

# **THE ROAD TRAFFIC (AMENDMENT) BILL 2015**

**Bill No. 6 of 2015**

**Government Gazette of Mauritius No. 41 of 29 April 2015**

The following Bills which are set out for introduction into the National Assembly are published for general information.

## **THE ROAD TRAFFIC (AMENDMENT) BILL**

(No. VI of 2015)

### **Explanatory Memorandum**

The main object of this Bill is to amend the Road Traffic Act so as to —

- (a) do away with the penalty points system and replace it by a new sanctioning mechanism for certain specified serious driving offences;
- (b) prescribe a fixed graduated scale of fines to be paid by persons convicted of exceeding speed limits;
- (c) provide for the disqualification of a person who has been convicted of more than 5 specified serious driving offences and the cancellation of the driving licence of a person who has been disqualified a second time;
- (d) provide, in cases of disqualification or cancellation, for the Court to order road traffic offenders to follow rehabilitation courses;
- (e) streamline and simplify the speed limits on the various types of roads; and

- (f) provide for related matters

17 April 2015

**N.BODHA**

*Minister of Public Infrastructure  
and Land Transport*

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**THE ROAD TRAFFIC (AMENDMENT) BILL**

(No. VI of 2015)

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## **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 2015.

#### **2. Interpretation**

In this Act —

“principal Act” means the Road Traffic Act.

### **3. Application of Act**

This Act shall not apply to an offence under the principal Act committed before the commencement of this Act.

### **4. Section 2 of principal Act amended**

Section 2 of the principal Act is amended —

- (a) in the definition of “driving licence”, in paragraph (a), by deleting the words “and a paper counterpart”;
- (b) by deleting the definitions of “paper counterpart”, “penalty points” and “Penalty Points Certificate”;
- (c) by inserting, in the appropriate alphabetical order, the following new definitions —

“Cumulative Road Traffic Convictions Certificate” means the certificate set out in the Ninth Schedule;

“international driving permit” —

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

“provisional driving licence” means a provisional driving licence granted under section 44(2);

“rehabilitation course” means a course referred to in section 123A1;

## **5. Section 40 of principal Act amended**

Section 40 of the principal Act is amended, in subsection (3) —

(a) in paragraph (a), by deleting the words “or any other driving licence or permit issued outside Mauritius”;

(b) by repealing paragraph (b) and replacing it by the following paragraph —

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

## **6. Section 41 of principal Act amended**

Section 41 of the principal Act is amended —

(a) in subsection (3) —

(i) in paragraph (a), by deleting the words “a driver’s certificate or licence” and replacing them by the words “an international driving permit”;

- (ii) in paragraph (b), by deleting the words “certificate or licence” and replacing them by the word “permit”;
  - (iii) in paragraph (c), by deleting the word “for” and replacing it by the word “from”;
  - (iv) in paragraph (d), by deleting the word “Part” and replacing it by the word “Act”;
- (b) in subsection (7), by inserting, after the word “provisional”, the word “driving”;
  - (c) in subsection (8)(b), by deleting the word “for” and replacing it by the word “from”.

**7. Section 44 of principal Act amended**

Section 44 of the principal Act is amended —

- (a) in subsection (1)(a)(ii), by deleting the words “a driver’s certificate or licence issued by the competent authority” and replacing them by the words “an international driving permit”;
- (b) in subsection (2)(a) and (b), by inserting, after the word “provisional”, the word “driving”.

**8. Section 52 of principal Act amended**

Section 52 of the principal Act is amended —

- (a) in subsection (1)(a) —

(i) by deleting the words “section 123AH” and replacing them by the words “section 123AG”;

(ii) in subparagraph (i) —

(A) by repealing sub subparagraphs (A) and (B) and replacing them by the following sub subparagraphs —

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

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

(B) by adding the following new sub subparagraph —

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

(iii) in subparagraph (ii) —

(A) by inserting, after the words “driving licence”, the words “or provisional driving licence”;

(B) by deleting the words “ or its equivalent”;

(b) by inserting, after subsection (1), the following new subsection —

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

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

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

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

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

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

pursuant to section 123AI; and

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

(B) where there is an appeal, return the surrendered

licence or permit to the holder on production of his National Identity Card or, where he is the holder of an international driving permit, his passport.

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

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

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

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

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

(c) in subsection (2) —

(i) in paragraph (b), by inserting, after the word “licence”, the words “or provisional licence”;

(ii) by adding the following new paragraph, the word “or” at the end of paragraph (a) being deleted and the comma at the end of paragraph (b) being deleted and replaced by the words “; or” —

(c) is disqualified from driving in Mauritius,

## **9. Section 53 of principal Act amended**

Section 53 of the principal Act is amended —

(a) by repealing subsection (1) and replacing it by the following subsection —

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

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

(b) in subsection (2) —

(i) by inserting, after the word “licence”, the words “or provisional driving licence”;

(ii) by deleting the words “and section 123AH”;

(iii) by adding the words “in Mauritius”;

(c) in subsection (3)(a) —

(i) by deleting the words “section 123AH” and replacing them by the words “section 123AG”;

- (ii) by deleting the word “licence” and replacing it by the words “driving licence or provisional driving licence, or is disqualified from driving in Mauritius”;
  - (iii) by inserting, after the words “the date of the conviction or order”, the words “and on his completion of a rehabilitation course”;
- (d) in subsection (4) —
- (i) by deleting the words “section 123AH” and replacing them by the words “section 123AG”;
  - (ii) by inserting, after the words “obtaining a driving licence”, the words “or provisional driving licence, or is disqualified from driving in Mauritius”.

**10. Section 123AG of principal Act repealed and replaced**

Section 123AG of the principal Act is repealed and replaced by the following section —

**123AG. Cumulative road traffic offences**

(1) Where a person is convicted before a Court of an offence specified in the second column of the Third Schedule, the Court shall —

- (a) require the licensing officer to produce a Cumulative Road Traffic Convictions Certificate in relation to the convicted person;
- (b) where appropriate —
  - (i) disqualify that person; or
  - (ii) disqualify that person and cancel his driving licence or provisional driving licence, as the case may be,

in accordance with this section; and

- (c) after 21 days from the date of his conviction, where there is no appeal, notify the licensing officer of the fact by means of a Conviction Certificate in the form set out in the Eleventh Schedule.

(2) Where a person is convicted on a sixth occasion of one or more offences specified in the second column of the Third Schedule and those offences are committed within a period of 24 months, the Court shall, at the same sitting and in addition to any monetary or custodial sentence provided for in relation to the sixth offence —

- (a) in the case of a person who holds a driving licence, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;
- (b) in the case of a person who holds a provisional driving licence, cancel the provisional driving licence and disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;
- (c) in the case of a person who holds a driving licence for one type or class of vehicle and a provisional driving licence for any other type or class of vehicle, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;
- (d) in the case of a person who holds an international driving permit, disqualify him from driving in Mauritius all classes of motor vehicles

for a period of not less than 6 months nor more than 12 months;

(e) in the case of a person who holds a driving licence and an international driving permit, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles and from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(f) in the case of a person who holds a provisional driving licence and an international driving permit, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles and from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months; or

(g) in the case of a person who does not hold a driving licence, a provisional driving licence or an international driving permit, disqualify him from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 12 months nor more than 24 months.

(3) (a) Where a person is disqualified under subsection (2), the Court shall —

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

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

(A) in the case of a person referred to in subsection (2)(a), before restoration of his licence pursuant to section 123AI(3);

(B) in the case of a person referred to in subsection (2)(b), before

holding or obtaining a driving licence pursuant to section 123A1(5);

(C) in the case of a person referred to in subsection (2)(c), before restoration of his licence pursuant to section 123A1(3);

(D) in the case of a person referred to in subsection (2)(d), before restoration of his permit pursuant to section 123A1(4);

(E) in the case of a person referred to in subsection (2)(e), before restoration of his permit and licence pursuant to section 123A1(3) and (4);

(F) in the case of a person referred to in subsection (2)(f), before restoration of his permit and licence pursuant to section 123A1(3) and (4); or

(G) in the case of a person referred to in subsection (2)(g), before holding or obtaining a driving licence pursuant to section 123A1(6); and

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

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

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

- (i) a driving licence and an international driving permit; or
- (ii) a provisional driving licence and an international driving permit,

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

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

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

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

(c) A person who is the holder of an instructor's licence and who is disqualified under this section or Part IV from holding or obtaining a driving licence shall, within 21 days of the Court order, surrender his instructor's licence to the Commissioner of Police and that instructor's licence shall be retained by the licensing officer as long as the disqualification is in force and shall be suspended as from the date of disqualification until the restoration of the driving licence to its holder under section 123A(3).

(d) A driving licence or an instructor's licence suspended by virtue of this section shall, during the time of suspension, be of no effect in Mauritius.

(5) Where a person is disqualified on a second occasion under subsection (2) within a period of 3 years as from the date of the expiry of his first disqualification, the Court shall, at the same sitting, cancel his driving licence.

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

- (i) is disqualified from holding or obtaining a driving licence;
- (ii) is disqualified from driving in Mauritius;
- (iii) has had his driving licence or provisional driving licence cancelled,

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

(b) (i) A Court from whose decision an appeal is made pursuant to paragraph (a) shall inform the licensing officer of the fact within 14 days of the date on which the appeal is made.

(ii) A Court to which an appeal is made pursuant to paragraph (a) shall, within 14 days of its decision, inform the licensing officer in writing of the outcome of the appeal.

(7) (a) Where the licensing officer becomes aware of a sixth conviction of any person for one or more offences specified in the second column of the Third Schedule and those offences are committed within a period of 24 months, he shall, where necessary, make a written application to the Court where that person was last convicted for an offence specified in the second column of the Third Schedule, for the issue of a summons to that person to attend Court.

(b) Where a person has been summoned pursuant to an application made under paragraph (a), the Court shall, where it is satisfied of the convictions, disqualify that person in accordance with this section.

(8) (a) The licensing officer shall keep an up to date record of the conviction of every person for an offence specified in the second column of the Third Schedule.

(b) On an application made by the holder of a driving licence, a provisional driving licence or an international driving permit, the licensing officer shall, on payment of the prescribed fee, issue a Cumulative Road Traffic Convictions Certificate to the holder of the licence or permit, stating the number of effective convictions incurred by the holder of the licence or permit for offences specified in the second column of the Third Schedule.

(9) For the purpose of this section —

(a) a person who is the holder of a driving licence for one type or class of vehicle and is also the holder of a provisional driving licence for any other type or class of vehicle, shall be deemed to be the holder of a driving licence;

(b) a person shall be deemed to have been convicted of an offence specified in the second column of the Third Schedule where he pays the penalty prescribed for that offence under section 192 or 195;

(c) a conviction shall not be taken into account more than once by a Court for the purposes of a disqualification order.

## **11. Section 123AH of principal Act repealed**

Section 123AH of the principal Act is repealed.

## 12. Section 123A1 of principal Act repealed and replaced

Section 123A1 of the principal Act is repealed and replaced by the following section —

### 123AI.Rehabilitation course

- (1) A rehabilitation course shall be a course —
  - (a) which is aimed at improving the driving behaviour of a person disqualified under this Act;
  - (b) the contents of which are approved by the Commissioner of Police; and
  - (c) which shall be conducted by the Commissioner of Police or such other person as he may authorise in writing.
  
- (2) Where a person completes a rehabilitation course, he shall be issued with a rehabilitation certificate in such form as the Commissioner of Police may approve.
  
- (3) The licensing officer shall not restore a driving licence surrendered under this Act or a provisional driving licence surrendered under Part IV to its holder, unless —
  - (a) the disqualification period has elapsed;
  - (b) the holder makes an application in writing to the licensing officer for the restoration of his licence; and
  - (c) the licensing officer is satisfied that the holder has completed a rehabilitation course.
  
- (4) (a) The licensing officer shall not restore a surrendered international driving permit to its holder unless —

- (i) (A) the disqualification period has elapsed;
- (B) the holder makes an application in writing to the licensing officer for the restoration of his permit; and
- (C) the licensing officer is satisfied that the holder has completed a rehabilitation course; or
- (ii) on an application made to the Court which disqualified the holder, that Court is satisfied that the holder is about to leave Mauritius and makes an order for such restoration,

whichever is the earlier.

(b) Where a person to whom his permit has been restored under paragraph (a) (ii) returns to Mauritius within the disqualification period, he shall surrender his permit to the licensing officer within 5 days of his return.

(5) A person whose driving licence or provisional driving licence has been cancelled shall not obtain a driving licence unless —

- (a) the disqualification period has elapsed;
- (b) the licensing officer is satisfied that that person has completed a rehabilitation course; and
- (c) the person passes the prescribed test of competence to drive under section 44.

(6) Where a person who does not hold a driving licence, a provisional driving licence or an international driving permit is disqualified from holding or obtaining a driving licence under

this Act, he shall not obtain a driving licence unless —

- (a) the disqualification period has elapsed;
- (b) the licensing officer is satisfied that the holder has completed a rehabilitation course; and
- (c) he passes the prescribed test of competence to drive under section 44.

(7) The licensing officer shall not restore a surrendered instructor's licence to its holder unless —

- (a) the holder makes an application in writing to the licensing officer for the restoration of his instructor's licence; and
- (b) the driving licence of that holder is restored under subsection (3).

### **13. Section 124 of principal Act amended**

Section 124 of the principal Act is amended —

(a) by repealing subsection (2) and replacing it by the following subsection —

(2) The Minister may, by causing a traffic sign to be erected over any specified road, or part of a specified road, prohibit the driving of—

- (a) motor vehicles generally; or
- (b) particular classes of motor vehicles,

above a specified speed, either generally or for a specified period, on that road or part of a road.

- (b) in subsection (3) —
  - (i) in paragraph (a) —
    - (A) by deleting the words “erected and”;
    - (B) by inserting, after the word “maintained”, the word “such”;
  - (ii) in paragraph (b)(i), by deleting the words “the notification in the *Gazette* containing”;
- (c) in subsection (4)(a), by inserting, after the words “speed limit”, the words “, or the speed limit indicated on a traffic sign erected under subsection (2),”.

#### **14. Section 191 of principal Act amended**

Section 191 of the principal Act is amended —

- (a) by repealing subsection (2) and replacing it by the following subsection —
  - (2) Where the driver elects to accept an FPN pursuant to subsection (1), one copy of the FPN, in the form set out in the Seventh Schedule and drawn up in quadruplicate, shall immediately be served on him, calling upon him to pay within 21 days the appropriate fine specified in the second column of the Fourth Schedule to the appropriate District Court.
- (b) in subsection (3)(a), by deleting the words “licensing officer” and replacing them by the words “Commissioner of Police”;
- (c) by repealing subsection (4).

#### **15. Section 192 of principal Act amended**

Section 192 of the principal Act is amended —

(a) in subsection (1), by repealing paragraph (b) and replacing it by the following paragraph —

(b) produce —

(i) the FPN;

(ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, that licence or permit, as the case may be; and

(iii) his National Identity Card or, where he is the holder of an international driving permit, his passport; and

(b) by repealing subsection (2) and replacing it by the following subsection —

(2) On receipt of payment made under subsection (1), the District Court Officer shall, in the case of an offence specified in the second column of the Third Schedule, fill in Part B of the FPN and, within 14 days of the date of payment, return the FPN to the licensing officer.

#### **16. Section 193 of principal Act amended**

Section 193 of the principal Act is amended by deleting the words “together with the prescribed penalty points as applicable”.

#### **17. Section 195 of principal Act amended**

Section 195 of the principal Act is amended —

- (a) in subsection (1), by repealing paragraph (b);
- (b) in subsection (2), by deleting the words “and (b)”;
- (c) in subsection (3), by repealing paragraph (b) and replacing it by the following paragraph —

- (b) produce —

- (i) the PEDN;

- (ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, that licence or permit, as the case may be; and

- (iii) his National Identity Card or, where he is the holder of an international driving permit, his passport; and

- (d) in subsection (3A)(b) —

- (i) by repealing subparagraph (ii) and replacing it by the following subparagraph —

- (ii) produce the PEDN duly signed by the driver;

- (ii) by inserting, after subparagraph (ii), the following new subparagraphs —

- (iiA) produce, where the driver is the holder of a driving licence, a

provisional driving licence or an international driving permit, the licence or permit of the driver, as the case may be;

(iiB) produce the National Identity Card of the driver or, where the driver is the holder of an international driving permit, the passport of the driver;

(iii) in subparagraph (iii), by deleting the words “; and” and replacing them by the words “or, in the case of a non-resident, his passport; and”;

(e) by repealing subsection (4);

(f) by repealing subsection (5) and replacing it by the following subsection —

(5) On receipt of payment made under subsection (3), the District Court Officer shall fill in Part D of the PEDN and, within 14 days of the date of payment, return the PEDN to the licensing officer.

(g) by repealing subsection (6).

## **18. Section 196 of principal Act amended**

Section 196 of the principal Act is amended, in paragraph (b), by deleting the words “together with the prescribed penalty points”.

## **19. Second Schedule to principal Act amended**

The Second Schedule to the principal Act is amended by deleting the item pertaining to section 124 and its corresponding entries.

## 20. Third Schedule to principal Act repealed and replaced

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

## 21. Fourth Schedule to principal Act amended

The Fourth Schedule to the principal Act is amended —

(a) by deleting the following item —

Exceeding speed limit — section 124(4)	2,000
and replacing it by the following new items —	

Exceeding speed limit (by not more than 15 kilometres per hour) — section 124 and the Road Traffic (Speed) Regulations 2011	1,000
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Exceeding speed limit (by more than 15 but not more than 25 kilometres per hour) — section 124 and the Road Traffic (Speed) Regulations 2011	1,500
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Exceeding speed limit (by more than 25 kilometres per hour) — section 124 and the Road Traffic (Speed) Regulations 2011	2,500
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(b) in the item “Load insecurely fastened and falling, or liable to fall, from a vehicle, or projecting from the vehicle”, in the first column, by deleting the words “, 55”.

**22. Seventh Schedule to principal Act repealed and replaced**

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

**23. Eighth Schedule to principal Act repealed and replaced**

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

**24. Ninth Schedule to principal Act repealed and replaced**

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

**25. Tenth Schedule to principal Act amended**

The Tenth Schedule to the principal Act is amended —

- (a) by deleting the words “**PART I** - “;
- (b) by repealing Part II.

**26. Eleventh Schedule added to principal Act**

The principal Act is amended by adding the Eleventh Schedule set out in the Fifth Schedule to this Act.

**27. Consequential amendments**

(1) The Road Traffic Regulations 1954 are amended, in the Eighth Schedule —

- (a) by deleting items 6 and 7;
- (b) in item 8, in the second column, by deleting the words “duplicate driving licence counterpart” and replacing them by the words “Cumulative Road Traffic Convictions Certificate”;

(c) by deleting item 9.

(2) The Road Traffic (Speed) Regulations 2011 are amended —

(a) in regulation 4 —

(i) in paragraph (a), by deleting the words “or a “B” road; or” and replacing them by a semicolon;

(ii) by inserting, after paragraph (a), the following new paragraph —

(aa) 40 kilometres per hour on a “B” road; or

(iii) in paragraph (b), by deleting the words “at a speed exceeding”;

(b) in regulation 7 —

(i) by deleting the words “Permanent Secretary” and replacing them by the word “Minister”;

(ii) in paragraph (a), by inserting, after the word “visibility”, the words “, the geometric design of the road”;

(c) in regulation 11, by deleting the words “Permanent Secretary” and replacing them by the word “Minister”;

(d) by repealing the Schedule and replacing it by the Schedule set out in the Sixth Schedule to this Act.

**28. Transitional provision**

Any penalty points allocated to a person under the principal Act shall, at the commencement of this Act, be deemed never to have been allocated.

**29. 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.

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**FIRST SCHEDULE**

[Section 20]

**THIRD SCHEDULE**

[Section 123AG]

<b>OFFENCE</b>	<b>OFFENCE CODE</b>
1. Using a motor vehicle as a bus, contract bus, taxi or contract car without a public service vehicle licence (section 76(1))	PSVL07
2. Failing to wear securely a prescribed protective helmet while riding a motorcycle or an autocycle (section 123N(3)(a) and (4))	HELM01
3. Carrying a load insecurely fastened and falling, or liable to fall, from a vehicle, or projecting	

- from the vehicle
- LOAD01
- (section 123V and regulations 4(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010)
4. Failing to comply with traffic sign whilst driving by crossing a continuous white line on a road
- LNE01
- (sections 123AD(2), 163, 184 and 185 and the Traffic Signs Regulations 1990)
5. Failing to comply with traffic sign whilst driving by not conforming to the requirements of a traffic light
- TRLT01
- (sections 123AD(2), 163, 184 and 185 and the Traffic Signs Regulations 1990)
6. Using a hand-held microphone or telephone handset whilst driving
- PHON01
- (section 123AE)
7. Exceeding speed limit by more than 15 but not more than 25 kilometres per hour
- SPED05
- (section 124 and the Road Traffic (Speed) Regulations 2011)
8. Exceeding speed limit by more than 25 kilometres per hour
- SPED06

(section 124 and the Road Traffic (Speed) Regulations 2011)

9. Failing to allow free and uninterrupted passage to a pedestrian using a crossing CROS01

(regulations 3(b) and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002)

10. Overtaking or passing a vehicle which has stopped at a pedestrian crossing OVCR01

(regulations 4 and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002)

11. Failing to wear a seat belt whilst driving a motor vehicle BELT01

(regulations 87(l)(a)(i), (b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010)

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**SECOND SCHEDULE**

[Section 22]

**SEVENTH SCHEDULE**

[Section 191]

**FIXED PENALTY NOTICE**

**PART A**

Fixed Penalty Notice no .....

Surname of offender .....

Name(s) of offender .....

Address .....

This is to bring to your attention that today ..... (date)

At ..... (time) at .....(place)

you have committed the following offence(s) —

<b>OFFENCE</b>	<b>OFFENCE CODE</b>	<b>FINE (RS)</b>							
1.	<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>								
2.	<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>								
3.	<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>								

in connection with the presence on the road of the following motor vehicle —

(a) type .....

(b) registration mark .....



.....  
Name of District Court Officer

.....  
Signature of District Court Officer

Official stamp

*\*Delete as appropriate*

\_\_\_\_\_

**THIRD SCHEDULE**

[Section 23]

**EIGHTH SCHEDULE**

[Section 195]

**PHOTOGRAPHIC ENFORCEMENT DEVICE NOTICE**

**PART A**

PEDN no.	.....	Ref no. ....
Name of owner/driver	.....	
Address of owner/driver	.....	
Motor vehicle	Registration mark .....	Make and model of vehicle ..... .....
Was photographed at .....		
On (dd/mm/yy)	Time	Photographic enforcement device operated by

.....	..... ....	.....
Speed limit (kmlh) .....	Speed registered by device (km/h) .....	Speed exceeded by (km/h) .....
<b>OFFENCE COMMITTED</b>	<b>FINE (RS)</b>	<b>OFFENCE CODE</b>
Exceeding speed limit, in breach of section 124 of the Road Traffic Act coupled with regulation 3 of the Road Traffic (Speed) Regulations 2011	.....	.....

- You are hereby required to pay the abovementioned fine within **21 days** of the date of issue of this notice at any District Court. You may also authorise in writing an adult to pay the fine on your behalf. (Refer to Part C).
- If you were not the driver/owner of the vehicle on the date and at the time specified above, you shall fill in Part B of this notice and send it, within 14 days from its date of issue, to the Commissioner of Police, Photographic Enforcement Device Unit, Samlo Tower, Aurele Feillafé Street, Port Louis.
- By virtue of section 195 of the Road Traffic Act, the photographic evidence may be viewed at the Photographic Enforcement Device Unit on written application made to the Commissioner of Police, within **14 days** of the date of issue of this notice, against payment of the prescribed fee of 100 rupees.

.....

.....

Date of issue

Name of Issuing Officer

.....  
Signature of Issuing Officer

**PART B**

I, Mr/Mrs/Ms\* .....(name).....(telephone no.),  
wish to inform you that on .....(date)  
at ..... (time), I was not the owner/driver\* of the abovementioned vehicle  
and the particulars of the owner/driver\*(delete *as applicable*) on the date and at the time of the  
offence, are as stated hereunder.

Name of owner/driver\* .....

Telephone no. ....

Address .....

.....  
Signature

.....  
Date

**Please note that any person who knowingly gives false information under Part B of this notice shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.**

**PART C  
PAYMENT INSTRUCTIONS**

- Cheques shall be made payable to the Government of Mauritius and the PEDN no. shall be mentioned on the verso of the cheque.
- The driver of the vehicle on the date and at the time of the offence may **either** appear personally to effect payment and shall produce this notice, his original driving licence and his National Identity Card **or** authorise, in writing, an adult to pay the fine on his behalf. Such person shall bring along his own National Identity Card, the documents of the driver mentioned above, as well as an authorisation letter and the PEDN with Part D duly signed by the offender.
- In case you fail to pay the specified penalty within **21 days** of the date of issue of this notice, you shall be presumed to be the driver of the abovementioned vehicle on the date and at the time of the offence and you shall, where criminal proceedings are instituted against you, be liable, on conviction, to a **fine not less than twice** the amount payable in respect of that offence.

**PART D**

(To be filled in by District Court Officer)

Name of offender .....

Driving licence no. of offender 

--	--	--	--	--	--

National Identity Card no. of offender/ 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Passport no. of offender\*

**Offence: Exceeding Speed Limit**

<b>OFFENCE CODE</b>	
---------------------	--

I

**TO BE READ AND FILLED IN BY OFFENDER**

I understand that payment of the fine at Part A constitutes an admission of the offence.

.....

Signature of offender

.....

Date

---

**TO BE FILLED IN BY DISTRICT COURT OFFICER**

Date of payment .....

.....

Name of District Court Officer

.....

Signature of District Court Officer

.....

Date

.....

Official stamp

*\*Delete as appropriate*

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[Section 24]

**NINTH SCHEDULE**

[Sections 2 and 123AG]

**CUMULATIVE ROAD TRAFFIC CONVICTIONS CERTIFICATE**

Surname .....

Other name(s) .....

Driving licence no.\* .....

Status of licence: (competent/provisional\*)/International Driving Permit/No licence\*

National Identity Card/Passport no.\* .....

Date of birth .....

Address .....

<b>No.</b>	<b>Court</b>	<b>Cause No./ Ref No.</b>	<b>Offence</b>	<b>Offence Code</b>	<b>Date of conviction</b>	<b>Date of commission of offence</b>
1.						

2.						
3.						
4.						
5.						
6.						
7.						
8.						

Was the driver previously disqualified under section 123AG of the Road Traffic Act? Yes/No\*

District Court of .....

Cause number .....

Date of disqualification ..

Date of issue of certificate .....

.....

Name of Licensing Officer

.....

Signature of Licensing Officer

.....

Date

*\*Delete as appropriate*

\_\_\_\_\_

**FIFTH SCHEDULE**

[Section 26J]

**ELEVENTH SCHEDULE**

[Section 123AG]

**CONVICTION CERTIFICATE**

Surname .....

Other name(s) .....

Driving licence no.\* .....

Status of licence: (competent/provisional\*)/International Driving Permit/ No licence\*

National Identity Card/Passport no.\* .....

Date of birth .....

Address .....

<b>Court</b>	<b>Cause No.</b>	<b>Offence Code</b>	<b>Date of Conviction</b>	<b>Date of Offence</b>	<b>Fine (Rs)</b>

**PARTICULARS OF DISQUALIFICATION**

	<b>FROM</b>	<b>TO</b>
Disqualification period	.....	.....

- Is the licence cancelled? Yes/No\*
  
- Is the licence endorsed? Yes/No\*
  
- Other details (if any) .....
- .....

.....  
Name of Court Officer

.....  
Signature of Court Officer

.....  
Date

.....  
Official stamp

*\*Delete as appropriate*

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**SIXTH SCHEDULE**

[Section 27(2)]

**SCHEDULE**

[Regulation 3]

**MAXIMUM SPEED LIMITS IN KILOMETRES PER HOUR FOR  
SPECIFIC CLASS OF VEHICLES**

	<b>Motorways (M roads)</b>	<b>Classified Roads (A roads)</b>	<b>Classified Roads (B roads)</b>	<b>Other Roads (UR roads)</b>
Motorcars	110	80	60	60
Motorcycles or autocycles	80	60	60	60

Buses or heavy motorcars  
having a maximum gross  
weight —

(a) not exceeding 3.5 tonnes	80	80	60	60
(b) exceeding 3.5 tonnes	70	60	60	40

Goods vehicles or  
articulated vehicles having  
a maximum gross weight —

(a) not exceeding 3.5 tonnes	80	60	60	60
(b) exceeding 3.5 tonnes	70	60	60	40

Motor vehicles drawing  
one trailer where the  
combined aggregate  
maximum gross weight —

(a) not exceeding 3.5 tonnes	60	60	60	60
(b) exceeding 3.5 tonnes	60	60	60	40
Motor vehicles drawing more than one trailer	60	60	60	40
Motor tractors	60	60	60	40

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