

# **National Land Transport Authority (Disciplinary Committee) Regulations 2022**

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## **THE NATIONAL LAND TRANSPORT AUTHORITY ACT 2019**

### **Regulations made by the Minister under section 21 of the National Land Transport Authority Act 2019**

#### **PART I – PRELIMINARY**

1. These regulations may be cited as the **National Land Transport Authority (Disciplinary Committee) Regulations 2022**.

#### **2. Interpretation**

In these regulations –

“Act” means the National Land Transport Authority Act 2019;

“licence” means a licence issued under the Act, the Light Rail Act 2019 and the Road Traffic Act.

#### **PART II – DISCIPLINARY COMMITTEE**

3. (1) There is set up, for the purposes of section 7(a) of the Act, a Disciplinary Committee.

(2) The Disciplinary Committee shall –

(a) initiate and hear any disciplinary proceedings against the holder of a licence, a permit or an authorisation issued by NLTA;

- (b) make recommendations to the Chief National Transport Commissioner on the suspension or revocation of a licence, a permit or an authorisation or the issue of a warning to a licensee, as the case may be.

(3) The Committee shall also consider disciplinary proceedings against the holder of a licence operating in Agaléga.

4. (1) The Disciplinary Committee shall consist of –

- (a) a Chairperson, or in his absence, a Vice-chairperson, appointed by the Minister, who shall be a law practitioner of not less than 3 years' standing; and
- (b) 4 other persons, to be appointed by the Prime Minister, who shall be retired public officers having wide experience or knowledge in public administration, law enforcement, finance, transport or in a related field.

(2) Where the Chairperson of the Disciplinary Committee is absent from a meeting of the Disciplinary Committee, the Vice-chairperson shall chair the meeting.

(3) (a) Where a matter referred to the Disciplinary Committee relates to road transport, the Road Transport Commissioner or his representative not below the rank of a Principal Road Transport Inspector, shall serve on the Disciplinary Committee.

(b) Where a matter referred to the Disciplinary Committee relates to light rail, the Light Rail Commissioner or his representative not below the rank of a Light Rail Inspector, shall serve on the Disciplinary Committee.

(c) Where a matter referred to the Disciplinary Committee relates to road transport and light rail, the Chief National Transport Commissioner shall designate either the Road Transport Commissioner or his representative or the Light Rail Commissioner or his representative to serve on the Disciplinary Committee.

(4) The Chairperson may co-opt such other members as he may consider necessary.

(5) The Disciplinary Committee shall meet as often as may be necessary but at least twice every month.

(6) At any meeting of the Disciplinary Committee, 3 members shall constitute a quorum.

**5.** (1) Where the Chief National Transport Commissioner has reason to believe that a licensee or his representative has breached any condition of a licence, a permit or an authorisation, he may refer the matter to the Disciplinary Committee.

(2) The Disciplinary Committee may, in course of a hearing, summon such witnesses as may be required to adduce evidence or produce such documents as may be necessary.

(3) A licensee or a person summoned under paragraph (2) may be accompanied by a legal representative and shall give prior notice in that respect to the Disciplinary Committee.

(4) The Disciplinary Committee shall regulate its meetings and proceedings in such manner as it may determine and may for that purpose follow such guidelines as NLTA may issue.

(5) Every member of the Disciplinary Committee shall be paid such fees or allowances as the Minister may determine.

(6) The Disciplinary Committee shall, not later than 15 working days after hearing a matter, submit its recommendations, including sanctions to be taken, if any, to the Chief National Transport Commissioner.

(7) The Chief National Transport Commissioner shall, on the recommendation of the Disciplinary Committee revoke or suspend a licence, or issue a warning to the licensee,

as the case may be, and shall, in accordance with the Road Traffic Act or Light Rail Act, as the case may be, notify the licensee of his decision, in writing, within 10 days.

(8) The Chief National Transport Commissioner may refer the matter to the Disciplinary Committee for the reconsideration thereof.

(9) Where a matter is referred back to the Disciplinary Committee for reconsideration under paragraph (8) –

- (a) the Chief National Transport Commissioner shall specify the reasons in support thereof;
- (b) the Disciplinary Committee shall reconsider the matter accordingly and shall submit its recommendations, with or without amendments, anew to the Chief National Transport Commissioner within a period of 15 days;
- (c) the recommendations of the Disciplinary Committee shall be final;
- (d) the Chief National Transport Commissioner shall implement the recommendation of the Disciplinary Committee; and
- (e) the Chief National Transport Commissioner shall, in accordance with the Road Traffic Act or Light Rail Act 2019, as the case may be, notify the licensee of the decision in writing within 10 days of being communicated with the recommendation of the Disciplinary Committee.

(10) Where any licence is suspended or revoked, the Chief National Transport Commissioner shall inform the Commissioner of Police accordingly in writing, within 10 days.

(11) The holder of the licence shall, after having been informed of the decision under paragraph (7), surrender his licence to the Chief National Transport Commissioner within 5 days of being communicated the decision of NLTA.

(12) Any holder of a licence who is aggrieved by the decision of the Chief National Transport Commissioner may, within 21 days of the decision communicated to him, appeal to the Appeal Committee.

(13) Where an appeal is lodged with the Appeal Committee, the decision of the Chief National Transport Commissioner shall be stayed.

(14) Every decision of the Committee shall be decided by a simple majority of the members present and voting.

(15) At a meeting of the Committee, each member shall have one vote and in the event of equality of votes, the Chairperson shall have a casting vote.

### **PART III – DISCIPLINARY COMMITTEE (RODRIGUES)**

**6.** (1) There is set up, for the purposes of section 16 of the Act, a Disciplinary Committee (Rodrigues).

(2) The Disciplinary Committee (Rodrigues) shall –

- (a) initiate and hear disciplinary proceedings against the holder of any licence, a permit or an authorisation issued by the Rodrigues Transport Committee; and
- (b) make recommendations to the Chief National Transport Commissioner in respect of the suspension or revocation of a licence, a permit or an authorisation.

(3) The Disciplinary Committee (Rodrigues) shall consist of –

- (a) a Chairperson or in his absence, a Vice-chairperson, who shall be a law practitioner of not less than 3 years' standing;
- (b) a representative of the Chief Commissioner's Office of the Rodrigues

Regional Assembly;

- (c) a representative of the Commission responsible for the subject of road traffic and transport in Rodrigues;
- (d) the Chief of Police in Rodrigues or his representative who shall not be below the rank of Assistant Superintendent; and
- (e) the Road Transport Commissioner or his representative.

(4) The Chairperson of the Disciplinary Committee may co-opt such other members as may be necessary.

(5) The Chairperson and Vice-chairperson referred to in paragraph (3)(a) shall be the Chairperson and Vice-chairperson appointed by the Minister under Regulation 4(1).

7. (1) Where the Chief National Transport Commissioner has reason to believe that a licensee or his representative has breached any condition of a licence, a permit or an authorisation, he may refer the matter to the Disciplinary Committee (Rodrigues).

(2) The Disciplinary Committee (Rodrigues) shall meet as often as may be necessary but at least every quarter.

(3) At any meeting of the Disciplinary Committee (Rodrigues), 3 members shall constitute a quorum.

(4) Where the Chairperson of the Disciplinary Committee (Rodrigues) is absent from a meeting of the Disciplinary Committee, the Vice-chairperson shall chair the meeting.

(5) The Road Transport Commissioner shall designate an appropriate officer to assist the Committee in its proceedings.

(6) The Disciplinary Committee (Rodrigues) may, in course of a hearing, summon such witnesses as may be required to adduce evidence or produce such documents as may be necessary.

(7) A licensee or a person summoned under paragraph (6) may be accompanied by a legal representative and shall give prior notice in that respect to the Disciplinary Committee (Rodrigues).

(8) The Disciplinary Committee (Rodrigues) shall regulate its meetings and proceedings in such manner as it may determine and may for that purpose follow such guidelines as NLTA may issue.

(9) Every member of the Disciplinary Committee (Rodrigues) shall be paid such fees or allowances as the Minister may determine.

(10) The Disciplinary Committee (Rodrigues) shall, not later than 15 working days after the hearing of a matter, submit its recommendations, including sanctions to be taken, if any, to the Chief National Transport Commissioner.

(11) The Chief National Transport Commissioner shall, on the recommendation of the Disciplinary Committee (Rodrigues) –

- (a) revoke or suspend a licence, or issue a warning, as the case may be, to the licensee; or
- (b) refer the matter to the Disciplinary Committee (Rodrigues) for the reconsideration thereof,

and shall, in accordance with the Road Traffic Act notify the licensee of his decision, in writing within 10 days.

(12) Where a matter is referred back to the Disciplinary Committee (Rodrigues) for reconsideration under paragraph (11)(b) –

- (a) the Chief National Transport Commissioner shall specify the reasons in support thereof;
- (b) the Disciplinary Committee (Rodrigues) shall reconsider the matter accordingly and shall submit its recommendations, with or without amendments, anew to the Chief National Transport Commissioner within a period of 15 days;
- (c) the recommendations of the Disciplinary Committee (Rodrigues) shall be final;
- (d) the Chief National Transport Commissioner shall implement the recommendation of the Disciplinary Committee (Rodrigues); and
- (e) the Chief National Transport Commissioner shall, in accordance with the Road Traffic Act notify the licensee of his decision in writing within 10 days.

(13) Where any licence is suspended or revoked, the Chief National Transport Commissioner shall inform the Commissioner of Police or his representative in Rodrigues accordingly in writing, within 10 days.

(14) The holder of the licence shall, after having been informed of the decision under paragraph (11), surrender his licence to the Chief National Transport Commissioner within 5 days of being communicated the decision of NLTA.

(15) (a) Any holder of a licence who is aggrieved by the decision of the Chief National Transport Commissioner may, within 21 days of the decision communicated to him, appeal to the Appeal Committee.

(b) Where an appeal is lodged with the Appeal Committee, the decision of the Chief National Transport Commissioner shall be stayed.



(16) Every decision of the Committee shall be decided by a simple majority of the members present and voting.

(17) At any meeting of the Committee, each member shall have one vote and in the event of equality of votes, the Chairperson shall have a casting vote.

#### **PART IV – MISCELLANEOUS**

8. Where a member of the Disciplinary Committee or the Disciplinary Committee (Rodrigues) has any interest, direct or indirect, in any matter before the Disciplinary Committee or the Disciplinary Committee (Rodrigues), as the case may be, he shall disclose his interest to the Committee in writing and shall not take part in the proceedings.

9. Any person who –

(a) after having been summoned –

(i) fails to attend a hearing;

(ii) refuses to answer a question put to him or fails to produce a document of which he has control or custody and which he is required to produce;  
or

(iii) knowingly gives false evidence; and

(b) otherwise contravenes these regulations,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

10. These regulations shall come into operation on 21 June 2022.

Made by the Minister on 16 June 2022.