

THE ROAD TRAFFIC (AMENDMENT) BILL
(No. X of 2023)

Explanatory Memorandum

The main object of this Bill is to amend the Road Traffic Act with regard to the legal framework governing transport operations.

2. Accordingly, with a view to enhancing transport services in remote areas, provisions are being made to provide for the operation and licensing of shuttle buses, being motor vehicles having a seating capacity of 7 or more but not exceeding 32 passengers, which will provide the first and last mile connectivity and link residents to and from those remote areas.

3. Amendments are also being brought to consolidate the regulatory powers of the National Land Transport Authority and to streamline the licensing process with regard to public service vehicles.

4. In addition, the number of cumulative road traffic offences for which a person is disqualified from driving is being decreased from 5 offences to 4.

5. Opportunity is also being taken to clarify some other provisions of the Road Traffic Act.

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*Minister of Land Transport and Light Rail,
Minister of Foreign Affairs, Regional
Integration and International Trade*

30 June 2023

THE ROAD TRAFFIC (AMENDMENT) BILL
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ARRANGEMENT OF CLAUSES

Clause

- | | |
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| 2. Interpretation | 19. Section 103 of principal Act amended |
| 3. Section 2 of principal Act amended | 20. Section 123AD of principal Act amended |
| 4. Section 22 of principal Act amended | 21. Section 123AG of principal Act amended |
| 5. Section 25 of principal Act amended | 22. Section 134 of principal Act amended |
| 6. Section 29 of principal Act amended | 23. Section 142 of principal Act amended |
| 7. Section 75 of principal Act amended | 24. Section 143A of principal Act repealed |
| 8. Section 76 of principal Act amended | 25. Section 166A of principal Act amended |
| 9. Section 77 of principal Act amended | 26. Section 172 of principal Act amended |
| 10. New section 77D inserted in principal Act | 27. Third Schedule to principal Act amended |
| 11. Section 80 of principal Act amended | 28. Fourth Schedule to principal Act amended |
| 12. Section 81A of principal Act amended | 29. Sixth Schedule to principal Act amended |
| 13. Section 88 of principal Act repealed | 30. Twelfth Schedule to principal Act repealed and replaced |
| 14. Section 90 of principal Act amended | 31. Consequential amendment |
| 15. Section 95 of principal Act repealed | 32. Commencement |
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| 17. Section 96A of principal Act amended | |

A BILL

To amend the Road Traffic Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Road Traffic (Amendment) Act 2023.

2. Interpretation

In this Act –

“principal Act” means the Road Traffic Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “classic or vintage motor car” and replacing it by the following definition –

“classic or vintage motor car –

- (a) means a motor car originally registered, in or outside Mauritius, prior to 1 January 1970; and
- (b) includes a motor car which, prior to the commencement of this subsection, was aged 40 years or more from its date of original registration in or outside Mauritius;

- (b) by inserting, in the appropriate alphabetical order, the following new definition –

“shuttle bus” has the meaning assigned to it under section 75(e);

4. Section 22 of principal Act amended

Section 22 of the principal Act is amended –

- (a) in subsection (10)(a), by deleting the words “paragraph (aa) and subsection (10A),,” and replacing them by the words “paragraph (aa) and subsections (10A) and (10B),”;

- (b) in subsection (10A), by adding the following new paragraph –

(c) This subsection shall not apply to a vehicle or trailer registered in Rodrigues.

- (c) by inserting, after subsection (10A), the following new subsection –

(10B) Where a licence in respect of a vehicle or trailer registered in Rodrigues has expired on 31 January 2022, 28 February 2022 or such further date as may be prescribed, the owner or actual owner of the motor vehicle or trailer shall not be liable to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer, provided that the licence was renewed not later than 31 March 2022 or such further date as may be prescribed.

5. Section 25 of principal Act amended

Section 25 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “Where –” and replacing them by the words “Subject to subsection (5), where –”;
- (b) by adding the following new subsection –

(5) Subsection (1) shall not apply to the holder of a contract bus licence who is authorised by NLTA to operate the contract bus as a shuttle bus under a short-term road service licence.

6. Section 29 of principal Act amended

Section 29 of the principal Act is amended, in subsection (1), by inserting, after the words “or a trailer”, the words “, including a classic or vintage motor car,”.

7. Section 75 of principal Act amended

Section 75 of the principal Act is amended, in subsection (1), by adding the following new paragraph, the full stop at the end of paragraph (d) being deleted and replaced by the words “; and” and the word “and” at the end of paragraph (c) being deleted –

- (e) shuttle buses, being motor vehicles having a seating capacity for 7 or more but not exceeding 32 passengers and carrying passengers for hire or reward at separate fares.

8. Section 76 of principal Act amended

Section 76 of the principal Act is amended –

- (a) in subsection (1)(a)(i), by deleting the words “taxi or contract car” and replacing them by the words “taxi, contract car or shuttle bus”;
- (b) by inserting, after subsection (7), the following new subsection –

(7A) The Minister may, with regard to a motor vehicle, having a seating capacity for 7 or more passengers, which has been used or is being used in contravention of this Part, make such regulations as he thinks fit –

- (a) to provide for the affixing of seals or immobilisation devices on the motor vehicle; and

- (b) for disciplinary proceedings to be initiated against the owner or person in charge of the motor vehicle.

9. Section 77 of principal Act amended

Section 77 of the principal Act is amended –

- (a) in subsection (5), by repealing paragraphs (b) and (c);
- (b) in subsection (6), by repealing paragraph (b).

10. New section 77D inserted in principal Act

The principal Act is amended by inserting, after section 77C, the following new section –

77D. Redeployment of bus services and issue of road service licence on Minister's directions

(1) Where the Minister is satisfied that it is in the public interest to do so, he may direct NLTA to allow an existing licensee to redeploy his bus from an existing route to another route or area designated by the Minister, provided that –

- (a) service on the route from which the bus is to be redeployed from is not adversely impacted;
- (b) the authorisation is granted for such duration as the Minister may deem fit; and
- (c) NLTA is satisfied that the licensee has been providing adequate service.

(2) Where the Minister is satisfied that a particular route or area is inadequately served and that it is in the public interest to improve bus services on that route or area, he may direct NLTA to grant a road service licence, for such duration as he may deem fit, to an existing licensee so as to allow him to operate bus services on such route or area designated by the Minister, provided that –

- (a) NLTA is satisfied that existing bus services on that route or area are inadequate;
- (b) there has been requests or complaints from commuters and users of public transport as regards

the level of service provided by existing bus operators; and

- (c) NLTA is satisfied that the licensee has been providing adequate service on any route operated by him.

(3) Where the Minister makes a direction under subsection (1) or (2), section 77 shall not apply and, on application made by the licensee, NLTA shall vary the licence accordingly.

11. Section 80 of principal Act amended

Section 80 of the principal Act is amended –

- (a) by deleting the heading and replacing it by the following heading –

80. Taxi, contract car or shuttle bus licence

- (b) by repealing subsection (1) and replacing it by the following subsection –

(1) Every person applying for a public service vehicle licence in respect of a taxi, contract car or shuttle bus, referred to as “taxi licence”, “contract car licence” or “shuttle bus licence”, respectively, shall submit to NLTA in the form it requires –

- (a) particulars of the type of vehicle to be used;
- (b) particulars as to the stand, base or locality from which it is intended to operate the taxi, contract car or shuttle bus, as the case may be; and
- (c) such other particulars as NLTA may require.

- (c) in subsection (2) –

- (i) in paragraph (a), by deleting the words “or a contract car licence” and replacing them by the words “, contract car licence or shuttle bus licence”;

- (ii) by repealing paragraphs (c) and (d);

- (d) by repealing subsection (5) and replacing it by the following subsection –

(5) NLTA may, on an application made by the holder of a taxi licence, authorise him to operate, in addition to his existing base of operation, in another location on a temporary basis and subject to such terms and conditions as NLTA may determine.

12. Section 81A of principal Act amended

Section 81A of the principal Act is amended by repealing subsection (1) and replacing it by the following subsection –

(1) Every holder of a road service licence, contract bus licence or contract car licence shall, upon request from NLTA, submit to NLTA 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;
- (c) any acquisition or transfer of assets; and
- (d) such other particulars as may be required by NLTA in respect of the operation of the bus, contract bus or contract car, as the case may be,

in respect of such period as NLTA may determine.

13. Section 88 of principal Act repealed

Section 88 of the principal Act is repealed.

14. Section 90 of principal Act amended

Section 90 of the principal Act is amended, in subsection (3), by deleting the words “250 rupees” and “500 rupees” and replacing them by the words “5,000 rupees” and “2,000 rupees”, respectively.

15. Section 95 of principal Act repealed

Section 95 of the principal Act is repealed.

16. Section 96 of principal Act amended

Section 96 of the principal Act is amended –

- (a) by inserting, after subsection (1), the following new subsection –

(1A) Notwithstanding subsection (1), NLTA may revoke or suspend a public service licence, road service licence or carrier’s licence where it is in the public interest to do so.

- (b) in subsection (2), by deleting the words “subsection (1)” and replacing them by the words “subsection (1) or (1A)”.

17. Section 96A of principal Act amended

Section 96A of the principal Act is amended, in subsection (1), by deleting the words “, 96(1),” and replacing them by the words “, 96(1) and (1A),”.

18. Section 99 of principal Act amended

Section 99 of the principal Act is amended, in subsection (1), by repealing paragraph (b).

19. Section 103 of principal Act amended

Section 103 of the principal Act is amended, in subsection (5), by deleting the words “section 76(4)” and replacing them by the words “section 80(3)(a)(v)”.

20. Section 123AD of principal Act amended

Section 123AD of the principal Act is amended –

- (a) in subsection (1), by inserting, after the words “police officer”, the words “or a traffic warden in uniform”;
- (b) in subsection (3)(b), by inserting, after the words “police officer”, the words “or a traffic warden in uniform”.

21. Section 123AG of principal Act amended

Section 123AG of the principal Act is amended –

- (a) in subsection (1)(c), by deleting the words “after 21 days” and replacing them by the words “within 30 days”;
- (b) in subsection (2), by deleting the words “subsection 10”, “fifth occasion” and “fifth offence” and replacing them by the words “subsection 10 and 11”, “fourth occasion” and “fourth offence”, respectively;

- (c) in subsection (3)(a)(iii)(A), by deleting the words “after 21 days” and replacing them by the words “within 30 days”;
- (d) by repealing subsection (5) and replacing it by the following subsection –

(5) Where a person is disqualified on a second occasion under subsection (2) or (7) and the offences leading to his second disqualification have been committed within a period of 3 years from the date of expiry of his first disqualification, the Court shall, at the same sitting, cancel his driving licence.

- (e) in subsection (7) –
 - (i) in paragraph (a), by deleting the words “fifth conviction” and replacing them by the words “fourth conviction”;
 - (ii) by repealing paragraph (b) and replacing it by the following paragraph –

(b) Where, pursuant to an application made under paragraph (a), the Court is satisfied that the person has committed the offences within the specified period, the Court shall –

- (i) disqualify that person; or
- (ii) disqualify that person and cancel his driving licence or provisional driving licence, as the case may be,

in accordance with this section.

- (f) in subsection (8A), in paragraph (a), by inserting, after the words “in the form set out in”, the words “Part A of”;
- (g) by inserting, after subsection (8A), the following new subsection –

(8B) (a) The licensing officer shall, where a person is convicted on a second occasion of one or more offences specified in the second column of the Third Schedule and those offences are committed within a period of 24 months from the commencement of this subsection, issue that person with a Cumulative Road Traffic Convictions Notice in the form set out in Part B of the Twelfth Schedule.

(b) Failure to comply with paragraph (a) shall not be a bar for the licensing officer to make an application under subsection (7)(a).

(h) in subsection (10), by inserting, after the words “subsections (2) and (7)(a)”, the words “, through the Road Traffic (Amendment) Act 2018 [Act No. 12 of 2018],”;

(i) by adding the following new subsection –

(11) (a) Subject to paragraph (b), a person shall, where he is convicted on a fourth occasion of one or more offences specified in the second column of the Third Schedule, be disqualified in accordance with this section, provided that those offences have been committed on or after the commencement of this subsection.

(b) Where a person has, prior to the commencement of this subsection, committed at least one offence specified in the second column of the Third Schedule, he shall be disqualified in accordance with this section only if he is convicted on a fifth occasion, as if the amendments brought to subsections (2) and (7)(a) have not come into operation.

22. Section 134 of principal Act amended

Section 134 of the principal Act is amended, in subsection (2), by repealing paragraph (a) and replacing it by the following paragraph –

(a) A person driving a motor vehicle on a road shall, on being required by a police officer in uniform or a traffic warden in uniform –

(i) stop the vehicle; and

(ii) keep the vehicle stationary until authorised by the police officer or traffic warden to drive it away.

23. Section 142 of principal Act amended

Section 142 of the principal Act amended, in subsection (1) –

(a) in paragraph (a), by inserting, after the words “to stop”, the words “or move”;

- (b) in paragraph (b), by inserting, after the words “a road transport inspector not in uniform”, the words “or a traffic warden in uniform”;
- (c) in paragraph (c), by deleting the words “or road transport inspector” and replacing them by the words “, road transport inspector or traffic warden in uniform”.

24. Section 143A of principal Act repealed

Section 143A of the principal Act is repealed.

25. Section 166A of principal Act amended

Section 166A of the principal Act is amended –

- (a) by repealing subsection (3) and replacing it by the following subsection –

(3) NLTA shall cause notice of every application made under this section to be published once in the Gazette and in 2 daily newspapers.

- (b) in subsection (4), by repealing paragraph (a) and replacing it by the following paragraph –

(a) NLTA may, after hearing the applicant –

- (i) reject the application; or
- (ii) grant, in the public interest, the application on such conditions as it may determine; and
- (iii) inform the parties accordingly.

- (c) in subsection (10) –

(i) in the definition of “interested person”, by deleting the words “or diesel oil” and replacing them by the words “, diesel oil or Liquefied Petroleum Gas”;

(ii) in the definition of “petrol service station”, by deleting the words “or diesel oil” and replacing them by the words “, diesel oil or Liquefied Petroleum Gas”;

- (iii) in the definition of “private petrol station”, by deleting the words “or diesel oil” and replacing them by the words “, diesel oil or Liquefied Petroleum Gas”.

26. Section 172 of principal Act amended

Section 172 of the principal Act is amended –

- (a) by inserting, after subsection (2), the following new subsections –

(2A) A road transport inspector authorised by the Chief Commissioner may, for the purpose of an inquiry in respect of a public service vehicle which he has reason to believe that –

- (a) is not providing regular service; or
- (b) a condition of the licence attached to it has been breached,

enter any place where he suspects the public service vehicle is being kept.

(2B) A vehicle examiner duly authorised by the Chief Commissioner may, for the purpose of an inquiry or investigation in respect of a motor vehicle which he has reason to believe that –

- (a) the motor vehicle or any part thereof does not comply with this Act; or
- (b) the motor vehicle or any component thereof has been modified in contravention to this Act,

enter any place where he suspects the public service vehicle is being kept.

- (b) by repealing subsection (3) and replacing it by the following subsection –

(3) Any person who obstructs an officer, a road transport inspector or a vehicle examiner in the exercise of his powers under this section shall commit an offence.

27. Third Schedule to principal Act amended

The Third Schedule to the principal Act is amended, in item 1, by deleting the words “or contract car” and replacing them by the words “, contract car or shuttle bus.”

28. Fourth Schedule to principal Act amended

The Fourth Schedule to the principal Act is amended –

- (a) by deleting item 98;
- (b) by deleting item 119;
- (c) in item 178, by deleting the words “or contract car” and replacing them by the words “, contract car or shuttle bus”.

29. Sixth Schedule to principal Act amended

The Sixth Schedule to the principal Act is amended by adding the following new paragraph –

- 6.** The Committee may, for the purpose of the National Insurance Claims Database, upload its determination in the database operated by the Financial Services Commission in such form and manner as it may determine.

30. Twelfth Schedule to principal Act repealed and replaced

The Twelfth Schedule to the principal Act is repealed and replaced by the Twelfth Schedule set out in the Schedule to this Act.

31. Consequential amendment

The Registration Duty Act is amended, in section 2, by deleting the definition of “classic or vintage motor car” and replacing it by the following definition –

“classic or vintage motor car” has the meaning as in the Road Traffic Act;

32. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

SCHEDULE

[Section 30]

TWELFTH SCHEDULE

[Section 123AG(8A) and (8B)]

PART A – CUMULATIVE ROAD TRAFFIC CONVICTIONS NOTICE

Surname

Other name(s)

Driving licence no.

Status of driving licence/international driving permit

National Identity Card no./passport no.

Address

S.N.	Court	Cause no./ PEDN no./ FPN no.	Offence	Offence code (if applicable)	Date of commission of offence	Date of conviction	Remarks
1.							
2.							
3.							
4.							
5.							

NOTICE TO DRIVER

This notice is to bring to your attention that, as per the records available at the Traffic Branch, you have been convicted for a cumulative road traffic offence on a third occasion (as above) and that the fifth cumulative road traffic offence committed within a period of 24 months will entail your disqualification from holding or obtaining a driving licence under the provisions of section 123AG(2) or (7) of the Road Traffic Act.

In case you have previously been disqualified under section 123AG of the Road Traffic Act, a second disqualification will entail the cancellation of your driving licence where the offences leading to the second disqualification have been committed within a period of 3 years from the date of expiry of your first disqualification.

.....
Name of Licensing Officer

.....
Signature of Licensing Officer

.....
Date

PART B – CUMULATIVE ROAD TRAFFIC CONVICTIONS NOTICE

Surname

Other name(s)

Driving licence no.

Status of driving licence/international driving permit

National Identity Card no./passport no.

Address

S.N.	Court	Cause no./ PEDN no./ FPN no.	Offence	Offence code (if applicable)	Date of commission of offence	Date of conviction	Remarks
1.							
2.							
3.							
4.							
5.							

NOTICE TO DRIVER

This notice is to bring to your attention that, as per the records available at the Traffic Branch, you have been convicted for a cumulative road traffic offence on a second occasion (as above) and that the fourth cumulative road traffic offence committed within a period of 24 months will entail your disqualification from holding or obtaining a driving licence under the provisions of section 123AG(2) or (7) of the Road Traffic Act.

In case you have previously been disqualified under section 123AG of the Road Traffic Act, a second disqualification will entail the cancellation of your driving licence where the offences leading to the second disqualification have been committed within a period of 3 years from the date of expiry of your first disqualification.

.....
Name of Licensing Officer

.....
Signature of Licensing Officer

.....
Date
