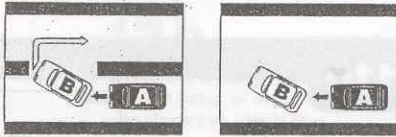
DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%



Case 12c

Vehicle B is either reversing, or performs a U turn, or stops at an angle across the road

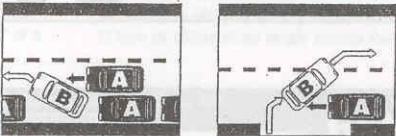
DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%



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 untraded road

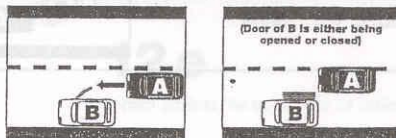
DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%

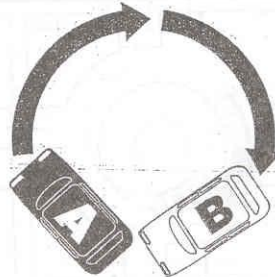


Case 12e

Impact against the open door of vehicle B

DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%





Vehicles **A** and **B** negotiating
or entering a roundabout :

CASES 13, 14, 15 & 16

13

Vehicles **A** and **B** negotiate
a roundabout.

14

Vehicles **A** and **B** negotiate
a roundabout

15

Vehicle **B** is negotiating a
roundabout and vehicle **A**
enters the roundabout.

16

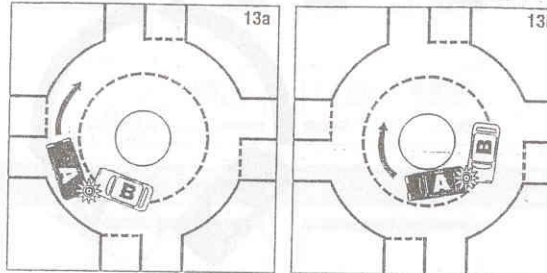
Vehicle **B** is negotiating a
roundabout and vehicle **A**
enters the roundabout.

Vehicles negotiating a roundabout

Case 13

Vehicles **A** and **B** negotiate a roundabout

DEGREE OF RESPONSIBILITY: **A** 0% **B** 100%

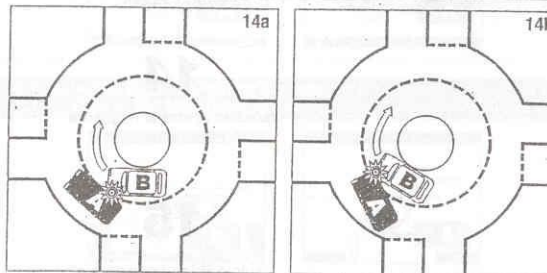


This case applies when the impact occurs on the front of vehicle **B** and on the rear of vehicle **A**

Case 14

Vehicles **A** and **B** negotiate a roundabout

DEGREE OF RESPONSIBILITY: **A** 100% **B** 0%



This case applies in all situations (other than case 13) where **A** and **B** are already negotiating the roundabout.

Vehicle negotiating a roundabout

Case 15 - missing

Case 16 - missing

SIXTH SCHEDULE
(section 68 H)

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 stating precisely the issues which the Committee will be expected to determine.
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.
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.

[Added 36/03 (P 29/04)]
