

Road Traffic (Historic Motor Vehicles)-Regulations 2022

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THE ROAD TRAFFIC ACT

Regulations made by the Minister under section 190 of the Road Traffic Act

1. Citation

These regulations may be cited as the **Road Traffic (Historic Motor Vehicles) Regulations 2022**.

2. Interpretation

In these regulations -

"Act" means the Road Traffic Act;

"Appeal Committee" means the Appeal Committee set up under the National Land Transport Authority Act 2019;

"historic motor vehicle" -

(a) means a motor vehicle which -

- (i) is, as far as possible, preserved, maintained or has been restored in a historically correct condition;
- (ii) has a steering wheel on the left, on the right or in the centre;
- (iii) has 3 or more road wheels;
- (iv) is exclusively used for exhibition; but
- (v) is not used for any other commercial intent and purpose and the annual mileage is not above 1,000 kilometres;

(b) does not include -

- (i) a motor vehicle in respect of which a public service vehicle licence or road service licence is issued; or
- (ii) such other motor vehicle or rail-oriented vehicle as the Chief Commissioner may determine;

"manufacturer" means a person who owns the rights to design, make, assemble and market a historic motor vehicle;

"Motor Vehicle Identification Card" or "MVIC" means a card which contains all relevant information in respect of a historic motor vehicle;

"museum" means a historic motor vehicle museum.

3. Historic motor vehicle museum

(1) No person shall operate a museum unless -

- (a) he owns more than 10 historic motor vehicles in Mauritius; and
- (b) holds a licence for that purpose.

(2) Notwithstanding paragraph (1), no dealer in motor vehicles shall operate a museum.

(3) An application for a licence shall be made to the Chief Commissioner in such form and manner as he may determine.

(4) The Chief Commissioner may grant or reject an application under paragraph (3).

(5) The Chief Commissioner may, before granting an application -

- (a) consult such person; and
- (b) request the applicant to furnish such information or document, as he considers necessary.

(6) Where the Chief Commissioner grants an application, he shall issue a licence on such conditions as he may determine.

(7) (a) Where the Chief Commissioner rejects an application, he shall, not later than 14 days of his decision, inform the applicant.

(b) An applicant who is aggrieved by the decision of the Chief Commissioner to reject an application under subparagraph (a) may appeal to the Appeal Committee.

(8)(a) A licence shall be valid for an initial period of 10 years and may be renewed every 5 years.

(b) An application for the renewal of a licence shall be made at least 28 days before the expiry of the licence.

(c) Where the Chief Commissioner rejects an application for the renewal of a licence, he shall, not later than 14 days of his decision, inform the applicant.

(d) An applicant who is aggrieved by the decision of the Chief Commissioner to reject an application under subparagraph (c) may appeal to the Appeal Committee.

(e) Where the holder of a licence makes an application for the renewal of his licence after the delay specified in subparagraph (b), he shall be liable to pay a penalty of 1,000 rupees.

(9)(a) Where the Chief Commissioner has reason to believe that the holder of a licence has failed to comply with a condition of his licence, he may suspend or revoke the licence.

(b) The holder of a licence who is aggrieved by the decision of the Chief Commissioner to suspend or revoke his licence under subparagraph (a) may, not later than 10 days after having been informed of the decision, appeal to the Appeal Committee.

(10) (a) The holder of a licence shall keep records of every historic motor vehicle in his museum.

(b) The records under subparagraph (a) shall be -

- (i) available for inspection by the Chief Commissioner or his representative at any time; and
- (ii) kept as long as the historic motor vehicle is owned by the holder of the licence.

4. Importation of historic motor vehicle

(1) No person shall import a historic motor vehicle unless he holds a clearance certificate.

(2) An application for a clearance certificate in respect of a historic motor vehicle shall be made -

- (a) to the Chief Commissioner before the shipment of the vehicle; and
- (b) in such form and manner as the Chief Commissioner may determine.

(3) The Chief Commissioner may grant or reject an application under paragraph (1).

(4) The Chief Commissioner may, before granting an application -

- (a) consult such person; and
- (b) request the applicant to furnish such information or document,

as he considers necessary.

(5) The Chief Commissioner shall grant an application where he is satisfied

- (a) that all the particulars of the historic motor vehicle to be imported tally with the information provided in the application form;
- (b) that the application form has been duly completed and signed by an authorised person;
- (c) that the historic motor vehicle is safe for limited public road use; and
- (d) in case it is a modified historic motor vehicle, the requirements under regulation 6 are complied with.

(6) Where the Chief Commissioner grants an application, he shall issue a clearance certificate on such conditions as he may determine.

(7) (a) Where the Chief Commissioner rejects an application, he shall, not later than 14 days of his decision, inform the applicant.

(b) An applicant who is aggrieved by the decision of the Chief Commissioner to reject an application under subparagraph (a) may appeal to the Appeal Committee.

(8) A clearance certificate shall -

- (a) be valid for a period of 6 months;
- (b) not be transferable;
- (c) relate to the historic motor vehicle specified in the clearance certificate; and
- (d) be subject to such conditions as the Chief Commissioner may determine.

(9) A historic motor vehicle shall be shipped on or after the date of the issue of the clearance certificate but not after the date of validity of the certificate.

(10) The Chief Commissioner may, where the holder of a clearance certificate makes a request in writing to that effect, amend any matter contained in the certificate where he considers same to be reasonable and justifiable.

(11) The Chief Commissioner may cancel a clearance certificate where he is satisfied that -

- (a) the holder of the certificate no longer requires the certificate; or
- (b) the certificate was obtained by misrepresentation or fraud.

5. Importation of modified historic motor vehicle

(1) The Chief Commissioner may approve the importation of a historic motor vehicle which has wholly or partly been dismantled, reconditioned and reassembled, provided that -

- (a) the original manufacturer's parts have been used where available or the parts have been replaced with other parts bearing the same specifications; and
- (b) any deviation from the manufacturer's specifications in case of unavailability of parts is minor in nature.

(2) The Chief Commissioner may approve the importation of a historic motor vehicle which has been rebuilt through the assembly of parts, provided that -

- (a) the parts used were from one or more vehicles of the same model or type and the assembly is as close as possible to the manufacturer's original specifications;
- (b) the original manufacturer's parts have been used where available or the parts have been replaced with other parts bearing the same specifications; and
- (c) any deviation from manufacturer's specification in case of unavailability of parts is minor in nature.

6. Inspection of historic motor vehicle

(1) NLTA shall examine every historic motor vehicle on its arrival in Mauritius prior to its release by Customs.

(2) NLTA shall authorise the transfer of an imported historic motor vehicle to such place as the Chief Commissioner may approve where it is satisfied that -

- (a) all the particulars of the imported historic motor vehicle tally with the information provided in the clearance certificate; and
- (b) the imported historic motor vehicle complies with all regulatory roadworthiness requirements.

7. Registration of historic motor vehicle

(1) Every historic motor vehicle shall be registered with NLTA.

(2) An application for registration of a historic motor vehicle shall be made to the Chief Commissioner within 7 days of its importation in Mauritius.

(3) The application for registration shall be made in such form and manner as the Chief Commissioner may determine.

(4) The Chief Commissioner may, before registering a historic motor vehicle -

- (a) consult such person; and
- (b) request the applicant to furnish such information or document,

as he considers necessary

(5) Where the Chief Commissioner is satisfied that the application for registration complies with the requirements of these regulations and any other enactment, he shall -

- (a) cause the historic motor vehicle to be registered; and
- (b) subject to regulation 9, issue the historic motor vehicle with an MVIC.

(6) (a) Where the Chief Commissioner rejects an application for registration, he shall, not later than 14 days of his decision, inform the applicant.

(b) An applicant who is aggrieved by the decision of the Chief Commissioner to reject an application under subparagraph (a) may appeal to the Appeal Committee.

8. Motor Vehicle Identification Card

(1) The Chief Commissioner shall, on payment of a fee of 500 rupees, issue an MVIC to a historic motor vehicle on conditions, and in such form, as he may determine.

(2) An MVIC shall -

- (a) at all times, remain the property of NLTA; and
- (b) be valid until change of ownership.

(3)(a) Where NLTA has reason to believe that a condition of an MVIC has not been complied with, it may withdraw the MVIC.

(b) Where an MVIC is withdrawn, the holder of the MVIC shall forthwith surrender the MVIC to NLTA.

(c) NLTA may restore an MVIC to its holder where it is satisfied that he has complied with the breach of the condition.

(4) (a) An MVIC shall, in respect of a historic motor vehicle, comprise the following information -

- (i) the date of manufacture;
- (ii) the classification;
- (iii) the chassis number;
- (iv) the frame number;
- (v) the serial number;
- (vi) the engine number; and
- (vii) such other information as the Chief Commissioner may consider necessary.

(b) For a historic motor vehicle which is originally only identifiable by its engine number, the engine number shall be regarded as its serial number.

(c) A duplicate MVIC may be issued by NLTA on payment of a fee of 1,000 rupees.

9. Transferability of ownership of historic motor vehicle

(1) (a) The ownership of a historic motor vehicle imported into Mauritius shall, unless the Chief Commissioner so authorises, not be transferable in Mauritius.

(b) Any ownership transfer must be preceded by de-registration.

(2) Where a historic motor vehicle is exported to another country, the owner of the vehicle shall inform the Chief Commissioner.

10. Registration mark of historic motor vehicle

(1) Regulations 56 to 60 of the Road Traffic (Construction and Use of Motor Vehicles) Regulations 2010 shall not apply to a historic motor vehicle.

(2) NI-TA shall, on payment of a fee of 1,000 rupees, register a historic motor vehicle with a registration mark allocated by NI-TA.

(3) Notwithstanding paragraph (2), a historic motor vehicle may, on payment of a fee of 1,000 rupees, be allocated its original unique registration mark.

(4) An application for registration or allocation of a registration mark under paragraph (2) or (3) shall be made in such form and manner as the Chief Commissioner may determine.

(5) The Chief Commissioner may, before allocating a historic motor vehicle with a registration mark -

(a) consult such person; and

(b) request the applicant to furnish such information or document,

as he considers necessary.

(6) (a) Where the Chief Commissioner rejects an application for registration or allocation, he shall, not later than 14 days of his decision, inform the applicant.

(b) An applicant who is aggrieved by the decision of the Chief Commissioner to reject an application for registration or allocation under paragraph (a) may appeal to the Appeal Committee.

(7) An original unique registration mark allocated to a historic motor vehicle shall be composed of alphabetic, numeric or alpha numeric characters on a plate affixed to the vehicle which shall be appropriate to the vehicle's original condition.

(8) An original unique registration mark allocated to a historic motor vehicle shall -

(a) remain the property of NLTA as long as the vehicle is in Mauritius and has been registered under that registration mark; and

(b) shall not be transferable.

(9) No duplication with an existing registration mark shall be permitted while the historic motor vehicle is driven on a public road.

11. Physical condition of historic motor vehicle

A historic motor vehicle shall, as far as reasonably possible, be preserved and maintained in a good condition.

12. Modification of historic motor vehicle

(1) The original design of a historic motor vehicle shall, as far as practicable, not be altered where a modification is made to the vehicle.

(2) Where a substantial modification is made to a historic motor vehicle, the owner of the vehicle shall, not later than 3 months after the modification, notify the Chief Commissioner.

13. Roadworthiness test

A roadworthiness test shall not apply in respect of a historic motor vehicle.

14. Hours of movement of historic motor vehicle

(1) Subject to paragraph (2), no person shall drive a historic motor vehicle on a public road.

(2) A person may, on such conditions as the Chief Commissioner may determine, drive a historic motor vehicle on a public road for the purpose of—

(a) maintenance and refueling during 6 a.m. and 6 p.m; or

(b) exhibition, under police escort, during 6 a.m. and 11 P.M.

15. Judicial review

(1) A person who is aggrieved by the decision of the Appeal Committee under these regulations may make an application for judicial review before the Supreme Court.

(2) Where—

(a) an application for the renewal of a licence is rejected under regulation 3(8)(d);

(b) a licence is suspended or revoked under regulation 3(9)(b),

the licence shall, until determination by the Appeal Committee or Supreme Court, as the case may be, continue to be in force notwithstanding its non-renewal, suspension or revocation.

16. Commencement

These regulations shall come into operation on 1 October 2022.

Made by the Minister on 29 September 2022.