

THE ROAD TRAFFIC (AMENDMENT) BILL

(No. VII of 2024)

Explanatory Memorandum

The object of this Bill is to amend the Road Traffic Act to, inter alia –

- (a) provide that where there is a transfer of ownership of a motor vehicle or trailer between 2 individuals or between such category of persons as may be prescribed, no *certificat de gage sans déplacement* would be required from the National Land Transport Authority for the registration of the transfer of ownership by the Registrar-General. Instead, the transfer of ownership will be registered provided that the Registrar-General is satisfied, following verification on the database of the National Land Transport Authority, that the motor vehicle or trailer bears no lien;
- (b) empower the Minister to make regulations to regulate the use of structures and objects that are, during a procession, carried, pushed, pulled or led on a road;
- (c) increase penalties with regard to some offences.

2. 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*

14 June 2024

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 2 of principal Act amended
 4. Section 6 of principal Act amended
 5. Section 9 of principal Act amended
 6. New section 20A inserted in principal Act
 7. Section 123LA of principal Act amended
 8. Section 125 of principal Act amended
 9. Section 163 of principal Act amended
 10. Section 179 of principal Act amended
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 13. Consequential amendments
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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 2024.

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, in section 2, in the definition of “traffic”, by inserting, after the words “pedestrians,”, the words “structures or objects being carried, pushed, pulled or led during a procession,”;

4. Section 6 of principal Act amended

Section 6 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “subsections (3) and (4)” and replacing them by the words “subsection (1A), (3) or (4)”;
- (b) by inserting, after subsection (1), the following new subsection –

(1A) Where there is a change of ownership of a motor vehicle or trailer between 2 individuals or between such category of persons as may be prescribed, the registered owner and the new owner shall, for the purpose of section 9(8), forthwith jointly give notice by registered letter to the Registrar-General of the change of ownership, of the date of the change and of the name and address of the new owner.

- (c) in subsection (3), by deleting the words “the Commissioner” and replacing them by the words “the Commissioner or Registrar-General, as the case may be”;
- (d) by adding the following new subsection –

(6) Any person who contravenes section (1)(a)(iv) shall commit an offence and shall, on conviction, be liable –

- (a) on a first conviction, to a fine of not less than 25,000 rupees and not exceeding 50,000 rupees;
- (b) on a second conviction, to a fine of not less than 50,000 rupees and not exceeding 100,000 rupees;
- (c) on a third or subsequent conviction, to a fine of not less than 100,000 rupees and to imprisonment for a term not exceeding 2 years.

5. Section 9 of principal Act amended

Section 9 of the principal Act is amended –

- (a) in subsection (7), by deleting the words “No deed” and replacing them by the words “Subject to subsection (8), no deed”;
- (b) by inserting, after subsection (7), the following new subsection –

(8) (a) Notwithstanding article 2110 of the Code Civil Mauricien, the Registrar-General may register a deed, a declaration, an electronic deed or an electronic declaration regarding the transfer of a motor vehicle or trailer between 2 individuals or between such category of persons as may be prescribed where the Registrar-General is satisfied, upon verification of the Register, that there is no lien on the motor vehicle or trailer.

(b) In this section –

“Register” means the Register, whether in electronic form, required to be kept by the Chief Commissioner under article 2104 of the Code Civil Mauricien.

6. New section 20A inserted in principal Act

The principal Act is amended by inserting, after section 20, the following new section, the existing sections 20A and 20B being renumbered as sections 20B and 20C, respectively –

20A. Sharing of information

The Chief Commissioner shall, for the purpose of enabling the Registrar-General to register a transfer of ownership with respect to a motor vehicle or trailer under section 9(8), share with the Registrar-General such information as may be necessary for attesting the existence or non-existence of a *gage sans déplacement* in relation to the motor vehicle or trailer subject matter of the transfer.

7. Section 123LA of principal Act amended

Section 123LA of the principal Act is amended –

(a) in subsection (1), by deleting the words “at the earliest opportunity” and replacing them by the words “within 30 days”;

(b) in subsection (4) –

(i) in paragraph (a), by deleting the words “not exceeding 2 months” and replacing them by the words “of not less than 6 months”;

- (ii) in paragraph (b), by deleting the words “not exceeding 6 months” and replacing them by the words “of not less than 6 months but not exceeding 12 months”;

8. Section 125 of principal Act amended

Section 125 of the principal Act is amended –

- (a) by numbering the existing provision as subsection (1);
- (b) in the newly numbered subsection (1), by deleting the words “and shall, on conviction, be liable to a fine not exceeding 1,000 rupees”;
- (c) by adding the following new subsection –

(2) Any person who commits an offence under subsection (1) shall –

- (a) on a first conviction, be liable to a fine of not less than 10,000 rupees but not exceeding 25,000 rupees;
- (b) on a second conviction, be liable to a fine of not less than 25,000 but not exceeding 50,000 rupees;
- (c) on a third or subsequent conviction, be liable to a fine of not less than 50,000 rupees but not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

9. Section 163 of principal Act amended

Section 163 of the principal Act is amended, in subsection (1)(b), by inserting, after the words “to a fine”, the words “of not less than 1,000 rupees but”.

10. Section 179 of principal Act amended

Section 179 of the principal Act is amended by inserting, after subsection (1), the following new subsection –

(2) A police officer may have such powers as may be necessary to enforce the provisions of subsection (1).

11. Third Schedule to principal Act amended

The Third Schedule to the principal Act is amended by adding the new items and their corresponding entries set out in the Schedule to this Act.

12. Fourth Schedule to principal Act amended

The Fourth Schedule to the principal Act is amended –

- (a) in item 1, by deleting the figure “500” and replacing it by the figure “1,000”;
- (b) in item 3, by deleting the figure “1,000” and replacing it by the figure “1,500”;
- (c) in item 4, by deleting the figure “1,000” and replacing it by the figure “1,500”;
- (d) in item 5, by deleting the figure “1,000” and replacing it by the figure “1,500”;
- (e) in item 11, by deleting the figure “500” and replacing it by the figure “1,500”;
- (f) in item 12, by deleting the figure “500” and replacing it by the figure “1,500”;
- (g) in item 13, by deleting the figure “1,000” and replacing it by the figure “2,000”;
- (h) in item 14, by deleting the figure “1,000” and replacing it by the figure “2,500”;
- (i) in item 16, by deleting the figure “500” and replacing it by the figure “1,000”;
- (j) in item 28, by deleting the figure “500” and replacing it by the figure “1,000”;
- (k) in item 51, by deleting the figure “10,000” and replacing it by the figure “12,500”;
- (l) in item 52, by deleting the figure “1,500” and replacing it by the figure “3,000”;

- (m) in item 53, by deleting the figure "500" and replacing it by the figure "1,000";
- (n) in item 54, by deleting the figure "500" and replacing it by the figure "1,000";
- (o) in item 57, by deleting the figure "500" and replacing it by the figure "1,000";
- (p) in item 61, by deleting the figure "500" and replacing it by the figure "1,000";
- (q) in item 64, by deleting the figure "500" and replacing it by the figure "1,000";
- (r) in item 68, by deleting the figure "500" and replacing it by the figure "1,000";
- (s) in item 69, by deleting the figure "500" and replacing it by the figure "1,000";
- (t) in item 86, by deleting the figure "500" and replacing it by the figure "1,000";
- (u) in item 91, by deleting the figure "500" and replacing it by the figure "1,000";
- (v) in item 102, by deleting the figure "500" and replacing it by the figure "1,000";
- (w) in item 108, by deleting the figure "1,000" and replacing it by the figure "5,000";
- (x) in item 109, by deleting the figure "500" and replacing it by the figure "1,000";
- (y) in item 126, by deleting the figure "1,000" and replacing it by the figure "25,000";
- (z) in item 150, by deleting the figure "1,000" and replacing it by the figure "5,000";
- (aa) in item 158, by deleting the figure "500" and replacing it by the figure "2,000";

- (ab) in item 175, by deleting the figure "500" and replacing it by the figure "2,000";
- (ac) in item 178, by deleting the figure "3,000" and replacing it by the figure "5,000".

13. Consequential amendments

(1) The Road Traffic (Registration of Motor Vehicles and Trailers) Regulations) 1963 are amended –

- (a) by revoking regulation 10B;
- (b) in the Fourth Schedule, by deleting item 16 and its corresponding entries.

(2) The Road Traffic (Construction and Use of Vehicles) Regulations 2010 are amended, in regulation 125, by deleting the words "20,000 rupees" and replacing them by the words "100,000 rupees".

14. 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 11]

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| 12. | Failing to give way when coming out of a less important road onto a more important one

(section 163 and regulation 40(5) of the Road Traffic Regulations 1954) | FWAY03 |
| 13. | Failing to wear high visibility clothing whilst riding an auto cycle as rider

(regulations 2, 3(1) and 5 of the Road Traffic (Use of High Visibility Clothing) Regulations 2013) | MCAC34 |
| 14. | Failing to wear high visibility clothing whilst riding a motorcycle as rider

(regulations 2, 3(1) and 5 of the Road Traffic (Use of High Visibility Clothing) Regulations 2013) | MCAC35 |
| 15. | Failing to overtake traffic on the right

(section 163 and regulation 40(1)(f) of the Road Traffic Regulations 1954) | DRIV47 |
| 16. | Teaching for gain the driving of a motor vehicle without an instructor's licence

(sections 163 and 167(1)(a) of the Road Traffic Act) | MISC36 |
| 17. | Obstructing traffic coming from the opposite direction whilst overtaking

(section 163 and regulation 40(1)(g) of the Road Traffic Regulations 1954) | DRIV48 |
| 18. | Driving or moving on a central reservation

(section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964) | MWAY10 |
| 19. | Stopping on a central reservation

(section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964) | MWAY11 |
| 20. | Allowing vehicle to remain at rest on a central reservation

(section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964) | MWAY12 |
| 21. | Carrying person(s) in the open pickup area of a double cab pickup/dual purpose vehicle | DRIV49 |

- (regulations 69(6)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010)
- 22.** Auto cycle and motorcycle not fitted with a rear view mirror in the manner prescribed MIRR08
- (regulations 19(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010)
- 23.** Riding a motorcycle abreast of another two-wheel vehicle MCAC36
- (section 163 and regulation 40(14)(e) of the Road Traffic Regulations 1954)
- 24.** Riding an auto cycle abreast of another two-wheel vehicle MCAC37
- (regulation 40(14)(e) of the Road Traffic Regulations 1954 and section 163)
- 25.** Failing to comply with traffic sign whilst driving by not conforming with lane selection arrow SIGN23
- (sections 123AD and 163 of the Road Traffic Act and the Traffic Signs Regulations 1990)
- 26.** Carrying more than one person as pillion rider on an auto cycle MCAC38
- (sections 123Y(1) and 163 of the Road Traffic Act)
- 27.** Carrying more than one person as pillion rider on a motorcycle MCAC39
- (sections 123Y(1) and 163 of the Road Traffic Act)

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| 28. | Layout of registration mark not as prescribed

(regulations 59 and 125 of, and Eighth and Ninth Schedules to, the Road Traffic (Construction and Use of Vehicles) Regulations 2010) | REGN09 |
| 29. | Size, display and spacing of characters on a registration plate not as per prescribed specifications

(regulations 58 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010) | REGN10 |
| 30. | Breach of lane discipline on a dual carriageway

(section 123AM(2), (3), (4), (5) and (6) of the Road Traffic Act) | LANE06 |
| 31. | Breach of conditions imposed by the Commissioner of Police when taking part in a race or trial of speed between motor vehicles on a road

(section 125 of the Road Traffic Act) | DRIV47 |
| 32. | Taking part in a race or trial of speed between motor vehicles on a road without the consent of the Commissioner of Police

(section 125 of the Road Traffic Act) | DRIV48 |
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