

**THE ROAD TRAFFIC (AMENDMENT NO. 2) BILL
(No. XXVI of 2006)**

Explanatory Memorandum

The main objects of this Bill are to –

- (a) provide for a one-stop shop for the registration of motor vehicles and trailers by the Road Transport Commissioner; and
- (b) update the existing procedures regarding the sale and registration of motor vehicles and trailers.

Opportunity has been taken to include a provision empowering the Authority to grant a road service licence authorising a school service on any route in the public interest, and another provision for the admissibility of a statement from an officer of the National Transport Authority relating to a measurement or record obtained by a prescribed device.

10 November 2006

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ARRANGEMENT OF CLAUSES

Clause

- 1. Short title
- 2. Interpretation
- 3. Section 2 of principal Act amended
- 4. Part II of principal Act repealed and replaced
- 5. Section 25 of principal Act amended
- 6. Section 41 of principal Act amended
- 7. New section 77D added to principal Act
- 8. Section 83A added to principal Act
- 9. Section 188A of principal Act amended
- 10. Third Schedule added to principal Act
- 11. Consequential amendments
- 12. Transitional provisions
- 13. 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 No. 2) Act 2006.

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 inserting the following new definitions in their appropriate alphabetical order –

“deed” –

- (a) means a deed witnessing the transfer of ownership, with or without consideration, of a motor vehicle or trailer;
- (b) includes a deed witnessing –
- (i) a memorandum of sale by auction (procès-verbal);
- (ii) a power of attorney, irrespective of the date on which it has been drawn up, which includes the power to sell, transfer or dispose of a motor vehicle or trailer to a person, other than a heir or legatee of the person who is the registered owner of the motor vehicle or trailer;

“double cab pick-up” means a motor vehicle that has –

- (a) a front passenger cabin that contains a second row of seats and is capable of seating a maximum of 5 persons excluding the driver;
- (b) at least 2 doors capable of being opened independently; and
- (c) an open pick-up area behind the passenger cabin.

“register” means the register referred to in section 5(1);

“registration fee” means the fee payable on the first registration or the transfer of a motor vehicle or trailer, and includes any surcharge or any penalty imposed by this Act;

“registration mark” means a registered number, or a registered letter and number, or registered letters and numbers, assigned to a motor vehicle or trailer by the Commissioner;

“registration plate” means a flat rectangular or square plate, made of metal or other durable material, or a flat surface forming part of a motor vehicle, on which the registration mark of a motor vehicle or trailer is displayed;

“total loss”, in respect of a vehicle, means a vehicle which is beyond repairs;

(b) by deleting the definition of “actual owner”.

4. Part II of principal Act repealed and replaced

Part II of the principal Act is repealed and replaced by the following Part –

PART II – REGISTRATION OF MOTOR VEHICLES AND TRAILERS

5. Registration of vehicles

(1) The Commissioner shall keep and maintain a register of motor vehicles and trailers.

(2) Except as provided in this Act, no person shall use, cause or permit to be used on a road or otherwise a motor vehicle or trailer unless –

- (a) it has been registered in accordance with this Act;
- (b) its registration has not been suspended or cancelled; and
- (c) it carries a registration mark displayed in the prescribed manner.

6. Registration fee payable on registration and transfer of vehicles

(1) Subject to the provisions of this Act, the Commissioner shall charge a registration fee in respect of the first registration and the transfer of every motor vehicle and trailer.

(2) The registration fee payable under subsection (1) in respect of every vehicle shall be of such amount as is specified in the Third Schedule.

(3) For the purposes of subsection (2), the Minister may prescribe different registration fees for vehicles of different classes.

(4) Any deed amending a previous deed to correct a mistake, or to insert or delete particulars, of a non-substantial nature, shall be subject to such fixed fee as may be prescribed.

(5) (a) Where any amount has been paid in excess of the

registration fee payable, the Commissioner may, on application made, refund the excess fee paid.

(b) No refund shall be entertained by the Commissioner where an application under paragraph (a) is made 12 months after payment of the registration fee.

(6) Where registration fee paid is less than the registration fee that is due, the Commissioner may claim the amount underpaid within 12 months of the date of payment.

(7) Where registration fee has been properly paid on a deed or declaration, the registration fee shall not be refundable irrespective of any event subsequent to the transaction witnessed by the deed or declaration.

7. Application for first registration

(1) (a) Subject to paragraph (b), an application for the first registration of a motor vehicle or trailer shall be made by, or on behalf of, the owner within 15 days of the date of –

- (i) the sale of the vehicle by a dealer; or
- (ii) the removal of the vehicle from Customs, where the vehicle is imported by a person other than a dealer,

in such form as may be approved by the Commissioner and shall be accompanied by the registration fee specified in the Third Schedule.

(b) An application made under paragraph (a) shall be accompanied by –

- (i) in the case of a sale by a dealer, the deed;
- (ii) in the case of a vehicle imported by a person, other than a dealer, a written declaration signed by that person;
- (iii) the paid Customs Bill of Entry;
- (iv) the certificate issued under section 11; and
- (v) any other document which the Commissioner may require.

(c) Where the vehicle is already registered in another country, the original of a registration document or a certified copy thereof issued by the relevant authority of the country where the motor vehicle or trailer is registered shall also be produced.

(2) Where an application for registration is made after the period mentioned under subsection (1), the person applying for the registration of the vehicle shall be liable to a surcharge of 50 per cent, or any other percentage as may be prescribed, of the registration fee specified in the Third Schedule.

8. Formalities of first registration

- (1) The Commissioner shall upon registration of a vehicle or trailer –
- (a) enter in the register, particulars of the motor vehicle or trailer and its owner;
 - (b) assign to the motor vehicle or trailer a registration mark; and
 - (c) issue to the owner of the motor vehicle or trailer a registration book in such form as may be approved by the Commissioner and containing particulars specified in paragraphs (a) and (b).
- (2) No motor vehicle or trailer shall be registered unless it –
- (a) complies with the provisions of this Act or regulations made thereunder with regard to the maximum limits permitted for axle weights, gross weight, height, length and width of such motor vehicle or trailer; or
 - (b) has been exempted by the Commissioner from compliance with the limits under paragraph (a).

9. Issue of duplicate registration book

(1) The loss, theft or destruction of any registration book shall be immediately reported to the Commissioner by the owner of the motor vehicle or trailer in respect of which it has been issued.

(2) Where it appears to the satisfaction of the Commissioner that a registration book issued to a person has been lost, destroyed, worn out, or substantially defaced, the Commissioner may, on payment of the prescribed fee, issue a duplicate of the book.

(3) Before a duplicate registration book is issued on account of being worn out or defaced, the old registration book shall be returned to the Commissioner for cancellation.

(4) Where an original registration book has been secured for the purposes of an inquiry, the Commissioner may issue, free of charge, a duplicate registration book to the owner.

10. Supply of information

- (1) (a) Subject to paragraph (b), the Commissioner shall, upon

payment of the prescribed fee, supply to any person applying for it, a copy of such entries from the register as that person shows he has reasonable cause to require.

- (b) No fee shall be payable where copies are supplied to a public officer for official purposes.

(2) The Commissioner may allow any police officer authorised by the Commissioner of Police to inspect his register at any time and permit the officer to take a copy of any entry in the register relating to a specified motor vehicle or trailer.

11. Production of vehicle at the time of registration

(1) Before registering a motor vehicle or trailer, the Commissioner shall require the person applying for registration of the vehicle to produce the vehicle, on payment of the prescribed fee, before a vehicle examiner, or such officer as may be appointed by the Commissioner, for the purpose of ensuring that –

- (a) the particulars contained in the application form are correct; and
- (b) the vehicle complies with the requirements of this Act and of the regulations made thereunder.

(2) Where a vehicle is produced to him under subsection (1), a vehicle examiner, or such officer as may be appointed by the Commissioner, as the case may be shall –

- (a) examine the vehicle; and
- (b) where the vehicle satisfies paragraphs (a) and (b) of that subsection, issue a certificate of such examination.

12. Motor vehicle subject to lease or hire purchase agreement

(1) Where an application for registration of a leased vehicle is made, the Commissioner shall, in addition to compliance with the provisions of section 8(1), enter in the registration book and the register, the name of the lessor and the lessee and the existence of the agreement.

(2) Any entry made under subsection (1) may, on notification made to the Commissioner, be cancelled by him on proof of the termination of the agreement by the parties concerned.

(3) Where the lessor satisfies the Commissioner that –

- (a) he has taken possession of the vehicle owing to the default of the lessee under the provisions of such lease agreement; and

- (b) that the lessee refuses to deliver the registration book or has absconded,

the Commissioner shall, by notice, require that lessee to show cause, within a delay specified by the Commissioner, why the registration should not be cancelled.

(4) Where the lessee fails to show cause within the delay specified by the Commissioner under subsection (3), the Commissioner may, notwithstanding that the registration book is not produced before him –

- (a) cancel the registration; and
- (b) issue a registration book in the name of the lessor, upon payment of the prescribed fee.

(5) Subject to subsection 17(2), where a leased vehicle has been registered, the lessee shall, for the purposes of this Act, be deemed to be the owner of the leased vehicle and shall incur the liabilities and obligations imposed under this Act or under any other enactment, as if he were the owner of the vehicle.

(6) On the change of ownership of a motor vehicle or trailer by reason of the motor vehicle or trailer being lawfully seized under a hire purchase agreement –

- (a) (i) the owner or his appointed agent shall, within 15 days of the seizure, deliver the motor vehicle or trailer licence and the registration book to the usher who has effected the seizure of the vehicle; and
- (ii) the usher shall, within 15 days of the seizure, inform the Commissioner in writing of the change of ownership;
- (b) the person on whose behalf the seizure has been effected shall, within 15 days of receiving the motor vehicle or trailer licence and the registration book, register the vehicle in his name.

(7) Where an application for registration is made after the period mentioned in subsection (6)(b), the person applying for the registration of the vehicle shall be liable to a surcharge of 50 percent, or any percentage as may be prescribed, of the registration fee prescribed in the Third Schedule.

(8) On the registration of a new owner, the Commissioner shall charge the registration fee specified in the Third Schedule and issue a new registration book to him.

13. Refusal of registration

- (1) The Commissioner may refuse to register a motor vehicle or trailer if –
- (a) he is informed by the Commissioner of Police that the vehicle has been stolen;
 - (b) he has reason to believe that the vehicle –
 - (i) is mechanically defective;
 - (ii) fails to comply with the requirements of this Act or of the regulations made thereunder; or
 - (c) the applicant furnishes inaccurate particulars in the application for registration of the vehicle.
- (2) Where the Commissioner refuses to register a vehicle under subsection (1), he shall furnish to the applicant the reasons for such refusal.

14. Exemption from registration

- (1) There shall be exempted from registration –
- (a) subject to the provisions of this Act relating to motor vehicle dealer's licences, motor vehicles or trailers in the possession of manufacturers of, or licensed dealers, in motor vehicles or trailers;
 - (b) motor vehicles or trailers brought into Mauritius by visitors, whether used under the authority of an international certificate or not, and exempted from registration under regulations made under this Act;
 - (c) vehicles used exclusively for agricultural purposes and not used on any road;
 - (d) any other motor vehicle or trailer as may, by regulations, be exempted from registration.
- (2) In this section, "visitors" include residents of Rodrigues and other islands of the State of Mauritius.

15. Suspension of registration

- (1) The Commissioner may suspend the registration of a motor vehicle or trailer where –
- (a) he has reason to believe that the vehicle –
 - (i) is in such condition that its use on a road would constitute a danger to the public;

- (ii) fails to comply with the requirements of this Act or any regulations made thereunder;
 - (iii) has been, or is being, used for hire or reward without a valid licence for being used as such;
- (b) payment for any licence, or other transaction concerning that vehicle with the Authority has been made by means of a dishonoured cheque;
 - (c) a tax or fee chargeable in respect of the vehicle has not been charged or has been undercharged, and the owner of the vehicle fails or refuses to pay the amount due within 15 days after having been requested to make good the payment due;
 - (d) he has reason to believe that the vehicle or trailer is no longer insured.

(2) Before suspending the registration of a motor vehicle or trailer under subsection (1), the Commissioner shall give the owner of the vehicle an opportunity to make any representation he may wish to make.

(3) The suspension of the registration of a motor vehicle or trailer under subsection (1) shall last –

- (a) in any case falling under subsection (1)(a)(i), until the defects are rectified to the satisfaction of the Commissioner;
- (b) in any case falling under subsection (1)(a)(ii) or (iii) for a period not exceeding 3 months;
- (c) in any case falling under subsection 1(b) or (c), until payment has been made; and
- (d) in any case falling under subsection (1)(d), until the owner of the vehicle presents a new insurance policy.

(4) On suspension of the registration of the vehicle under subsection (1), the owner of the vehicle shall surrender the registration book and the motor vehicle licence of the vehicle to the Commissioner within 15 days of the suspension.

(5) Notwithstanding subsection (4), the Commissioner may cause seals to be affixed to the vehicle upon suspension of the registration.

(6) A registration book and a motor vehicle licence surrendered under subsection (4) shall be returned to the owner when the order suspending the registration is rescinded.

16. Cancellation of registration

- (1) Where a motor vehicle or trailer has been –
 - (a) destroyed;
 - (b) removed permanently from Mauritius;
 - (c) rendered permanently incapable of use after having been dismantled;
 - (d) damaged beyond repairs; or
 - (e) scrapped,

the owner shall, within 15 days, notify the Commissioner of the fact in writing and surrender to him the registration book of the vehicle.

(2) On receipt of the notification and the registration book, the Commissioner shall cancel the registration book and the entry relating to the vehicle in the register.

(3) The Commissioner may cancel the registration of a motor vehicle or trailer where –

- (a) although he has not received any notification under subsection (1), he is satisfied of the existence of any of the facts specified in that subsection;
- (b) the tax chargeable under section 29 in respect of the vehicle has not been paid by its owner for a period of 12 consecutive months or more;
- (c) the vehicle exceeds the age-limit prescribed for the class or description of vehicles to which the vehicle belongs;
- (d) he is satisfied that the vehicle is a total loss;
- (e) he is satisfied that –
 - (i) the registration of the vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular; or
 - (ii) the engine number or the chassis number embossed thereon is different from the number entered in the registration book or the register, or has been defaced;
- (f) after having ordered the examination of the vehicle by such authority as he may appoint and upon such examination, he is satisfied that –

- (i) the vehicle is in such a condition that it is incapable of being used or its use on a road would constitute a danger to the public; and
- (ii) it is beyond reasonable repair.

(4) Before cancellation of the registration of a motor vehicle or trailer under subsection (3)(a), (b) or (e), the Commissioner shall give the owner of the vehicle or trailer an opportunity to make any representation he may wish to make.

(5) Upon cancellation of the registration of a motor vehicle or trailer under subsection (3), the Commissioner shall communicate such fact in writing to the owner who shall, within 15 days of receipt of the communication, surrender to the Commissioner the registration book and the motor vehicle licence of the vehicle where applicable.

(6) The Commissioner shall cancel a registration book surrendered under subsection (5) and the entry relating to the vehicle in the register.

(7) Where the registration of a motor vehicle is cancelled under subsection (2) or (3), the Commissioner may assign the registration mark of that vehicle to any other motor vehicle or trailer which he subsequently registers.

(8) (a) Where the registration of a motor vehicle or trailer has been cancelled under subsection 3(b), the Commissioner may re-register the vehicle where the owner has complied with such regulations as may be made for the purpose of re-registration.

(b) Upon re-registration under paragraph (a), the Commissioner shall assign a new registration mark to the vehicle or trailer where its registration mark has been assigned to another motor vehicle or trailer under subsection (7).

17. Transfer of ownership

(1) Subject to subsections (2) and (3), where a transfer in the ownership of a motor vehicle or trailer occurs –

- (a) the owner and the new owner shall forthwith sign a deed in such form as may be approved by the Commissioner, or where there is no deed, the owner shall forthwith sign a declaration, witnessing the transfer of ownership drawn up in four identical originals on paper of size A4, and such deed or declaration shall be in conformity with section 19;
- (b) the owner shall, within 15 days of the date of the deed of transfer or declaration, deposit with, or send by registered post to the –

- (i) Commissioner, the first of the 4 originals referred to in paragraph (a);
 - (ii) person from whom he holds a policy of insurance or security in respect of third party risks as required by Part V, the second of the four originals referred to in paragraph (a);
- (c) the owner shall deliver to the new owner the registration book of the motor vehicle or trailer together with its licence, a “certificat de gage sans déplacement” in respect of the vehicle and the remaining two originals referred to in paragraph (a);
- (d) the new owner shall, within 15 days of the date of the deed of transfer or declaration, present the remaining 2 originals referred to in paragraph (a) together with the registration book and other relevant documents to the Commissioner who, subject to section 20C, shall, upon payment of the appropriate registration fee specified in the Third Schedule –
- (i) register him as the owner of the motor vehicle or trailer in the register;
 - (ii) return one of the originals to the new owner after completion of the registration; and
 - (iii) keep the other original for a maximum period of 5 years.

(2) Notwithstanding subsection (1)(d), the registration fee chargeable on the transfer of a leased vehicle to a lessee on the expiry of a lease agreement shall be 10 per cent of the fee specified in the Third Schedule.

(3) Notwithstanding subsection (1)(d), the registration fee chargeable on the transfer of a motor vehicle –

- (a) from an ascendant to a descendant;
- (b) between spouses; or
- (c) registered on the name of a deceased person to his heir;
- (d) from an amalgamating company to an amalgamated company,

shall be 500 rupees or such other fee as may be prescribed.

18. Motor vehicles or trailers already registered in Rodrigues

(1) Where –

- (a) a deed or declaration relating to the transfer of ownership of a motor vehicle or trailer is registered in Rodrigues under the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act; and
- (b) the motor vehicle or trailer is brought to, and used on a road in, the Island of Mauritius,

the deed or declaration shall be registered anew, but subject to such derogations or exceptions from, or modifications of, or adaptations to, section 17, as may be specified in regulations made under this section.

(2) Where -

- (a) pursuant to the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act, a document relating to a motor vehicle or trailer has been registered;
- (b) the document becomes subject to registration and a registration fee under section 17;
- (c) the registration duty or fee, if any, paid under the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act is less than the registration fee payable under section 17,

the difference in duty or fee shall be paid upon registration of the document pursuant to subsection (1).

19. Contents of deed or declaration

(1) Any deed or declaration shall contain –

- (a) the name and address of the owner and that of the new owner;
- (b) the registration mark, make, model, engine number and capacity and chassis number of the vehicle;
- (c) the date of transfer of ownership; and
- (d) the national identity card number, the registered company number, or the registered number of a registered association, as the case may be, of the owner and the new owner.

(2) The deed or declaration shall bear the following annotation, dated and signed by the owner and the new owner –

"We certify that this original is identical to the other originals with which it has been duly collated".

20. Registration upon death of owner or purchase at public auction

Where –

- (a) the owner of a motor vehicle or trailer dies; or
- (b) a motor vehicle or trailer has been purchased or acquired at a public auction,

the person who becomes the owner of the vehicle shall, within 15 days of becoming the owner, give notice of the fact to the Commissioner and register the vehicle, upon payment, subject to section 17(3), of the appropriate fee specified in the Third Schedule, on his name within that same time period.

20A. Failure to register vehicle

(1) Where the owner fails to report a transfer referred to in section 17(1)(b) to the Commissioner within the period specified in that section, or if the person referred to in section 20, fails to notify the Commissioner of the fact of becoming owner within the period specified in that section, the owner or that person shall commit an offence.

(2) Where the new owner or the person referred to in section 20 fails to register the vehicle within the period specified in section 17(1)(d) or section 20 as the case may be, the new owner or that person shall be liable to a surcharge of -

- (a) 20 per cent where he registers the vehicle after the period of 15 days but within a period of 45 days;
- (b) 50 per cent where he registers the vehicle after a period of 45 days.

20B. Sale of motor vehicles on behalf of other persons

(1) Any dealer who sells a motor vehicle on behalf of any other person shall draw up a deed in such form as may be prescribed in four identical originals on paper of size A4 setting out –

- (a) the full name and address of the owner of the vehicle on whose behalf the vehicle was sold and the name of the person to whom the vehicle was sold;
- (b) the registration mark, make, model, engine number and capacity and chassis number of the vehicle;
- (c) the date of sale;
- (d) the national identity card number, the registered company

number, or the registered number of a registered association, as the case may be, of the owner and the new owner; and

- (e) his own national identity card number or registered company number, as the case may be.

(2) The originals of the deed of sale shall bear the following annotation signed by the dealer effecting the sale and the new owner: "We certify that this original is identical to the other originals with which it has been duly collated".

(3) The dealer referred to in subsection (1) shall –

- (a) within 15 days of the sale, send by registered post to the –

- (i) Commissioner, the first of the four originals together with a certified copy of a written authority from the owner to sell the motor vehicle referred to in that subsection;

- (ii) person from whom the owner holds a policy of insurance or security in respect of third party risks as required by Part V, the second of the four originals referred to in that subsection;

- (b) deliver to the new owner the registration book of the motor vehicle together with its licence, a "certificat de gage sans déplacement" in respect of the vehicle, the original of the authority to sell the motor vehicle and the remaining two originals referred to in subsection (1).

(4) The new owner shall, within 15 days of the sale, present the remaining two originals referred to in subsection (1) together with the registration book and other relevant documents to the Commissioner who shall, upon payment of the registration fee specified in the Third Schedule –

- (a) register him as the owner of the motor vehicle in the register of vehicles;

- (b) return one of the originals to the new owner after completion of the registration; and

- (c) keep the other original for a maximum period of 5 years.

(5) If the new owner fails to register the vehicle within the period specified in subsection (4), he shall be liable to a surcharge of 50 per cent of the registration fee payable.

20C. Registration of vehicles following transfer

The registration of a new owner shall not be effective until the registration book has been surrendered to, and reissued by, the Commissioner.

20D. Withholding of document by Commissioner

(1) Where a document which is presented for purposes of registration –

- (a) is the original; or
- (b) contains information which may be useful for the discovery of unpaid fee or for assessment of additional fee,

the Commissioner may withhold the document for a period not exceeding 48 hours.

(2) The Commissioner may –

- (a) make a copy of a document withheld under subsection (1); and
- (b) cause the copy made under paragraph (a) to be certified as a true copy of the document by the person who produced the document for registration.

(3) Where the person who produced the document refuses to certify a copy under subsection (2), the Commissioner may certify the copy to be a true copy of the document presented for registration.

20E. Registration plates

(1) There shall be fixed on every motor vehicle and trailer in such manner as may be prescribed a registration plate.

(2) Where a motor vehicle is being used to tow –

- (a) a trailer, the registration mark of the vehicle shall also be fixed on a registration plate at the rear of the trailer; or
- (b) more than one trailer, the registration mark of the vehicle shall also be fixed on a registration plate at the rear of the last trailer,

in such manner as may be prescribed.

(3) No other figures, letters or design shall be placed on a registration plate fixed on a motor vehicle under this section.

(4) Nothing which may be mistaken for a registration plate shall be placed on a motor vehicle.

- (5) Every registration plate shall be –
- (a) kept free from dirt and obstruction; and
 - (b) so fixed that the entire registration plate, including the figures and letters, is clearly visible at all times.

(6) The view of the registration plate shall not be obscured or obstructed by spare tyres, bumper bars, any part of the vehicle, any attachments to the vehicle or the load carried.

(7) The registration plate shall not be obstructed by any device, object or material that prevents the entire plate, including the registration mark from being –

- (a) accurately photographed using a photo-radar system or any other similar equipment; or
- (b) identified by an electronic toll system.

20F. Offences relating to registration plates

(1) Where a person uses, causes or permits to be used a motor vehicle or trailer on a road with a registration plate that –

- (a) is in contravention to this Act or regulations made under this Act;
- (b) has been defaced or altered;
- (c) is fixed in such a way as to be obscured, obstructed or rendered not easily distinguishable,

he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

(2) Where a motor vehicle or trailer does not bear on it a registration mark, an identification number assigned to it by the Commissioner under section 34 or such other identification number as may have been issued for it under this Act or regulations made thereunder, this fact shall be regarded as prima facie evidence that the motor vehicle or trailer has not been registered, and the Police may detain the vehicle or trailer until inquiries have been made.

20G. Registration marks

- (1) (a) The owner of a motor vehicle or trailer may, upon payment of the prescribed fee, submit an application to the Commissioner for a registration mark assignable prior to 10 April 1992 to be assigned to his vehicle.
- (b) Where the entry relating to the registration mark applied

for has been cancelled, the Commissioner may assign the registration mark to the vehicle of the applicant on payment of the prescribed fee.

- (c) The Commissioner may, upon application made by the owner of a vehicle referred to in paragraph (a), assign the registration mark to another vehicle registered on the name of that person, on payment of the prescribed fee.
- (2) (a) Notwithstanding subsection (1), any person intending to purchase a motor vehicle or trailer may, on payment of the prescribed fee, make an application to the Commissioner for the reservation of a registration mark.
 - (b) Where the entry relating to the registration mark applied for under paragraph (a) has been cancelled, or is available for assignment, the Commissioner may grant the reservation applied for.
 - (c) Any reservation granted under -
 - (i) paragraph (a) shall be valid only for the month in the course of which the registration mark becomes available;
 - (ii) paragraph (b) shall be valid for a period of 24 months.

20H. Change of residence or place of business

(1) Where the owner of a motor vehicle or trailer ceases to reside or have his place of business at the address recorded in the registration book of the vehicle, he shall, within 15 days of any such change of address, notify the Commissioner of his new address, and shall at the same time forward the registration book to him.

(2) On receipt of the notification and the registration book, the Commissioner shall –

- (a) amend the entry relating to the vehicle in the register;
- (b) cancel the registration book; and
- (c) issue, free of charge, a new registration book, with the amendment made therein, to the owner.

(3) If the owner of a motor vehicle or trailer fails to notify the Commissioner of his new address within the period specified in subsection (1), he shall commit an offence.

20J. Alteration to motor vehicles

(1) Subject to subsection (2), no alteration can be made to the parts of a motor vehicle whose particulars are given in the registration book of such vehicle, unless the owner has obtained the approval of the Commissioner to make such alteration.

(2) It shall not be necessary to obtain the approval referred to in subsection (1) in respect of any change in the unladen weight of a motor vehicle not exceeding 2 per cent consequent on the addition or removal of fittings or accessories.

(3) Where the Commissioner receives an application for an approval referred to in subsection (1), he shall, within 21 days, communicate, by post, his decision to the owner of the vehicle.

(4) Where any alteration has been made in a motor vehicle with the approval of the Commissioner, the owner of the vehicle shall, within 15 days of the alteration, report the alteration, and forward the registration book, to the Commissioner.

(5) The Commissioner shall, on payment of the prescribed fee, amend the register and issue a new registration book showing therein the particulars of the alteration.

20K. Power to fix age limit of vehicles

(1) (a) Subject to subsection (2), the Minister may, having regard to public safety, convenience and objects of this Act, by regulations specify the lifetime of a motor vehicle or trailer, after the expiry of which the use of such vehicle on a road or otherwise shall not be permitted.

(b) The Minister may specify different lifetimes for different classes or different types of motor vehicles.

(2) The Minister may, for the purposes of display, demonstration in any exhibition, or taking part in a vintage car rally, by General Notice in the *Gazette*, exempt, any class or type of motor vehicle from the operation of subsection (1), subject to such conditions as may be specified in the Notice.

20L. Information regarding stolen and recovered vehicles to be furnished by the police to the Commissioner

The Commissioner of Police shall submit a monthly return containing information regarding vehicles which have been stolen, and stolen vehicles which have been recovered, of which the police is aware, to the Commissioner.

20M. Weight and dimension of vehicles

(1) (a) Every owner of a motor vehicle or trailer shall at the request of the Commissioner, furnish such evidence as he may reasonably have or obtain with regard to –

- (i) the unladen weight of the motor vehicle or trailer;
 - (ii) the maximum load that the manufacturer of the motor vehicle or trailer states that the vehicle or trailer has been built to carry; and
 - (iii) any recommended distribution of the weight over the axles of the vehicle or trailer and the height, length and width of the motor vehicle or trailer.
- (b) Any person who contravenes paragraph (a) shall commit an offence.
- (2) The Commissioner may require –
- (a) a dealer in motor vehicles or trailers to furnish a sworn declaration specifying –
 - (i) the unladen weight of any motor vehicle or trailer in his business;
 - (ii) the maximum load that the manufacturer of the motor vehicle or trailer states that the vehicle or trailer has been built to carry; and
 - (iii) any recommended distribution of the weight over the axles of the vehicle or trailer and the height, length and width of any motor vehicle or trailer sold by him;
 - (b) a manufacturer of motor vehicles or trailer bodies to furnish a declaration concerning the weight and the dimensions of the bodies he has built.
- (3) A dealer or manufacturer who contravenes subsection (2) shall commit an offence.

20N. Examination of vehicles

- (1) Where the Commissioner, or a police officer, has reason to believe that a motor vehicle or trailer –
- (a) is not in a fit and proper state of repair;
 - (b) does not conform with this Act or regulations made under this Act relating to construction, equipment and vehicle emission;
 - (c) may constitute a danger to road users or any person conveyed in it,

he may require its owner to produce the vehicle for examination, by a vehicle

examiner, at a specified time, date and place.

(2) Where any owner of a motor vehicle or trailer fails to submit his vehicle for examination when so required under subsection (1), the Commissioner may –

- (a) prohibit the use of the vehicle; and
- (b) cause seals to be affixed to it until such time as its owner satisfies the Commissioner that he has taken steps to cause the vehicle to be produced for examination by a vehicle examiner at such time and place as the Commissioner may determine.

(3) Where any person uses, causes or permits to be used a motor vehicle or trailer in breach of the prohibition referred to in subsection (2), he shall commit an offence.

(4) (a) On examining a motor vehicle or trailer sent to him under section 11 or subsection (1), a vehicle examiner –

- (i) shall supply to the owner of the motor vehicle or trailer a list of all defects that have to be remedied;
- (ii) shall notify the owner of the date on which the vehicle must be produced for re-examination;
- (iii) may, if he thinks necessary in the interests of public safety, forthwith prohibit the use of the motor vehicle or trailer until the defects have been remedied.

(b) Where the defects have been remedied to his satisfaction, the vehicle examiner shall report the fact to the Commissioner who –

- (i) if the examination was made under section 11, may then register the motor vehicle or trailer;
- (ii) if the examination was made under subsection (1) may authorise the use of the motor vehicle or trailer;

(5) (a) The owner of the vehicle shall pay the prescribed fee in respect of any –

- (i) examination of his vehicle which resulted in the issue by the vehicle examiner of a list of defects to be remedied; and
- (ii) subsequent examination of the vehicle for the purpose of verifying whether the defects have been remedied.

- (b) In the case of an examination, other than one for the purpose of ensuring that the defects have been remedied, no fee shall be payable if the vehicle produced for examination under subsection (1) is found to be without defect and to conform with this Act relating to construction, equipment and vehicle emission.
- (6) (a) Where the owner of a motor vehicle or trailer is aggrieved by a decision of a vehicle examiner, he may, within 15 days of the communication of the decision to him, appeal to the Commissioner.
 - (b) The Commissioner may, on appeal, vary or cancel the requirements of the vehicle examiner or order them to be enforced.
- (7) A person who –
 - (a) obstructs the Commissioner, a vehicle examiner or a police officer acting under this section;
 - (b) fails to comply with any requirement under section 11 or subsection (1);
 - (c) uses a motor vehicle or trailer after a vehicle examiner has prohibited its use under subsection (4)(a),

shall commit an offence.

20P. Test certificate

(1) This section and section 20R shall have effect for the purpose of ascertaining whether the provisions of this Act relating to the construction and condition of –

- (a) motor vehicles and trailers; or
- (b) their accessories or equipment,

are complied with.

(2) The Minister may for the purposes of ascertaining whether the provisions relating to the construction or condition of motor vehicles or trailers, or their equipment, are complied with, make regulations for –

- (a) the examination of motor vehicles and trailers; and
- (b) the issue of test certificates that certify the fitness of motor vehicles and trailers to be used on roads.

(3) An examination made under this section shall be carried out by a vehicle examiner.

- (4) (a) Where a test certificate is refused, the vehicle examiner shall issue a report of the refusal stating the grounds of the refusal.
- (b) Any person who is aggrieved by the refusal may appeal to the Commissioner within 15 days of the notification to him of the report.
- (c) On an appeal under paragraph (b), the Commissioner shall cause a further examination to be made and grant or refuse a test certificate.

20Q. Regulations for examinations and test certificates

The Minister may make regulations for –

- (a) the establishment and maintenance of stations where examination of vehicles and trailers may be carried out, and the provision and maintenance of apparatus for carrying out these examinations;
- (b) the manner in which and the conditions under which examinations are to be carried out, and the inspection of premises at which an apparatus with which examinations are being, or are to be, carried out;
- (c) the manner in which applications for, or notices of, examinations are to be made;
- (d) the manner in which appeals may be brought under section 20P(4);
- (e) the information to be supplied, the documents to be produced and the fees to be paid on the application, examination or appeal;
- (f) the refund of the whole or part of the fee paid on the appeal where it appears to the Commissioner that there were substantial grounds for contesting the whole or part of the decision appealed against;
- (g) the form of test certificates, their display and production;
- (h) the form of refusal of test certificates;
- (i) the issue of duplicates of test certificates lost or defaced;
- (j) the keeping of registers and records of test certificates, and the inspection of those registers;
- (k) the furnishing of returns and information to the Commissioner;

- (l) the payment of fees for examinations and test certificates;
- (m) any other matter relating to examination and test certificates.

20R. Using a vehicle without a test certificate

- (1) A person who –
 - (a) uses; or
 - (b) causes or permits to be used,

a motor vehicle or trailer in respect of which no test certificate has been issued shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

(2) Where an application is made under section 22 for a licence in respect of a motor vehicle or trailer, the Commissioner shall not issue the licence unless a valid test certificate covering the period for which the licence is to be issued is produced to him.

(3) Where any test certificate is issued within one month before the expiry of the current test certificate, the new test certificate shall be treated as being valid for the period stated on it as from the date of expiry of the first test certificate.

20S. Where Part VIII applies

Sections 20N(1) to (6), 20P and 20R shall not apply in relation to any motor vehicle or trailer to which Part VIII applies.

5. Section 25 of principal Act amended

Section 25 of the principal Act is amended by deleting subsection (4) and replacing it by the following subsection –

(4) Upon issue of a new licence under this section, the Commissioner shall amend the register and issue a new registration book.

6. Section 41 of principal Act amended

Section 41 of the principal Act is amended by deleting subsection (5) and replacing it by the following section –

- (5) Subject to the provisions of this Part, the Minister may make regulations to provide for –
 - (a) the class of a driving licence;
 - (b) the class of motor vehicle to which each class of such licence relates;

- (c) the authority conveyed by such licence;
- (d) the period of validity of such licence;
- (e) the limitations to which the authority conveyed by such licence shall be subject; and
- (f) the form and content of such licence.

7. New section 77D added to principal Act

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

77D. Licensing of school services

Where an application is received from a holder of a road service licence to provide a school service on any route or in any area, and the Authority is satisfied that it is in the public interest to do so, the Authority may, notwithstanding any other provision of this Act, grant the application, subject to such conditions as the Authority may impose.

8. Section 83A added to principal Act

The principal Act is amended by inserting immediately after section 83, the following new section 83 A–

83A. Licensing of double-cab pick up and dual purpose vehicle

(1) Subject to this Part, no person shall use a double cab pick-up or a dual purpose vehicle for the carriage of goods for, or in connection with, any trade or business carried on by him, except under a private carrier's licence (a B licence) issued under this Part.

(2) Where a double cab pick up or a dual purpose vehicle is being used for the carriage of goods –

- (a) its driver, where the vehicle belongs to him or is in his possession under an agreement for hire, hire purchase or loan; and
- (b) in any other case, the person whose agent or servant the driver is,

shall, for the purposes of this Part, be deemed to be the person by whom the vehicle is being used.

(3) Any person who uses a double cab pick-up or a dual purpose vehicle in contravention of this section shall commit an offence.

9. Section 188A of principal Act amended

Section 188A of the principal Act is amended in subsection (1), in paragraph (a), by adding after the words “a police officer,” the words “or any other officer appointed under section 3(2) of the Act”.

10. Third Schedule added to principal Act

The principal Act is amended by adding immediately after the Second Schedule, the Schedule to this Act.

11. Consequential amendments

(1) The Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act is amended in section 13 -

- (a) in subsection (1), by deleting the words “Subject to section 9A of the Road Traffic Act” and replacing them by the words “Subject to section 18 of the Road Traffic Act”;
- (b) by deleting subsection (2).

(2) The Registration Duty Act is amended –

- (a) in section 3, by repealing subsection (1)(c)(i) and (ii);
- (b) in the First Schedule –
 - (i) in Part II, by deleting item 30;
 - (ii) by deleting Part VI;
- (c) in the Second Schedule, by deleting item 9;
- (d) in the Sixth Schedule, by deleting item 9;

(3) The Road Traffic (Amendment) Act 1999 is amended –

- (a) in section 3(a), by deleting the definitions of “duty paid value” and “registration fee”;
- (b) by repealing sections 4, 5, 6, 7, 8, 9, 17, 18 and 19.

(4) The Sales by Auction Act is amended –

- (a) in section 1A by adding the following new definition in its proper alphabetical order –

“Commissioner” means the Road Transport Commissioner appointed under the Road Traffic Act;
- (b) in section 5 –
 - (i) by deleting subsection (1) and replacing it by the following subsection –

(1) No person authorised by law shall conduct a public auction sale of any moveable property unless he has made a declaration to that effect to –

- (a) the Registrar-General, in respect of any moveable property, other than a motor vehicle or trailer;
 - (b) the Commissioner, in respect of a motor vehicle or trailer.
- (ii) in subsection (2)(a), by adding after the words “Registrar-General” the words “or the Commissioner, as the case may be”;
- (iii) in subsection (3), by inserting after the words “Registrar-General” the words “or to the Commissioner”;
- (c) in section 7 –
 - (a) in paragraph (a), by adding after the words “Registrar-General”, the words “or the Commissioner, as the case may be”;
 - (b) by adding after subsection (1), the following new subsection –
 - (2) A separate memorandum shall be drawn up in respect of every motor vehicle or trailer sold.
- (d) in section 9, by deleting subsection (1) and replacing it by the following subsections –
 - (1) Every person in charge of a sale shall draw up –
 - (a) a memorandum in respect of every motor vehicle or trailer mentioned in his declaration to the Commissioner; and
 - (b) another memorandum in respect of all other articles mentioned in his declaration to the Registrar-General.
 - (2) Every memorandum referred to in subsection (1) shall comprise any vehicle or trailer, or any other article, as the case may be –
 - (a) valued and withdrawn from the sale by the owner or heir; and
 - (b) delivered by the person in charge of the sale for the price of the outbid and the valuation.

- (e) in section 10 –
 - (a) in subsection (1) –
 - (i) by inserting after the words “registration duty”, the words “or registration fee, as the case may be”;
 - (ii) by adding after the words “Registration Duty Act”, the words “or section 20A of the Road Traffic Act, as the case may be”.
 - (b) in subsection (2), by inserting after the words “registration duty”, the words “or registration fee, as the case may be”;
- (f) in section 13, in subsection (3), by adding after the words “Registrar-General”, the words “or the Road Transport Commissioner”.

12. Transitional provisions

Any deed, declaration, hire purchase agreement or agreement in respect of a leased vehicle, drawn up before the coming into operation of this Act and in respect of which registration fee is payable under this Act, shall, for the purposes of registration and payment of registration fee with the Commissioner, be deemed to have been drawn up under this Act.

13. Commencement

(1) This Act shall come into operation on a day to be fixed by Proclamation.

(2) Different days may be fixed for the coming into force of different provisions of this Act.

SCHEDULE
(section 5)

THIRD SCHEDULE
(sections 6, 7, 12, 17, 20, 20A and 20B)

Type	Engine capacity (cc)	REGISTRATION FEE PAYABLE ON											
		First registration in Mauritius (Rs)	Transfer of motor vehicles or trailers										
			Age of motor vehicle or trailer from the date of its original registration in or outside Mauritius when new to the date of its transfer										
			Up to 1 year (Rs)	Above 1 year and up to 2 years (Rs)	Above 2 years and up to 3 years (Rs)	Above 3 years and up to 4 years (Rs)	Above 4 years and up to 5 years (Rs)	Above 5 years and up to 6 years (Rs)	Above 6 years and up to 7 years (Rs)	Above 7 years and up to 8 years (Rs)	Above 8 years and up to 9 years (Rs)	Above 9 years and up to 10 years (Rs)	Above 10 years (Rs)
<i>Autocycles</i>	Less than 50	2,000	1,600	1,400	1,200	1,100	1,000	900	800	700	600	500	400
	50 and above	5,000	4,000	3,500	3,000	2,750	2,500	2,250	2,000	1,750	1,500	1,250	1,000
	—	25,000	20,000	17,500	15,000	13,800	12,500	11,300	10,000	8,800	7,500	6,300	5,000
	—	40,000	32,000	28,000	24,000	22,000	20,000	18,000	16,000	14,000	12,000	10,000	8,000
<i>Motorcars & dual-purpose vehicles</i> (<i>Passenger type</i>)	Up to 1000	12,500	10,000	8,800	7,500	6,900	6,300	5,600	5,000	4,400	3,800	3,100	2,500
	1001 - 1250	25,000	20,000	17,500	15,000	13,800	12,500	11,300	10,000	8,800	7,500	6,300	5,000
	1251 - 1500	40,000	32,000	28,000	24,000	22,000	20,000	18,000	16,000	14,000	12,000	10,000	8,000
	1501 - 1600	50,000	40,000	35,000	30,000	27,500	25,000	22,500	20,000	17,500	15,000	12,500	10,000
	1601 - 1750	60,000	48,000	42,000	36,000	33,000	30,000	27,000	24,000	21,000	18,000	15,000	12,000
	1751 - 2000	90,000	72,000	63,000	54,000	49,500	45,000	40,500	36,000	31,500	27,000	22,500	18,000
	2001 - 2500	120,000	96,000	84,000	72,000	66,000	60,000	54,000	48,000	42,000	36,000	30,000	24,000
	Above 2500	150,000	120,000	105,000	90,000	82,500	75,000	67,500	60,000	52,500	45,000	37,500	30,000

For the purposes of this Schedule, "First registration in Mauritius" means any motor vehicle or trailer registered under this Act for the first time in Mauritius

REGISTRATION FEE PAYABLE ON MOTOR VEHICLES AND TRAILERS