

THE ROAD TRAFFIC (AMENDMENT) BILL

(No. XIV of 2011)

Explanatory Memorandum

The object of this Bill is to amend the Road Traffic Act to provide for –

- (a) the definition of “hospital” to be extended to include private medical institutions and health centres;
- (b) vehicle identity checks to be carried out to ascertain the true ownership of vehicles;
- (c) insurers to supply relevant motor insurance information in appropriate cases to the Road Transport Commissioner;
- (d) the licensing of stand regulators;
- (e) the Minister to make regulations to provide for the authorisation of authorised examiners,

and for other related matters.

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. New Part IIA inserted in principal Act
5. New section 108A inserted in principal Act
6. Section 109 of principal Act amended
7. Section 111 of principal Act amended
8. New section 122A inserted in principal Act
9. Commencement

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 2011.

2. Interpretation

“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 “hospital” and replacing it by the following definition –

“hospital” –

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

- (b) includes a health centre;
- (b) by inserting, in the appropriate alphabetical order, the following new definitions –

“conductor” means any person who –

- (a) holds a valid conductor’s licence issued by the Authority; and
- (b) holds, or is employed by the holder of, a road service licence;

“stand regulator” means any person who –

- (a) holds a valid stand regulator’s licence issued by the Authority; and
- (b) is employed by the holder of a road service licence;

4. New Part IIA inserted in principal Act

The principal Act is amended by inserting, after Part II, the following new Part –

PART II A – PROVISIONS RELATING TO VEHICLE CRIME

20A. Vehicle identity checks

- (1) The Commissioner may –
 - (a) refuse to issue a new registration book in respect of a registered vehicle if he is not satisfied that the vehicle for which the document is being sought is the registered vehicle;
 - (b) cause any vehicle for which a new registration book is being sought, to be examined for the purpose of ascertaining whether the vehicle is the registered vehicle concerned;
 - (c) require any information in relation to any vehicle for which a new registration book is being sought, for the purpose of ascertaining whether the vehicle is the registered vehicle concerned.

(2) The Commissioner may use –

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

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

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

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

(3) In subsection (2) –

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

20B. Access to certain motor insurance information

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

5. New section 108A inserted in principal Act

The principal Act is amended by inserting, after section 108, the following new section –

108A. Stand regulator’s licence

(1) A stand regulator shall regulate and control bus services from bus stands, or terminals, or along bus routes.

(2) (a) No person shall act as a stand regulator unless he has, on payment of the prescribed fee, obtained a stand regulator’s licence under this Part from the Authority.

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to act as a stand regulator.

(3) A person shall be disqualified from obtaining a licence to act as a stand regulator unless he fulfils such conditions as the Authority may specify.

(4) A licence to act as a stand regulator may be suspended or revoked by the Authority on the ground that by reason of –

- (a) his conduct;
- (b) physical disability; or
- (c) his record of convictions,

the holder is not a fit person to hold the licence.

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

6. Section 109 of principal Act amended

Section 109 of the principal Act is amended, in subsection (1), by deleting the words “or conductor of a public service vehicle” and replacing them by the words “, conductor of a public service vehicle or stand regulator”.

7. Section 111 of principal Act amended

Section 111 of the principal Act is amended –

- (a) in the heading, by adding, after the word “**drivers**”, the words “, **conductors and stand regulators**”;
- (b) in subsection (1) –
 - (i) in paragraph (a), by deleting the word “or” after the semicolon;
 - (ii) by deleting the full stop at the end of paragraph (b) and replacing it by the words “; or”;
 - (iii) by adding the following new paragraph –
 - (c) stand regulators.

8. New section 122A inserted in principal Act

The principal Act is amended by inserting, after section 122, the following new section –

122A.Regulations in respect of authorised examiners

(1) The Minister may make such regulations as he thinks fit for the purpose of providing for the authorisation of a person to act as authorised examiner.

(2) Without prejudice to the generality of subsection (1), regulations made under subsection (1) may provide –

- (a) for the procedure for application for authorisation to act as authorised examiner;
- (b) for the conditions to be complied with by the authorised examiner and the revocation of any authorisation to act as authorised examiner;
- (c) for the manner in which vehicles are to be examined by authorised examiners;
- (d) for the levying of fees and taking of charges;
- (e) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 5 years.

9. 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 the Act.
