

THE ROAD TRAFFIC (AMENDMENT) BILL
(No. VIII of 2006)

Explanatory Memorandum

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

- (a) to provide for the immediate suspension of the driving licence or provisional driving licence of the driver of a motor vehicle who is charged with, or reasonably suspected of-
 - (i) causing death by careless driving whilst under the influence of intoxicating drink or drug; or
 - (ii) driving or being in charge of a motor vehicle with alcohol concentration exceeding the prescribed limit by at least 100 per cent;
- (b) to provide for a tougher penalty for the offence of using a motor vehicle without an insurance policy; and
- (c) to provide that a driver may, on demand, produce a photocopy of his driving licence, subject to the possibility of a requirement to produce the original at a police station within 5 days.

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12 May 2006

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 46 of principal Act amended
 4. Section 55 of principal Act amended
 5. Sections 123LA and 123LB added to principal Act
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A BILL

To amend the Road Traffic Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

The Act may be cited as the Road Traffic (Amendment) Act 2006.

2. Interpretation

In this Act –

“principal Act” means the Road Traffic Act.

3. Section 46 of principal Act amended

Section 46 of the principal Act is amended –

- (a) in subsection (1), by adding after the words “driving licence”, the words “or a photocopy thereof”;
- (b) by deleting subsection (3) and replacing it by the following subsection –

(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.

4. Section 55 of principal Act amended

Section 55 of the principal Act is amended in subsection (2), by deleting the words “1,000 rupees” and replacing them by the words “10,000 rupees”.

5. Sections 123LA and 123LB added to principal Act

The principal Act is amended by adding immediately after section 123L, the following new sections –

123LA. Suspension of driving licence

- (1) Where a person is –
 - (a) charged with;
 - (b) provisionally charged with; or
 - (c) reasonably suspected by the Police of,

having committed an offence to which this section applies, 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) This section 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.

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

- (1) Any prosecution for 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,

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.