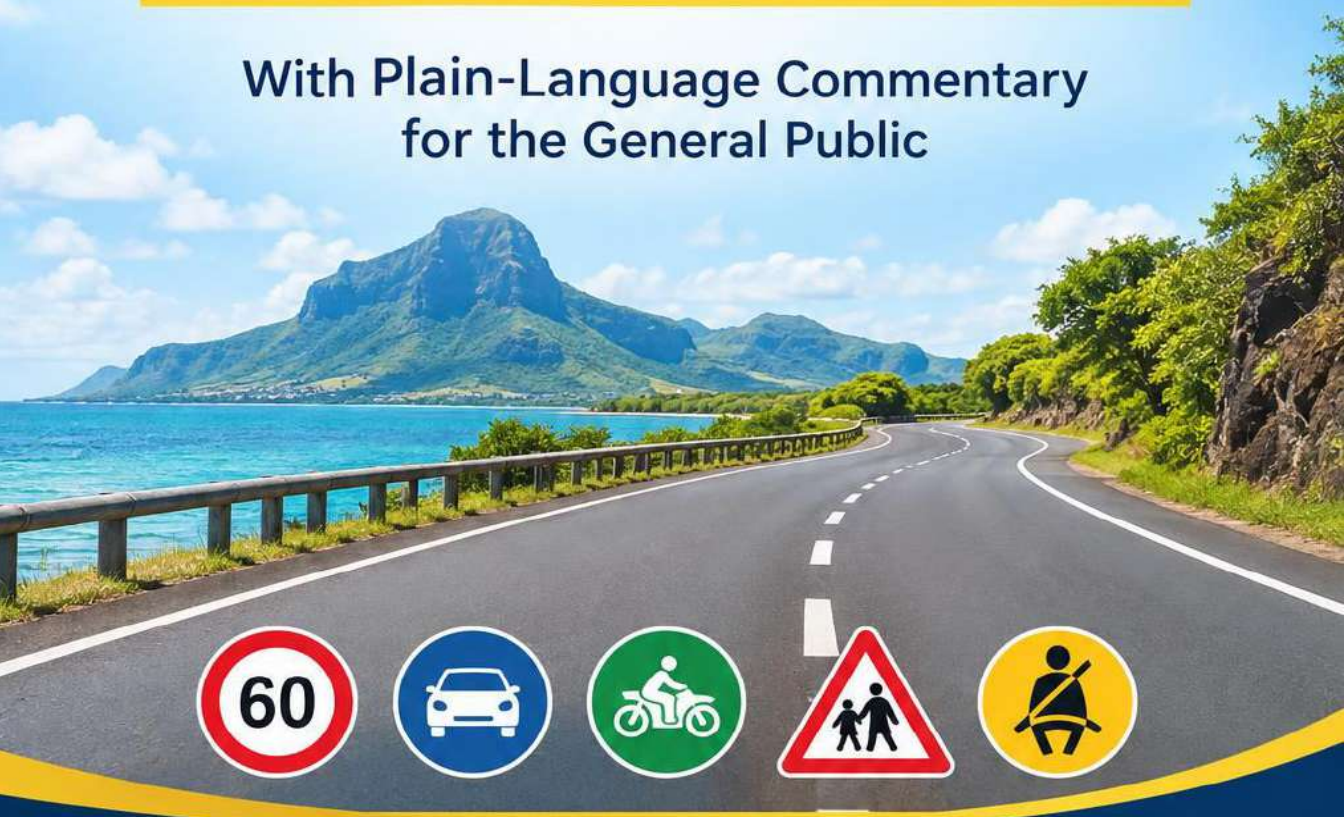
ROAD TRAFFIC ACT OF MAURITIUS

ANNOTATED EDITION

With Plain-Language Commentary
for the General Public



Republic of Mauritius

Consolidated Version Incorporating
Amendments up to Act No. 15 of 2026

PUBLISHED BY

ROADSAFETYMORIS.ORG.IN

Your Trusted Source for Road Safety Information in Mauritius

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PREFACE

Welcome to the Annotated Edition of the Road Traffic Act of Mauritius, brought to you by **roadsafetymoris.org.in**.

This publication serves a simple but vital purpose: to make the law accessible to everyone. The Road Traffic Act governs how we use our roads—whether you are a driver, a pedestrian, a cyclist, a driving instructor, or simply someone who wants to understand your rights and responsibilities.

For too long, the law has remained locked in legal language that only lawyers and judges could easily understand. This annotated edition changes that. Here, you will find:

1. **The Complete Legal Text** — Every section, clause, and schedule of the Road Traffic Act is reproduced exactly as it appears in the official consolidated version, without omission or alteration.
2. **Clear Explanations** — After each section, you will find a plain-language explanation that tells you what the law actually means in everyday terms.
3. **Practical Examples** — Where helpful, we provide real-world scenarios so you can see how the law applies to situations you might encounter.

At **roadsafetymoris.org.in**, we believe that understanding the law is the first step toward safer roads for everyone. When drivers know the rules—and understand why they exist—our roads become safer places for all.

This book is organised to follow the exact structure of the Act, from Part I through to the Schedules. You can read it from beginning to end, or use the Table of Contents to find the specific sections that matter most to you.

Thank you for choosing to learn more about road traffic law in Mauritius. Together, we can build a culture of safety and responsibility on our roads.

For more resources, visit roadsafetymoris.org.in.

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"cio" stands for **"coming into operation"**.

PART I – PRELIMINARY

INTRODUCTION TO PART I

Welcome to Part I of the Road Traffic Act of Mauritius. This opening part establishes the foundation for everything that follows. Think of it as the "starting point" of the law—it tells us what the Act is called and, crucially, what all the important words and phrases mean.

Why This Matters: When you read a law, you might think you know what words like "driver" or "road" mean. But in law, these words have precise definitions that may be broader or narrower than everyday usage. Understanding these definitions helps you understand exactly what the law requires of you.

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Section 1: Short Title

VERBATIM TEXT

1. Short title

This Act may be cited as the Road Traffic Act.

EXPLANATORY COMMENTARY

This section simply tells us the official name of the law: the **Road Traffic Act**. When lawyers or officials refer to "the Act," they mean this document.

Think of it like the title on the cover of a book—it's how we identify which law we're talking about. In Mauritius, there are many laws, so having a clear title helps avoid confusion.

Key Takeaway: Whenever you see "the Road Traffic Act" mentioned in official documents, signs, or legal proceedings, it refers to this specific piece of legislation that governs all matters related to vehicles and traffic on Mauritian roads.

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For more resources, visit roadsafetymoris.org.in.

Section 2: Interpretation

VERBATIM TEXT

2. Interpretation

In this Act -

“actual owner”, in relation to a vehicle, means the person who, under the civil law, is its owner;

“Agreed Statement of Facts Form” means the form specified in section 68B(1)(a);

“Appeal Committee” means the Appeal Committee set up under the National Land Transport Authority 2019; [Inserted 18/19 (cio 16/9/19).]

“articulated vehicle” means a vehicle with a trailer so attached to the drawing vehicle that part of the trailer is superimposed upon the drawing vehicle and, when the trailer is uniformly loaded, not less than 20 per cent of the weight of its load is borne by the drawing vehicle;

“authorised examiner” means a person licensed by the Chief Commissioner to operate an examination station for the examination of motor vehicles and trailers; [RR 19/16 (cio 3/11/16); amended 18/19 (cio 16/19/19).]

“authorised officer” means any officer who is designated, in writing, by the Chief Commissioner to exercise such powers and discharge such duties as may be assigned by the Chief Commissioner; [Inserted 19/16 (cio 3/11/16); amended 18/19 (cio 16/19/19).]

“authorised vehicle”, in relation to any carrier’s licence issued under Part VI, means the motor vehicle and any trailer authorised to be used under the licence;

“auto cycle” has the meaning assigned to it in section 4;

“axle weight”, in relation to an axle of a vehicle, means the aggregate weight transmitted to the surface of the road or other base on which the vehicle moves or rests by the several wheels attached to that axle;

“base” means the place from which the holder of a licence is permitted to carry on his business;

“breath test” means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Minister, an indication whether the proportion of alcohol in a person’s breath, blood or urine is likely to exceed the prescribed limit; [Amended 6/19 (cio 1/6/22).]

“bus” has the meaning assigned to it in section 75;

“carriage of goods” includes the haulage of goods;

“carriageway” -

(a) means that part of a road designed for and constructed to be used by vehicular traffic or used or reasonably usable for that purpose; but

(b) does not include a cycle track;

"certificate of fitness" means a certificate of fitness issued under section 114; [Inserted 19/16 (cio 3/11/16).]

"Chief Commissioner" means the Chief National Transport Commissioner referred to in the National Land Transport Authority Act 2019; [Inserted 18/19 (cio 16/9/19).]

"Chief Examiner" means the person appointed under this Act to be in charge of all vehicle examiners;

"classic or vintage motor car" means a motor car aged 40 years or more from the date of its original registration in or outside Mauritius; [Inserted 27/12 (cio 2212/12); amended 10/17 (cio 24/7/17); RR 10/2023 (cio 5/3/2024); RR 11/24 (cio 27/7/24).]

"Commissioner of Police" includes any police officer not below the rank of Assistant Superintendent authorised by the Commissioner of Police, in writing, to exercise the powers vested by this Act in the Commissioner of Police;

"Committee" means the Motor Vehicle Insurance Arbitration Committee established under section 68F;

"conductor" means any person who -

(a) holds a valid conductor's licence issued by the NLTA; and [Amended 18/19 (cio 16/9/19).]

(b) holds, or is employed by the holder of, a road service licence; [Inserted 21/11 (cio 1/11/11).]

"contract bus" has the meaning assigned to it in section 75;

"current registration mark" means a registration mark assigned as from 10 April 1992 by the Chief Commissioner; [Inserted 27/12 (cio 2212/12); amended 18/19 (cio 16/9/19).]

"cycle" -

(a) includes a bicycle, tricycle and other cycle not driven by mechanical power;

(b) does not include a perambulator or an invalid chair;

"cycle track" means a portion of a road, exclusive of the carriageway, set aside for use solely by persons riding cycles;

"dangerous driving" means -

(a) driving in a way that falls far below what is expected of a competent and careful driver; or

(b) driving a motor vehicle in a dangerous state, such that there is a danger of injury to a person or of serious damage to property;

"dealer" means a dealer in motor vehicles;

"diameter", in relation to the wheel of a motor vehicle or trailer, means the overall distance measured between the 2 opposite points in the surface of a tyre which are furthest apart;

"digital driving licence" means an electronic version of a driving licence which shall be in such form as may be prescribed; [Inserted 15/26 (cio 4/9/26).]

"double cab pickup" means a motor vehicle which has -

(a) a front passenger cabin which contains 2 rows of seats and is capable of seating a maximum of 4 persons excluding the driver;

(b) at least 2 doors capable of being opened separately; and

(c) an open pickup area behind the passenger cabin; [Inserted 27/12 (cio 2212/12).]

"driver" means -

(a) in respect of a vehicle, the person having control of its steering apparatus;

(b) in respect of a trailer, the person driving the vehicle by which the trailer is being drawn; and

(c) in respect of an animal drawn vehicle, the person driving the animal;

"driving examiner" means a person appointed under this Act to examine any person applying for a driving licence;

"driving licence" -

(a) means a licence to drive a motor vehicle, granted under Part IV and comprising a licence card in the form set out in the Tenth Schedule; and [Amended 17/12 (cio 10/5/13); 7/15 (cio 27/7/15).]

(b) except in sections 41 to 45, includes a licence to drive a motor vehicle issued under any enactment relating to motor vehicles in Mauritius;

"drug" means a drug specified in the Thirteenth Schedule; [RR 6/19 (cio 1/6/22).]

"dual purpose vehicle" means a vehicle, constructed or adapted for the carriage both of passengers and of goods or burden of any description, whose unladen weight does not exceed 2 tons, and which -

(a) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle; or

(b) satisfies the following conditions as to construction -

(i) the vehicle is permanently fitted with a rigid roof, with or without a sliding panel;

(ii) the area of the vehicle to the rear of the driver's seat is -

(A) permanently fitted with at least one row of transverse seats (fixed or folding) for 2 or more passengers and those seats are properly sprung or cushioned and provided with upholstered backrests, attached either to the seats or to a side or the floor of the vehicle; and

(B) lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 2 square feet on each side and not less than 120 square inches at the rear; and

(iii) the distance between the rearmost part of the steering wheel and the backrests of the row of transverse seats satisfying the requirements specified in subparagraph (ii)(A) or, where there is more than one row of seats, the distance between the rearmost part of the steering wheel and the backrests of the rearmost row is, when the seats are ready for use, not less than one third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

"duty-paid value", in respect of a motor vehicle or a trailer, means -

(a) the value of the motor vehicle or trailer; and

(b) any duty, excise duty or taxes payable on the motor vehicle or trailer;

"electric motor vehicle" -

(a) means a vehicle which is powered by an electric motor drawing current from -

(i) rechargeable storage batteries, fuel cells, or other portable sources of electrical current; or

(ii) a non-electrical source of power designed to charge batteries and their components; but

(b) does not include a light rail vehicle;

[Inserted 27/12 (cio 2212/12); RR 18/19 (cio 16/9/19).]

"emergency vehicle" includes an ambulance, or a vehicle belonging to the Police, the Mauritius Prison Service or the Mauritius Fire and Rescue Service and displaying an intermittently flashing identification lamp as may be prescribed; [Inserted 17/12 (cio 10/5/13); amended 15/26 (cio 4/9/26).]

"Endorsement Certificate" means a certificate in the form set out in the Ninth Schedule; [Inserted 29/25 (cio 31/1/26).]

"examination station" means an examination station approved by the Commissioner for the examination of motor vehicles and trailers; [Inserted 19/16 (cio 3/11/16).]

"fail" includes refuse;

"fare" -

(a) means the amount paid or payable for a passenger's conveyance in a public service vehicle or for the hire of a whole passenger carrying public service vehicle; and

(b) includes any sum paid or payable for the conveyance of luggage in excess of any free allowance and any other sum lawfully charged or chargeable by the owner of a public service vehicle or by his representative in connection with the conveyance of a passenger in that vehicle;

"field impairment test" means a test conducted by a police officer on a person in order to assess, by observation, the person's physical state; [Inserted 6/19 (cio 1/6/22).]

"Fixed Penalty Notice" or "FPN" means a notice referred to in section 191; [Inserted 17/12 (cio 10/5/13).]

"footpath" means a portion of a road, exclusive of the carriageway, set aside for use solely by pedestrians;

"goods" includes burden of any description;

"goods vehicle" has the meaning assigned to it in section 83;

"gross weight" means the unladen weight of a motor vehicle or trailer, together with such weight of goods, passengers or both as the vehicle or trailer may be authorised to carry;

"hard shoulder" means a paved surface contiguous to the left side of a carriageway; [Inserted 17/12 (cio 10/5/13).]

"heavy goods vehicle" means a heavy vehicle or a heavy trailer constructed or adapted for use for the carriage of goods;

"heavy locomotive" has the meaning assigned to it in section 4;

"heavy trailer" means a trailer of a gross weight of not less than 4,000 kilogrammes;

"heavy vehicle" means a motor vehicle of a gross weight of not less than 4,000 kilogrammes;

"hospital" -

(a) means a State-controlled or private medical institution which provides medical or surgical treatment for in-patients or out-patients; and

(b) includes a health centre; [Repealed and replaced 21/11 (cio 1/11/11).]

"hybrid electric vehicle" means an electric vehicle which, for the purpose of its mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy or power -

(a) a consumable fuel; and

(b) an electric energy or power storage device; [Inserted 19/16 (cio 3/11/16).]

"hybrid motor vehicle" means a motor vehicle which, for the purpose of its mechanical propulsion, has at least 2 different energy converters and 2 different on-vehicle energy storage systems; [Inserted 19/16 (cio 3/11/16).]

"insurance vignette" means a vignette issued by an insurer certifying that a motor vehicle is covered by a policy of insurance or a security in respect of third party risks;

"international driving permit" -

(a) means an International Driving Permit; and

(b) includes a driving licence or permit issued by a competent foreign authority and made to have effect in Mauritius by virtue of regulations made under this Act; [Inserted 7/15 (cio 27/7/15).]

"intoxicating substance" -

(a) means a dangerous drug specified in the First Schedule to the Dangerous Drugs Act, other than a drug specified in Part I of the Thirteenth Schedule; and

(b) includes such other intoxicating substance as may be prescribed; [Inserted 6/19 (cio 1/6/22).]

"invalid carriage" has the meaning assigned to it in section 4;

"laden weight" means the net weight of a motor vehicle or trailer, together with the actual weight of goods or passengers or both carried by the vehicle or trailer;

"leased vehicle" means a motor vehicle or trailer leased by an institution agréée for the purposes of article 2202-2 of the Code Civil Mauricien, and which is the holder of a leasing licence;

"level crossing" has the same meaning as in the Light Rail Act 2019; [Inserted 18/19 (cio 16/9/19).]

"licensing officer" means a person designated by the Commissioner of Police to exercise the powers, and carry out the duties, of licensing officer under Parts IV and VIIIA; [Amended 17/12 (cio 10/5/13).]

"light locomotive" has the meaning assigned to it in section 4;

"light rail vehicle" has the same meaning as in the Light Rail Act 2019; [Inserted 18/19 (cio 16/9/19).]

"light trailer" means a trailer with pneumatic tyres, the gross weight of which does not exceed 2,000 pounds;

"lighting-up time" means the time from sunset to sunrise;

"local authority" means a municipal council or town council;

"MIPD" has the same meaning as in the Transcription and Mortgage Act; [Inserted 26/13 (cio 19/5/14).]

"Minister" means the Minister to whom responsibility for the subject of land transport and road traffic is assigned;

"Minor Road Accident Report Form" means the form specified in section 68C(1)(b);

"motor car" has the meaning assigned to it in section 4;

"motorcycle" has the meaning assigned to it in section 4;

"motor tractor" has the meaning assigned to it in section 4;

"motor vehicle" -

(a) means a vehicle which is self-propelled by means of motor, intended for use, or capable of being used, on roads unless the vehicle has, by regulations, been excluded from this definition; and

(b) includes -

(i) a vehicle propelled by a combustion engine;

(ii) an electric motor vehicle; and

(iii) a hybrid motor vehicle;

[RR 18/19 (cio 16/9/19).]

"NLTA" means the National Land Transport Authority referred to in the National Land Transport Authority Act 2019; [Inserted 18/19 (cio 16/9/19).]

"NTC" means the Corporation established under section 3 of the National Transport Corporation Act;

"non-resident" means a person who is not ordinarily resident in Mauritius;

"offence code" means the code specified in the third column of the Third Schedule; [Inserted 17/12 (cio 10/5/13).]

"old registration mark" -

(a) means any number between 1 and 10,000;

(b) includes any combination of -

(i) a letter from A to Z followed by a number between 1 and 9999, subject to such exception as the Chief Commissioner may determine; or

(ii) 2 letters from AA to ZZ followed by a number between 1 and 9999, subject to such exception as the Chief Commissioner may determine;

[RR. 11/18 (cio 9/8/18); 18/25 (cio 9/8/25).]

"owner" means -

(a) the person in whose name a vehicle is registered or, where that person is deceased or absent from Mauritius or that vehicle is not registered, the person in possession of the vehicle; and

(b) in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, the person in possession of the vehicle under the agreement;

"paid driver" means a person who drives a motor vehicle in return for a salary or other remuneration;

"park", in relation to a vehicle, means keep it, whether occupied or not, stationary for a period greater than is reasonably necessary for -

(a) the taking up or setting down of passengers; or

(b) the loading or unloading of goods;

"PEDN" means a Photographic Enforcement Device Notice; [Inserted 17/12 (cio 10/5/13).]

"penalty points" means points within the range specified in the third column of the Third Schedule; [Inserted 29/25 (cio 31/1/26).]

"Penalty Points Certificate" -

(a) means a certificate in the form set out in the Eleventh Schedule; and

(b) includes a certificate in such digital form as the Minister may approve;

[Inserted 29/25 (cio 31/1/26).]

"Permanent Secretary" means the Permanent Secretary of the Ministry;

"permitted maximum number of penalty points" means, in the case of the holder of -

(a) a provisional driving licence, a maximum of 10 penalty points accumulated by the holder during a period of 36 months;

(b) a driving licence which is not a provisional driving licence, a maximum of 15 penalty points accumulated by the holder during a period of 36 months; or

(c) an international driving permit, a maximum of 15 penalty points accumulated by the holder during a period of 36 months;

[Inserted 29/25 (cio 31/1/26).]

"personalised registration mark" means a registration mark, other than a current registration mark or an old registration mark, which is -

(a) composed by the owner of the vehicle in such manner as may be prescribed; and

(b) assigned by the Chief Commissioner;

[Inserted 27/12 (cio 2212/12); amended 18/19 (cio 16/9/19).]

"Photographic Enforcement Device Notice" or "PEDN" means a notice issued pursuant to section 195; [Inserted 17/12 (cio 10/5/13).]

"place of safety" means -

(a) the premises of a police station; or

(b) such other place of safety as the Commissioner of Police may approve;

[Inserted 15/26 (cio 4/9/26).]

"policy of insurance", in relation to Part V, includes a covering note in the prescribed form;

"preliminary drug test" means a test conducted on a person for the purpose of obtaining, by means of a device of a type approved by the Minister, an indication whether the person is under the influence of a drug; [Inserted 6/19 (cio 1/6/22).]

"prescribed limit" means, in relation to Part VIIIA -

(a) 9 microgrammes of alcohol in 100 millilitres of breath; [Amended 12/18 (cio 1/10/18).]

(b) 20 milligrammes of alcohol in 100 millilitres of blood; [Amended 12/18 (cio 1/10/18).]

(c) 27 milligrammes of alcohol in 100 millilitres of urine; or [Amended 12/18 (cio 1/10/18).]

(d) such proportion as may be prescribed;

"provisional driving licence" means a provisional driving licence granted under section 44(2); [Inserted 7/15 (cio 27/7/15).]

"public place" includes a public way or place, other than a building, to which the public is entitled or permitted to have access, with or without condition;

"public service vehicle" means a motor vehicle used for carrying passengers for hire or reward;

"RDDS" has the same meaning as in the Registration Duty Act; [Inserted 9/15 (cio 2/7/15).]

"redemption application form" means a redemption application form set out in the Twelfth Schedule; [Inserted 29/25 (cio 31/1/26).]

"registration fee" means the fee payable under this Act and includes any surcharge on the fee or any penalty imposed by this Act;

"registration mark" means a registered number, or a registered letter and number, or registered letters and number or numbers assigned to a motor vehicle or trailer by the Commissioner; [Inserted 27/12 (cio 2212/12).]

"rehabilitation course" means a course referred to in section 123AI; [Inserted 7/15 (cio 27/7/15).]

"road" means -

(a) a public street, road, bridge and thoroughfare;

(b) a place over which the public has a right of way for motor vehicles;

(c) any other road to which the public is granted access; [Amended 18/19 (cio 16/9/19).]

(d) a road reserve not under cultivation or occupied by buildings; and [Amended 18/19 (cio 16/9/19).]

(e) a level crossing; [Added 18/19 (cio 16/9/19).]

"Road Development Authority" means the Road Development Authority established under the Road Development Authority Act;

"road transport inspector" means an officer appointed under section 3(2) who is assigned in writing by the Chief Commissioner to exercise the powers and duties of a road transport inspector; [Amended 18/19 (cio 16/9/19).]

"seals", for the purposes of Part VIIIB, includes such device as the Commissioner of Police may approve; [Inserted 15/26 (cio 4/9/26).]

"shuttle bus" has the meaning assigned to it under section 75(e); [Inserted 10/23 (cio 21/8/23).]

"specified limit", in relation to a drug specified in the first column of Part II of the Thirteenth Schedule, means the corresponding threshold limit specified in the second column of Part II of that Schedule; [Inserted 6/19 (cio 1/6/22).]

"stand" means a place at which a vehicle is authorised to stop for a longer time than is necessary for -

(a) the taking up or setting down of passengers; or

(b) the loading or unloading of goods;

"stand regulator" means any person who -

(a) holds a valid stand regulator's licence issued by the NLTA; and [Amended 18/19 (cio 16/9/19).]

(b) is employed by the holder of a road service licence; [Inserted 2/11 (cio 1/11/11).]

"statutory attendant" means a person employed under section 147 for attending to a locomotive or a trailer;

"stopping place" means a place at which a vehicle is authorised under this Act to stop for so long as is necessary for taking up or setting down passengers;

"structure" includes -

(a) a building, pole, power line, petrol pump, machinery, wall, plantation or hedge and any other object which could in like manner cause an obstruction; and

(b) an external alteration or addition to a structure;

"taxi" has the meaning assigned to it in section 75;

"taxi operator" has the same meaning as in the Taxi Operators Welfare Fund Act 2021; [Inserted 6/2021 (cio 3/1/22).]

"ton" means a metric ton of 2,200 pounds avoirdupois;

"total piston displacement", in relation to the engine of a motor vehicle, means -

(a) where the engine has not been modified after manufacture and -

(i) the total piston displacement has been specified by the manufacturer in cubic centimetres, the total piston displacement so specified; or

(ii) the total piston displacement has been specified by the manufacturer in cubic inches, the total piston displacement so specified multiplied by 16.39;

(b) where the engine has been modified after manufacture, the total piston displacement as determined by the Chief Commissioner; and [Amended 18/19 (cio 16/9/19).]

(c) in any other case, the total piston displacement as determined by the Chief Commissioner; [Amended 18/19 (cio 16/9/19).]

"traffic" includes vehicles, pedestrians, structures or objects being carried, pushed, pulled or led during a procession, processions and bodies of troops, and all animals being ridden, driven or led; [Amended 8/24 (cio 10/1/25).]

"traffic sign" -

(a) means an object or device on a road, whether fixed or portable, for conveying warnings, information, requirements, restrictions, prohibitions of any description prescribed or authorised under this Act to traffic or a specified description of traffic; and

(b) includes a line or mark on a road for conveying the warnings, information, requirements, restrictions or prohibitions;

"traffic warden" means an officer appointed under section 3(2) who is assigned, in writing, by the Chief Commissioner to exercise the powers and duties of a traffic warden and to enforce any regulations made under section 190(4)(n); [Amended 18/19 (cio 16/9/19).]

"trailer" -

(a) means a vehicle, other than a light rail vehicle, which has no independent motive power of its own and which is drawn, or designed to be drawn, by a motor vehicle; and [Amended 18/19 (cio 16/9/19).]

(b) does not include a sidecar attached to a motorcycle, nor a farm implement that is not constructed or adapted for the conveyance of goods or burden of any description;

"use" means use on a road;

"vehicle" includes an engine, wagon, dray, cart, carriage, bicycle, or other means of carrying goods or persons by land, having 2 or more wheels, whether drawn or propelled by human, animal, steam, electric or other power;

"vehicle examiner" means an officer appointed under section 3(2) who is assigned, in writing, by the Chief Commissioner the exercise of the powers and duties of a vehicle examiner; [Amended 18/19 (cio 16/9/19).]

"vehicle tester" means a qualified person employed by an authorised examiner to carry out examinations of motor vehicles;

"weight unladen" means the weight of a vehicle which -

(a) includes the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road; but

(b) excludes the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or of loose tools and loose equipment.

EXPLANATORY COMMENTARY

This is the most important section for understanding the rest of the Act. It's like a dictionary that tells you exactly what key words mean whenever they appear in the law.

Why Definitions Matter

In everyday conversation, you might say "I'm the owner of that car" without thinking twice. But in law, "owner" has a specific meaning that can affect who is responsible for fines, who can be prosecuted, and who has legal rights.

Let's look at some of the most important definitions:

Who Is a "Driver"?

The law says a driver is "the person having control of its steering apparatus." This means whoever is behind the wheel and steering the vehicle. If you're pushing a car that has broken down, you're not the driver. If you're sitting in the passenger seat while someone else steers, you're not the driver. The person controlling the steering is the driver.

> *Example:* If your friend is steering the car while you push it, your friend is the "driver" in the eyes of the law—even though the engine is off.

What Is a "Road"?

The definition of "road" is surprisingly broad. It includes:

- Public streets, bridges, and thoroughfares
- Places where the public has a right of way for motor vehicles
- Any other road to which the public has access
- Road reserves not under cultivation or occupied by buildings
- Level crossings

This means that even a private road that the public can access—like a road in a shopping centre or a hotel driveway—can be considered a "road" under this Act. The rules apply there too.

What Is a "Motor Vehicle"?

A motor vehicle is anything self-propelled by a motor that's intended for use on roads. This includes:

- Vehicles with combustion engines (petrol or diesel)
- Electric vehicles
- Hybrid vehicles

However, certain vehicles can be excluded by regulations. So if you're wondering whether your particular vehicle is covered, you need to check the regulations.

Understanding "Owner"

The law recognises two types of owners:

1. **The registered owner** —the person whose name appears on the vehicle registration.
2. **The actual owner** —the person who, under civil law, actually owns the vehicle.

These can be different people. For example, if you buy a car on hire-purchase, the finance company might be the actual owner until you finish paying, but you might be the registered owner.

"Park" vs. "Stand" vs. "Stop"

The law distinguishes between these three:

- **Parking** means leaving your vehicle stationary for longer than is reasonably necessary for picking up passengers or loading goods.
- **Standing** means stopping for longer than necessary but at a designated place.
- **Stopping** means coming to a halt for as long as necessary to pick up or set down passengers.

> *Example:* If you pull over to let a passenger out, that's "stopping." If you wait there for 10 minutes to see if someone else needs a ride, that might be "parking"—which could be illegal if you're in a no-parking zone.

Blood Alcohol Limits

The "prescribed limit" for alcohol is:

- 9 microgrammes per 100 millilitres of breath
- 20 milligrammes per 100 millilitres of blood
- 27 milligrammes per 100 millilitres of urine

These are very low limits. For most people, even one or two drinks could put them over the limit. This is why the safest approach is simply not to drink at all if you're going to drive.

Key Definitions for Penalty Points

The law now includes "penalty points" as part of its enforcement system. The permitted maximum number of penalty points is:

- 10 points for provisional licence holders (accumulated over 36 months)
- 15 points for full licence holders (accumulated over 36 months)
- 15 points for international driving permit holders (accumulated over 36 months)

If you exceed these limits, you can be disqualified from driving.

Key Takeaway: This section defines all the important terms used throughout the Act. Understanding these definitions helps you understand your rights and responsibilities. When in doubt about what a word means in the context of road traffic law, this section is your reference.

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End of Part I – Preliminary

SUMMARY OF PART I

Part I establishes the foundation for the entire Road Traffic Act. Section 1 gives us the official title, while Section 2 provides the crucial definitions that shape how we understand every other provision in the law.

The definitions in Section 2 are essential reading for anyone who wants to understand their rights and obligations under the Act. Whether you're a driver, a vehicle owner, a pedestrian, or a business operator, these definitions affect you.

Key Points to Remember:

- The Act is called the "Road Traffic Act"
- Definitions in Section 2 apply throughout the Act

- “Driver” means the person controlling the steering
- “Road” has a broad meaning that includes many places beyond public highways
- “Owner” can mean either the registered owner or the actual owner
- The law distinguishes between parking, standing, and stopping
- Alcohol limits are very low—the safest choice is not to drink and drive

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART II – REGISTRATION OF MOTOR VEHICLES AND TRAILERS

INTRODUCTION TO PART II

Welcome to Part II of the Road Traffic Act of Mauritius, brought to you by **roadsafetymoris.org.in**.

This part of the law deals with one of the most fundamental aspects of vehicle ownership: **registration**. Before any motor vehicle or trailer can legally be used on a Mauritian road, it must be registered with the authorities. This isn't just bureaucratic paperwork—it's the foundation of a system that helps track vehicles, ensure accountability, and maintain road safety.

Think of vehicle registration like a birth certificate for your car. It establishes the vehicle's official identity, records who owns it, and creates a paper trail that authorities can use to trace vehicles when needed—whether for enforcing traffic laws, investigating accidents, or preventing vehicle crime.

In this part, you'll learn about:

- How to register a vehicle
- What happens when you buy or sell a vehicle
- Your rights and responsibilities as a vehicle owner
- What to do if your vehicle is destroyed or removed from Mauritius
- The rules about registration marks (number plates)
- Special provisions for leased vehicles and vehicles from Rodrigues

Whether you're buying your first car, selling a vehicle, or simply want to understand your obligations as an owner, this part contains essential information for you.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 5: Registration of Vehicles

VERBATIM TEXT

5. Registration of vehicles

(1) (a) Subject to this Act, no person shall use, on a road or otherwise, a motor vehicle or trailer unless the vehicle or trailer is registered in accordance with this Act.

(b) A person shall not commit an offence under this section if he proves that the motor vehicle or trailer has been in his ownership only for the period that might reasonably be required for registration.

(2) An application for the registration of a motor vehicle or trailer shall be made by the owner in the prescribed form.

(3) (a) The Chief Commissioner shall - [Amended 18/19 (cio 16/9/19).]

(i) cause to be entered in a register to be kept for that purpose particulars of the motor vehicle or trailer and, in the case of a leased vehicle, the name of the lessor and of the lessee and the fact that the motor vehicle or trailer is leased; and

(ii) assign to the motor vehicle or trailer a registration mark.

[Amended 27/12 (cio 22/12/12).]

(b) No motor vehicle or trailer shall be registered unless it -

(i) complies with this Act with regard to the maximum limits permitted for axle weights, gross weight, height, length and width of motor vehicles or trailers; or

(ii) has been exempted by the Chief Commissioner from compliance with the limits under subparagraph (i).

[Amended 18/19 (cio 16/9/19).]

(4) (a) (i) Subject to subparagraph (ii), the Chief Commissioner shall, on 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.

[Amended 18/19 (cio 16/9/19).]

(ii) No fee shall be payable where a copy is supplied to a public officer or an officer of a local authority for official purposes.

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

[Amended 18/19 (cio 16/9/19).]

(5) The owner of a motor vehicle or trailer registered under this section shall -

(a) pay the fee prescribed for registration; and

(b) obtain from the Chief Commissioner a registration book containing such particulars as may be prescribed.

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

[Amended 18/19 (cio 16/9/19).]

(7) (a) Where it appears to the satisfaction of the Chief Commissioner that - [Amended 18/19 (cio 16/9/19).]

(i) the registration book issued to a person has been lost or destroyed or is in a state of dilapidation;

(ii) essential particulars have been accidentally defaced; or

(iii) space is lacking for essential particulars, the Chief Commissioner may, on payment of the prescribed fee, issue a duplicate of the book with the word "Duplicate" written on it.

[Amended 18/19 (cio 16/9/19).]

(b) Where there is no space available in a registration book for additional essential particulars, no fee shall be charged for the issue of a duplicate.

(8) Before a duplicate registration book is issued on account of defacement, dilapidation or lack of space for essential particulars, the old registration book shall be delivered to the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

(9) Where a new licence is issued in respect of a motor vehicle or trailer under section 25, the Chief Commissioner shall amend the register and issue a new registration book.

[Amended 18/19 (cio 16/9/19).]

(10) Where a motor vehicle or trailer does not bear on it a registration mark as provided under this section, 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.

EXPLANATORY COMMENTARY

This section establishes the basic rule: **every motor vehicle and trailer used on a Mauritian road must be registered**. It's that simple.

The Registration Requirement

If you want to drive a car, motorcycle, lorry, or even tow a trailer on a public road, it must be registered with the Chief Commissioner (the Chief National Transport Commissioner). This registration creates an official record of the vehicle and assigns it a unique registration mark—what most of us call a "number plate."

> *Example:* If you buy a new car from a dealership, the dealer will typically handle the registration process for you. But if you import a vehicle yourself or buy a second-hand vehicle that isn't yet registered, you'll need to apply for registration yourself.

The Grace Period

The law recognises that registration takes time. If you've just acquired a vehicle and haven't had a reasonable opportunity to register it yet, you won't be penalised. However, "reasonable" is the key word—you can't delay indefinitely.

> *Example:* If you inherit a vehicle from a deceased relative, you'll need some time to sort out the paperwork. The law allows for this, but you should begin the registration process as soon as possible.

What the Chief Commissioner Does

When you apply for registration, the Chief Commissioner will:

1. **Record the vehicle's details** in a register—this includes make, model, engine number, chassis number, and other identifying information.
2. **Assign a registration mark** to the vehicle—this becomes its official identity on the road.
3. **Issue a registration book**—this is a document that proves the vehicle is registered and contains key details about it.

For leased vehicles, the register also records the names of both the lessor (the person or company that owns the vehicle) and the lessee (the person or company renting it).

Vehicle Standards Must Be Met

Before a vehicle can be registered, it must meet certain standards regarding:

- Maximum axle weights
- Gross weight
- Height
- Length
- Width

This ensures that vehicles on Mauritian roads are safe and don't cause damage to infrastructure. If a vehicle doesn't meet these standards, it can only be registered if the Chief Commissioner grants an exemption.

Access to the Register

The register is a public document—to a point. Anyone with a "reasonable cause" can request a copy of entries from the register upon payment of a fee. However, public officers and local authority officers can access it for free for official purposes.

Police officers can inspect the register at any time and take copies of entries relating to specific vehicles. This helps with investigations and enforcement.

The Registration Book

Your registration book is an important document. It contains the official particulars of your vehicle. You need to:

- **Keep it safe**—if it's lost, stolen, or destroyed, you must report this immediately to the Chief Commissioner.

- **Get a duplicate if needed**—if your registration book is lost, destroyed, defaced, dilapidated, or runs out of space for new entries, you can apply for a duplicate. There's usually a fee, except when the issue is lack of space.
- **Surrender the old book**—when applying for a duplicate due to defacement, dilapidation, or lack of space, you must hand in the old book.

No Registration Mark = Presumed Unregistered

If a vehicle doesn't display a registration mark (number plate), this is treated as prima facie evidence that the vehicle isn't registered. The police can detain the vehicle while they investigate.

> *Example:* If you're driving a car with no number plates, a police officer can stop you and detain the vehicle until they've confirmed whether it's registered. If it's not registered, you could face penalties.

Key Takeaway: Registration is mandatory for all motor vehicles and trailers used on Mauritian roads. It establishes the vehicle's official identity, records ownership, and ensures the vehicle meets safety and size standards. Keep your registration book safe and report any loss immediately.

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Section 5A: Leased Vehicles

VERBATIM TEXT

5A. Leased vehicles

Where a leased vehicle has been registered in accordance with section 5, the lessee of the vehicle 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.

EXPLANATORY COMMENTARY

This section addresses a common situation: what happens when you lease a vehicle rather than own it outright?

The Lessee Is Treated as the Owner

For the purposes of the Road Traffic Act, the **lessee** (the person renting the vehicle) is treated as the **owner**. This means:

- The lessee is responsible for complying with all the obligations that apply to vehicle owners.
- The lessee can be held liable for offences related to the vehicle.

- The lessee must ensure the vehicle is properly licensed, insured, and meets all legal requirements.

> *Example:* If you lease a car and fail to renew its licence on time, you—not the leasing company—will be the one facing penalties. Similarly, if the vehicle is involved in an accident and it's found to be uninsured, you as the lessee could be prosecuted.

Why This Matters

This provision prevents a situation where both the lessor and lessee could point fingers at each other, claiming the other is responsible. By deeming the lessee to be the owner, the law makes it clear who is accountable.

Key Takeaway: If you lease a vehicle, you are treated as its owner for all purposes under the Road Traffic Act. This means you're responsible for ensuring it's properly registered, licensed, and insured, and you can be held liable for any offences related to the vehicle.

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Section 6: Change of Ownership

VERBATIM TEXT

6. Change of ownership

(1) (a) Subject to subsection (1A), (3) or (4), on the change of ownership of a motor vehicle or trailer - [Amended 8/24 (cio 13/9/24).]

(i) the registered owner and the new owner shall forthwith jointly inform the Chief Commissioner of the change of ownership, of the date of the change and of the name and address of the new owner;

[Amended 18/19 (cio 16/9/19); 8/24 (cio 13/9/24).]

(ii) the registered owner shall forthwith give a similar notice to the person from whom he holds a policy of insurance or security in respect of third party risks as required by Part V;

(iii) the registered owner shall forthwith deliver to the new owner the registration book and the licence relating to the motor vehicle or trailer; and

(iv) the new owner shall, within 14 days of the change of ownership, deliver the registration book and other relative documents to the Chief Commissioner who shall, subject to subsection (5), register him as the owner of the motor vehicle or trailer.

[Amended 18/19 (cio 16/9/19).]

(b) Where a person is, under section 7, entered in the register kept by the Chief Commissioner, and in the registration book, as the actual owner of a motor vehicle or trailer, the Commissioner shall consult him before registering a person as the new owner of the motor vehicle or trailer.

[Amended 18/19 (cio 16/9/19).]

(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 inform the Registrar-General of the change of ownership, of the date of the change and of the name and address of the new owner.

[Inserted 8/24 (cio 13/9/24).]

(2) (a) An application for registration of a new owner may be made before the actual transfer of the motor vehicle or trailer.

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

[Amended 18/19 (cio 16/9/19).]

(3) On the death of the registered owner of a motor vehicle or trailer, the person into whose custody the motor vehicle or trailer has come shall, within 14 days of its coming into his custody, give notice of the fact to the Chief Commissioner or Registrar-General, as the case may be.

[Amended 18/19 (cio 16/9/19); 8/24 (cio 13/9/24).]

(4) 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 registered owner or his representative shall, within 7 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 motor vehicle or trailer; and

(ii) the usher shall, within 7 days of the seizure, inform the Chief Commissioner in writing of the change of ownership;

[Amended 18/19 (cio 16/9/19).]

(b) the person on whose behalf the seizure has been effected shall, within 7 days of receiving the motor vehicle or trailer licence and the registration book, apply to the Chief Commissioner to be registered as the new owner and shall be registered unless the Chief Commissioner thinks fit to order otherwise; and

[Amended 18/19 (cio 16/9/19).]

(c) (i) where the Chief Commissioner is satisfied that a person whose name has been entered in the register and registration book, under section 7, as the actual owner of the motor vehicle or trailer is unable, within 7 days of the seizure, to procure the motor vehicle or trailer licence and the registration book from the registered owner or his representative, he shall supply to that person, on request, duplicates of the licence and book; and

[Amended 18/19 (cio 16/9/19).]

(ii) that person shall thereafter be deemed to be the registered owner and the Chief Commissioner shall accept his signature as such until the next change of ownership is effected.

[Amended 18/19 (cio 16/9/19).]

(5) On the registration of a new owner, the Chief Commissioner shall charge the prescribed fee and make the necessary alterations to the registration book and deliver the altered book to the new registered owner or issue a new registration book to him.

[Amended 18/19 (cio 16/9/19).]

(6) Any person who contravenes subsection (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.

[Added 8/24 (cio 13/9/24).]

EXPLANATORY COMMENTARY

This section explains what must happen when a vehicle changes hands—whether through sale, inheritance, or other means.

The Joint Notification Requirement

When ownership of a vehicle changes, both the **old owner** (the person selling or transferring the vehicle) and the **new owner** (the person receiving it) must **jointly inform the Chief Commissioner**. This means they need to work together to notify the authorities of:

- The fact that ownership has changed
- The date of the change
- The name and address of the new owner

This isn't something one person can do alone—both parties have a responsibility to ensure the notification is made.

> *Example:* If you sell your car to a friend, you can't just hand over the keys and walk away. You and your friend must jointly notify the Chief Commissioner of the change. If you don't, you could remain liable for the vehicle's offences even after selling it.

Notifying the Insurer

The old owner must also notify their insurance company that the vehicle has been sold. This is important because the insurance policy may no longer cover the vehicle once it's no longer owned by the policyholder.

Handing Over Documents

The registered owner must give the new owner:

- The **registration book**
- The **licence** for the vehicle

The new owner then has **14 days** to deliver these documents to the Chief Commissioner, who will register them as the new owner.

Failure to Register: Penalties

If the new owner fails to deliver the registration book and documents within 14 days, they commit an offence. The penalties are:

- **First conviction:** Fine of Rs 25,000 to Rs 50,000
- **Second conviction:** Fine of Rs 50,000 to Rs 100,000
- **Third or subsequent conviction:** Fine of at least Rs 100,000 and imprisonment up to 2 years

These are serious penalties, reflecting the importance of keeping vehicle records up to date.

Special Situations

Death of the Owner: If the registered owner dies, the person who takes custody of the vehicle must notify the Chief Commissioner or Registrar-General within 14 days.

> *Example:* If a parent passes away and you inherit their car, you must notify the authorities within 14 days of taking possession of the vehicle.

Hire Purchase Seizure: If a vehicle is lawfully seized under a hire purchase agreement (for example, because payments weren't made), special rules apply:

- The registered owner must deliver the licence and registration book to the usher who effected the seizure within 7 days.
- The usher must inform the Chief Commissioner in writing within 7 days.
- The person on whose behalf the seizure was made must apply to be registered as the new owner within 7 days of receiving the documents.

Consultation with Actual Owner

If someone is registered as the "actual owner" under section 7, the Chief Commissioner must consult them before registering a new owner. This protects the rights of people who have a legal interest in the vehicle but whose name isn't on the registration.

Key Takeaway: When buying or selling a vehicle, both parties must jointly notify the Chief Commissioner. The new owner must deliver the registration book and licence within 14 days. Failure to do so can result in significant fines and even imprisonment.

Section 7: Right of Actual Owner

VERBATIM TEXT

7. Right of actual owner

(1) Where a person entitled to the possession of a motor vehicle or trailer is not the actual owner, but is registered as the owner, any person claiming to be the actual owner may apply to the Chief Commissioner to enter his name in the register and in the registration book of the motor vehicle or trailer as the actual owner in addition to the name of the registered owner.

[Amended 18/19 (cio 16/9/19).]

(2) (a) On receipt of an application under subsection (1), the Chief Commissioner shall -

[Amended 18/19 (cio 16/9/19).]

(i) make inquiries into the matter;

(ii) make such order as he may determine; and

(iii) communicate his order in writing to the registered owner and to the claimant.

(b) A person aggrieved by an order under paragraph (a), may, within 21 days of the notification to him of the order, appeal to the Appeal Committee, whose decision shall be final.

[Amended 18/19 (cio 16/9/19); 1/2020 (cio 16/5/2020).]

(3) Where an order made under subsection (2) requires that the name of the claimant be entered in the registration book, the registered owner shall, on demand, produce the book for the entry to be made.

(4) (a) Where a person, whose name has been entered in the register and registration book as the actual owner of a motor vehicle or trailer, ceases to be the actual owner, he shall inform the Chief Commissioner who shall thereupon make the necessary amendment in the register and registration book.

[Amended 18/19 (cio 16/9/19).]

(b) The Chief Commissioner may make the amendment mentioned in paragraph (a) otherwise than upon the information given under paragraph (a) where he is satisfied that the person has ceased to be the actual owner of the motor vehicle or trailer.

[Amended 18/19 (cio 16/9/19).]

(c) Any person aggrieved by an amendment under this subsection may, within 21 days of the notification to him of the amendment, appeal to the Appeal Committee, whose decision shall be final.

[Amended 18/19 (cio 16/9/19); 1/2020 (cio 16/5/2020).]

EXPLANATORY COMMENTARY

This section deals with situations where the person registered as the owner of a vehicle isn't actually the true owner.

When Does This Happen?

There are several situations where the registered owner and the actual owner might be different:

- **Hire purchase:** The finance company may be the actual owner until the vehicle is fully paid for, but the person using the vehicle might be registered as the owner.
- **Trust arrangements:** A vehicle might be registered in one person's name but actually owned by someone else.
- **Family arrangements:** A parent might register a vehicle in their name for a child who actually owns and uses it.

The Actual Owner's Right to Be Recorded

If you claim to be the actual owner of a vehicle but someone else is registered as the owner, you can apply to the Chief Commissioner to have your name entered in the register and registration book as the "actual owner." This doesn't remove the registered owner's name—it adds yours alongside.

How the Chief Commissioner Handles Applications

When you apply to be recorded as the actual owner, the Chief Commissioner will:

1. **Make inquiries** into the matter—this might involve checking documents, speaking to both parties, and verifying the claim.
2. **Make an order**—either granting or refusing your application.
3. **Communicate the order** in writing to both you and the registered owner.

Appeals

If you're unhappy with the Chief Commissioner's decision, you can appeal to the **Appeal Committee** within 21 days. The Appeal Committee's decision is final.

When the Actual Owner's Status Changes

If you've been recorded as the actual owner but you later cease to be the actual owner (for example, because you've sold the vehicle or transferred ownership), you must inform the Chief Commissioner. The Chief Commissioner will then amend the register and registration book.

The Chief Commissioner can also make this amendment on their own initiative if they're satisfied that you're no longer the actual owner.

Appeals Against Amendments

If you're aggrieved by an amendment removing your name as actual owner, you can appeal to the Appeal Committee within 21 days.

Key Takeaway: If you're the actual owner of a vehicle but someone else is registered as the owner, you have the right to have your name recorded as the actual owner. This protects your interests and ensures the register reflects the true ownership situation.

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Section 8: Duty of Chief Commissioner

VERBATIM TEXT

8. Duty of Chief Commissioner

[Amended 18/19 (cio 16/9/19).]

Notwithstanding this Act, the Chief Commissioner shall not -

(a) in the case of a motor vehicle or trailer which is not on the register of motor vehicles, register the vehicle unless he is satisfied that -

[Amended 18/19 (cio 16/9/19).]

(i) the deed, declaration, or electronic deed or declaration registered in the RDDS, relating to the transfer of the ownership of the vehicle to the person by whom or on whose behalf the application for registration is made has been registered with the Registrar-General; or

[Amended 9/15 (cio 2/7/15).]

(ii) that person is exempted under this Act from registration; and

(b) in the case of a motor vehicle or trailer which has already been registered in the register of motor vehicles, register or continue the registration of the vehicle under a new owner's name unless he is satisfied that the deed or declaration relating to the transfer of ownership of the vehicle to the new owner and the last previous owner has been registered with the Registrar-General.

EXPLANATORY COMMENTARY

This section sets out conditions that the Chief Commissioner must verify before registering a vehicle or changing the registration to a new owner.

For Unregistered Vehicles

If a vehicle isn't already on the register, the Chief Commissioner cannot register it unless satisfied that:

1. **The transfer of ownership has been properly registered** with the Registrar-General. This means there must be a deed, declaration, or electronic record showing that ownership of the vehicle has been transferred to the person applying for registration.
2. **Or the person is exempt** from registration under the Act.

> *Example:* If you import a vehicle from abroad and want to register it in Mauritius, you'll need to show that you've properly acquired ownership of the vehicle—typically through a bill of sale or similar document registered with the Registrar-General.

For Already Registered Vehicles

If a vehicle is already registered and you want to register it under a new owner's name, the Chief Commissioner must be satisfied that the transfer of ownership from the previous owner to the new owner has been registered with the Registrar-General.

Why This Matters

This section prevents fraud and ensures that vehicle transfers are properly documented. It protects buyers from unknowingly purchasing stolen vehicles and ensures that ownership disputes can be resolved through official records.

Key Takeaway: Before the Chief Commissioner will register a vehicle or change its registered owner, they must verify that the transfer of ownership has been properly documented and registered with the Registrar-General. This protects everyone involved in vehicle transactions.

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Section 9: Proof of Transfer of Ownership

VERBATIM TEXT

9. Proof of transfer of ownership

(1) The transfer of ownership of a motor vehicle or trailer shall be established -

(a) by the production of the deed, or electronic deed registered in the RDDS, witnessing the transfer of the vehicle; or [Amended 9/15 (cio 2/7/15).]

(b) where there is no deed, by a declaration, or an electronic declaration registered in the RDDS, signed by the owner of the vehicle.

[Amended 9/15 (cio 2/7/15).]

(2) The deed or declaration shall be drawn up on paper of A4 size and of not less than 90 grammes, and shall state

[Amended 26/13 (cio 19/5/14).]

(a) (i) the price or consideration for which the transfer of the vehicle was effected; or

(ii) where the transfer has been effected without consideration, the actual value of the vehicle; and

(b) the make, model, engine number and capacity, chassis number and registration mark of the vehicle; and

(c) the name and address, including the postcode, of the transferor and that of the transferee.

[Amended 9/15 (cio 2/7/15).]

(2A) The deed or declaration may be -

(a) prepared, concluded and saved in the RDDS; or

(b) scanned and saved in the RDDS.

[Inserted 9/15 (cio 2/7/15).]

(2B) Any deed or declaration submitted to the Registrar-General and registered in the RDDS shall be considered to be the original.

[Inserted 9/15 (cio 2/7/15).]

(2C) Any deed scanned for the purpose of the RDDS shall be scanned in -

(a) Portable Document Format (PDF);

(b) 300 dots per inch (DPI) Image Resolution; and

(c) text-searchable format by applying Optical Character Recognition (OCR).

[Inserted 9/15 (cio 2/7/15).]

(3) - [Repealed 26/13 (cio 19/5/14).]

(4) The deed, declaration, or electronic deed or declaration registered in the RDDS shall be registered with the Registrar-General and registration duty shall be paid in accordance with Part VI of the First Schedule to the Registration Duty Act.

[Amended 9/15 (cio 2/7/15).]

(5) Every person to whom the ownership of a motor vehicle or trailer has been transferred shall, within 14 days of the transfer -

(a) present to the Registrar-General for registration of the deed, declaration, or electronic deed or declaration registered in the RDDS referred to in subsection (2), together with -

[Amended 26/13 (cio 19/5/14); 9/15 (cio 2/7/15).]

(i) in the case of a motor vehicle or trailer registered in Mauritius, the registration book delivered under section 5(5); and

(ii) in any other case, the original of a registration document or a certified copy issued by the relevant authority of the country where the motor vehicle or trailer is registered and the paid customs bill of entry; and

(b) pay to the Registrar-General the duty provided under subsection (4).

(6) Where a person fails to comply with subsection (4), there shall be levied on the registration of the deed or declaration, in addition to the duty provided under subsection (3), a penalty at the rate specified in the Sixth Schedule to the Registration Duty Act.

(7) Subject to subsection (8), no deed, declaration, or electronic deed or declaration registered in the RDDS regarding the transfer of a motor vehicle or trailer shall be registered unless it complies with this section.

[Amended 9/15 (cio 2/7/15); 8/24 (cio 13/9/24).]

(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 subsection -

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

[Inserted 8/24 (cio 13/9/24).]

(9) The deed, declaration, or electronic deed or declaration registered in the RDDS referred to in subsection (5)(a) shall be returned to the transferee and an electronic version of the deed or declaration shall be registered and saved for a period of not less than 5 years in the MIPD.

[Amended 38/11 (cio 15/12/11); repealed and replaced 26/13 (cio 19/5/14); 9/15 (cio 2/7/15).]

(10) The return of a duly registered electronic deed or declaration under subsection (9) shall be effected electronically through the RDDS.

[Added 9/15 (cio 2/7/15).]

EXPLANATORY COMMENTARY

This section explains how you prove that ownership of a vehicle has been transferred from one person to another.

Two Ways to Prove Transfer

There are two ways to establish that a vehicle's ownership has been transferred:

1. **By a deed**—a formal legal document witnessing the transfer. This can be a traditional paper deed or an electronic deed registered in the RDDS (Registry of Deeds Digital System).
2. **By a declaration**—where there's no formal deed, a declaration signed by the owner can serve the same purpose. This can also be electronic.

What the Deed or Declaration Must Contain

The deed or declaration must:

- Be on A4 paper of at least 90 grammes (if on paper)
- State the price or consideration for the transfer (or, if no money changed hands, the actual value of the vehicle)
- Include the vehicle's make, model, engine number and capacity, chassis number, and registration mark
- Include the names and addresses (including postcode) of both the transferor (seller) and transferee (buyer)

> *Example:* If you're selling your car to a neighbour, you'll need to prepare a deed or declaration that includes all these details. If you don't include the correct information, the registration might not be accepted.

Electronic Deeds and Declarations

The law now allows for electronic deeds and declarations. These can be:

- Prepared, concluded, and saved directly in the RDDS
- Scanned and saved in the RDDS

Scanned documents must be in PDF format at 300 DPI resolution and must be text-searchable (using OCR technology).

Registration with the Registrar-General

The transfer must be registered with the Registrar-General, and registration duty must be paid. This is a separate step from registering the vehicle with the Chief Commissioner—both are required.

Time Limits

The new owner must present the deed or declaration to the Registrar-General within **14 days** of the transfer. They must also provide:

- The registration book (if the vehicle was already registered in Mauritius)
- Or, for vehicles from abroad, the original registration document and customs bill of entry

Penalties for Late Registration

If you fail to register the transfer on time, a penalty will be levied in addition to the registration duty. The penalty rate is specified in the Registration Duty Act.

No Lien Requirement

For transfers between individuals, the Registrar-General can register the deed or declaration only if satisfied that there's no lien (legal claim) on the vehicle. This protects buyers from unknowingly purchasing a vehicle that's subject to a claim.

> **Key Takeaway:** To transfer ownership of a vehicle, you need a deed or declaration containing specific information, and it must be registered with the Registrar-General within 14 days. Electronic deeds and declarations are now permitted. Failure to comply can result in penalties.

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Section 9A: Motor Vehicles or Trailers Already Registered in Rodrigues

VERBATIM TEXT

9A. Motor vehicles or trailers already registered in Rodrigues

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 automatically renewed free of charge, but subject to such exceptions as may be applicable and determined by the Commissioner.

[Amended 13/19 (cio 25/7/19).]

EXPLANATORY COMMENTARY

This section makes life easier for people bringing vehicles from Rodrigues to Mauritius.

Automatic Renewal

If a vehicle's transfer of ownership has been registered in Rodrigues, and the vehicle is then brought to Mauritius, the registration is **automatically renewed free of charge**. There's no need to go through the full registration process again.

> *Example:* If you buy a car in Rodrigues, register the transfer there, and then ship the car to Mauritius, you don't need to pay registration fees again in Mauritius—the registration is automatically recognised.

Exceptions

The Commissioner can determine exceptions to this rule. So while the general principle is automatic renewal, there may be specific situations where additional steps are required.

Key Takeaway: Vehicles registered in Rodrigues can be brought to Mauritius without paying additional registration fees—the registration is automatically renewed.

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Section 9B: Registration of Unregistered Vehicles

VERBATIM TEXT

9B. Registration of unregistered vehicles

(1) Notwithstanding section 9(5), where a person is the owner of an unregistered motor vehicle or trailer which is used on the road, he shall within 3 months of 15 May 2003 -

(a) present to the Registrar-General for registration, the deed or declaration referred to in section 9(2) together with -

[Amended 26/13 (cio 19/5/14).]

(i) the original of a registration document or a certified copy issued by the relevant authority of the country where the motor vehicle or trailer has been registered as new in that country and the paid customs bill of entry; or

(ii) where the motor vehicle or trailer was imported as a new motor vehicle or trailer, the particulars of the engine number and capacity, chassis number and age of the motor vehicle or trailer, as certified by a dealer or by the Authority; and

(b) pay the duty provided under section 9(4).

(2) Where the owner of the motor vehicle fails to register the deed of sale or declaration within the time limit specified in subsection (1), he shall be liable, in addition to the duty provided under section 9(4), to a penalty at the rate specified in the Sixth Schedule to the Registration Duty Act.

EXPLANATORY COMMENTARY

This section was a transitional provision that allowed owners of unregistered vehicles to register them within a specific time frame (within 3 months of 15 May 2003).

Historical Context

This provision was designed to bring unregistered vehicles into the system. It allowed owners to register their vehicles without facing the full penalties that would normally apply.

Documents Required

To register under this section, the owner needed to provide:

- The deed or declaration of ownership
- The original registration document from the country of origin (or certified copy)
- The paid customs bill of entry
- Or, for vehicles imported as new, certified particulars of the engine, chassis, and age

Penalties for Late Registration

If the owner failed to register within the time limit, a penalty would be levied in addition to the registration duty.

Key Takeaway: This section was a one-time opportunity for owners of unregistered vehicles to bring them into the system. The deadline has long passed, so this section is now primarily of historical interest.

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Section 12: Weight and Dimension of Vehicles

VERBATIM TEXT

12. Weight and dimension of vehicles

(1) (a) Every owner of a motor vehicle or trailer shall, at the request of the Chief Commissioner, furnish such evidence as he may reasonably have available or obtain with regard to the weight unladen and the maximum weight, including its own weight, that the manufacturer of the motor vehicle or trailer states that the vehicle or trailer has been built to carry, including the recommended distribution of the weight over the several axles of the vehicle or trailer and the height, length and width of the motor vehicle or trailer.

[Amended 18/19 (cio 16/9/19).]

(b) Any person who fails to comply with paragraph (a) shall commit an offence.

(2) (a) The Chief Commissioner may require -

[Amended 18/19 (cio 16/9/19).]

(i) a dealer in motor vehicles or trailers to furnish a sworn declaration specifying the weight unladen, the maximum weight, including its own weight, that the manufacturer of the motor vehicle or trailer states that the vehicle or trailer has been built to carry, including the recommended distribution of the weight over the several axles of the vehicle or trailer and the height, length and width of any motor vehicle or trailer sold by him; and

(ii) a builder of motor vehicles or trailer bodies to furnish a declaration concerning the weight and the dimensions of the body he has built.

(b) Any dealer or builder who contravenes paragraph (a) shall commit an offence.

EXPLANATORY COMMENTARY

This section gives the Chief Commissioner the power to request information about a vehicle's weight and dimensions.

Owner's Obligation to Provide Information

If the Chief Commissioner asks, you must provide evidence about:

- The unladen weight of your vehicle
- The maximum weight the manufacturer says the vehicle can carry
- The recommended distribution of weight over the axles
- The height, length, and width of the vehicle

This information is important for road safety and infrastructure planning—overloaded or oversized vehicles can damage roads and bridges and pose safety risks.

> *Example:* If you own a lorry and the Chief Commissioner wants to verify that it complies with weight limits, you'll need to provide documentation from the manufacturer showing the vehicle's specifications.

Dealers and Builders

Dealers in motor vehicles and builders of vehicle bodies must also provide information when requested. Dealers must furnish a sworn declaration about the vehicles they sell, and builders must declare the weight and dimensions of the bodies they build.

Penalties

Failure to comply with these requests is an offence.

Key Takeaway: Vehicle owners, dealers, and builders must provide accurate information about vehicle weight and dimensions when requested by the Chief Commissioner.

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Section 17: Owner to Notify Destruction of Vehicles

VERBATIM TEXT

17. Owner to notify destruction of vehicles

(1) Where a motor vehicle or trailer is -

(a) destroyed; or

(b) removed permanently from Mauritius, the person who, at the material time, is the owner of that motor vehicle or trailer shall, within 14 days of the destruction or removal, notify the Chief Commissioner and surrender to him the registration book.

[Amended 18/19 (cio 16/9/19).]

(2) The Chief Commissioner may, on receipt of the notification and the registration book, assign the registration mark of the motor vehicle or trailer, where the registration mark is an old registration mark, to any other motor vehicle or trailer which he subsequently registers.

[Amended 27/12 (cio 22/12/12); 18/19 (cio 16/9/19).]

(3) (a) Where a motor vehicle or trailer is intended to be -

(i) dismantled;

(ii) broken up; or

(iii) scrapped, the person who, at the material time, is the owner of the vehicle shall, not later than 7 days before the dismantling, breaking up or scrapping of the vehicle, give notice in writing to the Chief Commissioner, together with such particulars as the latter may require, and surrender to him the registration book relating to the vehicle.

[Amended 18/19 (cio 16/9/19).]

(b) Where the Chief Commissioner is satisfied that the vehicle has been dismantled, broken up or scrapped, he may assign the registration mark, where the registration mark is an old registration mark, to any motor vehicle or trailer which he subsequently registers.

[Amended 27/12 (cio 22/12/12); 18/19 (cio 16/9/19).]

(4) Where a motor vehicle or trailer has not, for a period of 12 consecutive months, been licensed or exempted from being licensed, the Chief Commissioner shall -

[Amended 18/19 (cio 16/9/19).]

(a) cancel its registration; and

(b) assign its registration mark, where the registration mark is an old registration mark, to any motor vehicle or trailer which he subsequently registers.

[Amended 27/12 (cio 22/12/12).]

EXPLANATORY COMMENTARY

This section explains what you must do when your vehicle is destroyed, removed from Mauritius, or taken off the road permanently.

If Your Vehicle Is Destroyed or Removed from Mauritius

If your vehicle is:

- **Destroyed** (for example, in a fire or accident)
- **Permanently removed from Mauritius** (for example, exported)

You must:

1. **Notify the Chief Commissioner** within 14 days
2. **Surrender the registration book**

> *Example:* If your car is written off in an accident and declared a total loss, you must inform the Chief Commissioner and hand in the registration book. This ensures the vehicle is removed from the register.

If You're Dismantling, Breaking Up, or Scrapping Your Vehicle

If you intend to dismantle, break up, or scrap your vehicle, you must:

1. **Give notice in writing** to the Chief Commissioner at least 7 days before the work begins
2. **Provide any particulars** the Chief Commissioner requires
3. **Surrender the registration book**

> *Example:* If you're taking an old car to a scrapyard, you need to notify the Chief Commissioner at least 7 days in advance and hand in the registration book.

Reusing Registration Marks

When a vehicle is destroyed, removed, dismantled, or scrapped, the Chief Commissioner may assign its registration mark (if it's an "old registration mark") to another vehicle. This allows classic or distinctive number plates to be transferred to new vehicles.

Automatic Cancellation

If a vehicle hasn't been licensed for 12 consecutive months, the Chief Commissioner must cancel its registration and may reassign its registration mark (if it's an old registration mark).

> *Example:* If you've had a vehicle sitting in your garage for over a year without a valid licence, the Chief Commissioner will cancel its registration. You'll need to re-register it if you want to use it again.

Key Takeaway: If your vehicle is destroyed, removed from Mauritius, dismantled, or scrapped, you must notify the Chief Commissioner and surrender the registration book. Failure to do so can result in your vehicle remaining on the register, which could cause problems later.

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Section 18: Exemption from Registration

VERBATIM TEXT

18. Exemption from registration

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) trailers used exclusively for agricultural purposes and not used on a road; and

(d) such other motor vehicle or trailer as may, by regulations, be exempted from registration.

EXPLANATORY COMMENTARY

This section lists the types of vehicles that don't need to be registered.

Who Is Exempt?

1. **Manufacturers and Dealers:** Vehicles in the possession of manufacturers or licensed dealers are exempt, subject to the rules about motor vehicle dealer's licences. This allows dealers to hold stock without registering every vehicle.
2. **Visitors' Vehicles:** Vehicles brought into Mauritius by visitors are exempt if they meet certain conditions. This makes it easier for tourists to bring their own vehicles for temporary use.

3. **Agricultural Trailers:** Trailers used exclusively for agricultural purposes and not used on roads are exempt. This recognises that farm equipment used only on private land doesn't need road registration.
4. **Other Vehicles:** The Minister can make regulations exempting other types of vehicles.

Key Takeaway: Certain vehicles—including those held by dealers, brought by visitors, or used exclusively for agriculture—don't need to be registered. If you're unsure whether your vehicle is exempt, check the regulations or contact the authorities.

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Section 19: Registration Marks

VERBATIM TEXT

19. Registration marks

(1) There shall be fixed and maintained on every motor vehicle and trailer, in such manner as may be prescribed, the registration mark referred to in section 5(3).

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

(a) a trailer, its registration mark shall also be fixed at the rear of the trailer; or

(b) more than one trailer, its registration mark shall also be fixed at the rear of the last trailer, in such manner as may be prescribed.

(3) No other figure, letter or design shall be placed on, or within such distance as may be prescribed from, a registration mark fixed on a motor vehicle under this section.

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

EXPLANATORY COMMENTARY

This section sets out the rules about registration marks—what most of us call number plates.

Every Vehicle Must Display Its Registration Mark

Every registered motor vehicle and trailer must display its registration mark. The mark must be:

- Fixed and maintained on the vehicle
- Displayed in the manner prescribed by regulations

Towing Trailers

If you're towing a trailer, the towing vehicle's registration mark must also be displayed at the rear of the trailer. If you're towing more than one trailer, the mark must be displayed at the rear of the last trailer.

> *Example:* If you're driving a lorry that's towing two trailers, your lorry's registration mark needs to be visible at the back of the second (last) trailer. This helps identify the vehicle combination.

No Other Figures, Letters, or Designs

You cannot place any other figure, letter, or design on or near your registration mark. This prevents people from altering or obscuring the mark to avoid identification.

Nothing That Could Be Mistaken for a Registration Mark

You cannot place anything on your vehicle that could be mistaken for a registration mark. This prevents confusion and ensures that each vehicle has a unique, clear identity.

Key Takeaway: Every vehicle must display its registration mark clearly. When towing trailers, the mark must be visible at the rear of the last trailer. Don't add anything that could confuse or obscure the mark.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 20: Offences Relating to Registration Marks

VERBATIM TEXT

20. Offences relating to registration marks

(1) Where a registration mark is fixed and maintained -

(a) in contravention of this Act; or

(b) in such a way as to be obscured, rendered or allowed to become not easily distinguishable, the driver of the motor vehicle or trailer and its owner shall commit an offence.

(2) It shall be a defence for any person prosecuted under subsection (1)(b) to prove that he has taken all steps reasonably practicable to prevent the mark from being obscured or rendered not easily distinguishable.

EXPLANATORY COMMENTARY

This section makes it an offence to have a registration mark that doesn't comply with the law or that is obscured.

Offences

You commit an offence if your registration mark is:

- Fixed or maintained in contravention of the Act
- Obscured, rendered, or allowed to become not easily distinguishable

Both the **driver** and the **owner** can be prosecuted.

> *Example:* If you're driving a car with a number plate covered in mud so it can't be read, both you and the owner (if different) could be charged.

Defence

If you're prosecuted for having an obscured registration mark, you have a defence if you can prove that you took all reasonably practicable steps to prevent the mark from being obscured.

> *Example:* If your number plate became obscured because you drove through a muddy puddle and hadn't yet had a chance to clean it, you might be able to argue that you took reasonable steps. However, if the plate has been obscured for weeks and you haven't cleaned it, this defence is unlikely to succeed.

Key Takeaway: Keep your registration mark clean and clearly visible. If it becomes obscured, clean it as soon as possible to avoid committing an offence.

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For more resources, visit roadsafetymoris.org.in.

Section 20A: Sharing of Information

VERBATIM TEXT

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.

[Inserted 8/24 (cio 13/9/24).]

EXPLANATORY COMMENTARY

This section allows the Chief Commissioner to share information with the Registrar-General to facilitate vehicle transfers.

What Is Shared?

The Chief Commissioner shares information necessary to confirm whether there's a "gage sans déplacement" (a type of lien or security interest) on a vehicle. This helps the Registrar-General determine whether a transfer can proceed.

Why This Matters

When you buy a vehicle, you want to be sure that no one else has a legal claim on it. By sharing information, the Chief Commissioner and Registrar-General can verify that the vehicle is free from liens, protecting buyers from potential legal problems.

Key Takeaway: The Chief Commissioner and Registrar-General share information to ensure that vehicle transfers are legitimate and that buyers aren't caught by undisclosed liens.

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For more resources, visit roadsafetymoris.org.in.

End of Part II – Registration of Motor Vehicles and Trailers

SUMMARY OF PART II

Part II establishes the framework for registering motor vehicles and trailers in Mauritius. Key points include:

- **Registration is mandatory** for all motor vehicles and trailers used on roads.
- **The Chief Commissioner** maintains the register, assigns registration marks, and issues registration books.
- **Leased vehicles:** The lessee is treated as the owner for the purposes of the Act.
- **Change of ownership:** Both the old and new owners must jointly notify the Chief Commissioner. The new owner must deliver the registration book and documents within 14 days.
- **Actual owner's rights:** A person claiming to be the actual owner can apply to have their name entered in the register alongside the registered owner.
- **Proof of transfer:** A deed or declaration (paper or electronic) must be registered with the Registrar-General within 14 days.
- **Rodrigues vehicles:** Transfers registered in Rodrigues are automatically renewed when the vehicle is brought to Mauritius.
- **Destruction or removal:** Owners must notify the Chief Commissioner and surrender the registration book within 14 days.
- **Registration marks:** Must be displayed clearly and not obscured.
- **Exemptions:** Dealers, visitors, and agricultural trailers may be exempt from registration.

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART IIA – PROVISIONS RELATING TO VEHICLE CRIME

INTRODUCTION TO PART IIA

Welcome to Part IIA of the Road Traffic Act of Mauritius, brought to you by **roadsafetymoris.org.in**.

This part of the law deals with a growing concern in modern society: **vehicle crime**. As vehicles become more sophisticated and valuable, criminals have developed increasingly clever ways to steal them, clone them, or otherwise use them for illegal purposes.

Part IIA gives authorities the tools they need to combat vehicle crime. It allows the Chief Commissioner to:

- Verify that a vehicle seeking a new registration book is genuinely the vehicle it claims to be
- Examine vehicles to confirm their identity
- Access insurance information to help detect fraud

While this part may seem technical, it's important for anyone buying or selling vehicles. Understanding these provisions helps you avoid becoming a victim of vehicle crime—or inadvertently participating in it.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 20B: Vehicle Identity Checks

VERBATIM TEXT

20B. Vehicle identity checks

[Amended 8/24 (cio 13/9/24).]

(1) The Chief Commissioner may - [Amended 18/19 (cio 16/9/19).]

(a) refuse to issue a new registration book in respect of a registered vehicle if he is not satisfied that the vehicle for which the document is being sought is the registered vehicle;

(b) cause any vehicle for which a new registration book is being sought, to be examined for the purpose of ascertaining whether the vehicle is the registered vehicle concerned;

(c) require any information in relation to any vehicle for which a new registration book is being sought, for the purpose of ascertaining whether the vehicle is the registered vehicle concerned.

(2) The Chief Commissioner may use - [Amended 18/19 (cio 16/9/19).]

(a) information which has been obtained under subsection (1) -

(i) to check the accuracy of relevant records; or

(ii) where appropriate, to amend or supplement information contained in those records;

(b) information contained in relevant records to check the accuracy of any information obtained under subsection (1).

(3) In subsection (2) -

"relevant records" means records maintained by the Chief Commissioner in connection with any functions exercisable by him under or by virtue of this Act.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section gives the Chief Commissioner powers to verify a vehicle's identity when someone applies for a new registration book.

Why Vehicle Identity Checks Matter

Vehicle crime often involves "cloning"—where a stolen vehicle is given the identity of a legitimately registered vehicle. This makes the stolen vehicle appear legal. Vehicle identity checks help detect this fraud.

The Chief Commissioner's Powers

When you apply for a new registration book, the Chief Commissioner can:

1. **Refuse to issue the book** if not satisfied that the vehicle is genuinely the registered vehicle.
2. **Order an examination** of the vehicle to confirm its identity.
3. **Require information** about the vehicle to verify its identity.

> *Example:* If you apply for a new registration book for your car, the Chief Commissioner might ask you to bring the vehicle for inspection. They'll check the chassis number, engine number, and other identifying features to confirm it matches the registration records.

Using Information

The Chief Commissioner can use the information gathered to:

- Check the accuracy of records
- Amend or supplement records where needed
- Cross-reference information to detect discrepancies

Key Takeaway: If you apply for a new registration book, be prepared for the Chief Commissioner to verify your vehicle's identity. This protects everyone by ensuring that vehicles on Mauritian roads are genuinely what they claim to be.

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For more resources, visit roadsafetymoris.org.in.

Section 20C: Access to Certain Motor Insurance Information

VERBATIM TEXT

20C. Access to certain motor insurance information

[Amended 8/24 (cio 13/9/24).]

The Chief Commissioner may require any insurer to provide to him, within such period as may be specified, such relevant information as may be required to be kept under regulation 11 of the Motor Vehicles (Third Party Risks) Regulations 1963 or under this Act.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section allows the Chief Commissioner to obtain insurance information from insurers.

What Information Can Be Requested?

The Chief Commissioner can require insurers to provide information that they're required to keep under the Motor Vehicles (Third Party Risks) Regulations 1963 or under the Road Traffic Act. This might include:

- Details of policies issued
- Information about insured vehicles
- Claims history

Why This Matters

Access to insurance information helps the Chief Commissioner:

- Verify that vehicles are properly insured
- Detect fraudulent insurance claims
- Investigate vehicle crime
- Ensure compliance with insurance requirements

> *Example:* If the Chief Commissioner suspects that a vehicle is being used without valid insurance, they can request information from insurers to confirm whether a policy exists.

Key Takeaway: Insurers must provide information to the Chief Commissioner when requested. This helps authorities enforce insurance requirements and combat vehicle-related fraud.

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End of Part IIA – Provisions Relating to Vehicle Crime

SUMMARY OF PART IIA

Part IIA gives authorities tools to combat vehicle crime:

- **Vehicle identity checks:** The Chief Commissioner can refuse to issue registration books, order examinations, and require information to verify vehicle identity.
- **Insurance information:** The Chief Commissioner can require insurers to provide relevant information to help detect fraud and enforce insurance requirements.

This concludes Part IIA. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART III – VEHICLE LICENSING

INTRODUCTION TO PART III

Welcome to Part III of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

In Part II, we learned about **registration**—the process that gives each vehicle its official identity. Now, in Part III, we turn to **licensing**—the process that gives you permission to use your vehicle on the road.

Think of it this way: registration is like getting a birth certificate for your car. Licensing is like getting a passport—it's permission to actually use the vehicle on public roads.

This part covers:

- The requirement to have a valid licence
- How to apply for a licence
- The tax you must pay
- What happens if you don't renew your licence
- Special provisions for dealers
- Suspension of licences

Whether you're a private vehicle owner, a business with a fleet of vehicles, or a dealer, this part contains essential information about your obligations.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 21: Using Vehicle Without Licence

VERBATIM TEXT

21. Using vehicle without licence

(1) Any person who -

(a) (i) uses or keeps; or

(ii) causes or permits to be used or kept, on a road a motor vehicle or trailer for which a licence under this Part is not in force; or

(b) being the holder of a motor vehicle dealer's licence or any other licence issued under this Part, uses at any one time a greater number of motor vehicles or trailers than he is authorised to use by virtue of his licence, shall commit an offence and shall, on conviction, be liable to a fine of not less that 3,000 rupees and not more than 10,000 rupees or to imprisonment for term not exceeding 6 months.

(2) Proceedings for an offence under subsection (1) may be brought at any time within a period of 12 months from the date on which the offence was committed.

(3) Where -

(a) a licence has been taken out for a motor vehicle or trailer to be used solely for a certain purpose; and

(b) the motor vehicle or trailer is, at any time during the period for which the licence is in force, used for some other purpose, whether or not the motor vehicle or trailer is constructed or adapted to be used for that other purpose, the person using that motor vehicle or trailer, or causing or permitting it to be used, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not more than 20,000 rupees or to imprisonment for a term not exceeding 6 months.

[Amended 12/18 (cio 1/10/18).]

(4) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a prosecution under this section.

EXPLANATORY COMMENTARY

This section makes it an offence to use a vehicle without a valid licence.

The Basic Rule

You cannot use or keep a motor vehicle or trailer on a road unless it has a valid licence under Part III. This applies whether you're driving the vehicle yourself or allowing someone else to use it.

> *Example:* If you let your friend borrow your car, but the car's licence has expired, both you and your friend could be prosecuted.

Using More Vehicles Than Authorised

If you hold a motor vehicle dealer's licence, you can only use the number of vehicles your licence authorises. Using more is an offence.

> *Example:* If your dealer's licence allows you to use 10 vehicles but you're using 15, you're committing an offence.

Using a Vehicle for the Wrong Purpose

If your licence was issued for a specific purpose (for example, private use), you can't use the vehicle for a different purpose (for example, commercial use) without getting a new licence.

> *Example:* If you have a private car licence but start using your car as a taxi, you're committing an offence. The penalties are higher for this type of offence—up to Rs 20,000.

Penalties

The penalties for using a vehicle without a licence are:

- **General offence:** Fine of Rs 3,000 to Rs 10,000, or imprisonment up to 6 months
- **Wrong purpose:** Fine of Rs 5,000 to Rs 20,000, or imprisonment up to 6 months

Time Limit for Prosecution

Proceedings can be brought within 12 months of the offence—longer than the usual time limit for many offences.

Key Takeaway: Always ensure your vehicle has a valid licence before using it on a road. If you're using the vehicle for a different purpose than what the licence allows, you need to get a new licence.

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For more resources, visit roadsafetymoris.org.in.

Section 22: Application for Licence

VERBATIM TEXT

22. Application for licence

(1) An application for the licensing of a motor vehicle or trailer shall be made in such form and manner as may be prescribed.

(2) On applying for a licence under this Part, the applicant shall -

(a) make such declaration and furnish such particulars with respect to the motor vehicle or trailer as may be prescribed; and

(b) produce to the Chief Commissioner such evidence as may be prescribed that -

[Amended 18/19 (cio 16/9/19).]

(i) on the date when the licence comes into operation there will be in force during the period for which the licence is issued the policy of insurance or the security required by this Act in relation to the use of the motor vehicle or trailer by the applicant or by other persons on his order or with his permission; or

(ii) the motor vehicle or trailer is a vehicle to which section 55(3) does not apply where it is driven by its owner or by any of his servants in the

course of his employment or who is otherwise subject to the control of the owner.

(3) (a) Subject to the provisions of this Act relating to motor vehicle dealer's licences, every licence shall be issued in respect of the motor vehicle or trailer specified in the application for the licence and shall not enable the person to whom it is issued to use any other motor vehicle or trailer under that licence.

(b) The Chief Commissioner shall not issue a licence for which application is made unless he is satisfied that -

[Amended 18/19 (cio 16/9/19).]

(i) the licence applied for is the proper licence for the motor vehicle or trailer specified in the application;

(ii) in the case of a public service vehicle and a goods vehicle, the motor vehicle has been licensed under Part VI for a period not less than that during which the licence applied for will have effect; and

(iii) in the case of an application for a licence for a motor vehicle or trailer purporting to be the first application for a licence in respect of that vehicle or trailer, a licence has not previously been issued in respect of that vehicle or trailer.

(4) (a) Every person who becomes the owner of a motor vehicle or trailer in respect of which no licence under this Part is in force shall, if he does not intend to take out a licence in respect of that motor vehicle or trailer, within 7 days of the date on which he becomes its owner, give notice by registered letter to the Chief Commissioner of his intention not to take out a licence and furnish him with the address and particulars of the premises on which the motor vehicle or trailer is kept.

[Amended 18/19 (cio 16/9/19).]

(b) Every owner or actual owner of a motor vehicle or trailer in respect of which a licence under this Part is in force shall, if he does not intend to renew the licence at the date of its expiry, on or before that date, give notice by registered letter to the Chief Commissioner of his intention not to have the licence renewed and furnish him with the address and particulars of any premises on which the motor vehicle or trailer is intended to be kept after that date.

[Amended 18/19 (cio 16/9/19).]

(c) A notice shall, where forwarded under -

(i) paragraph (a), be valid as from the first day of the month on which the person giving the notice became the owner of the motor vehicle or trailer; and

(ii) paragraph (b), be valid as from the date of the expiry of the licence.

(d) The onus of proving that a notice under this subsection has been given shall lie on the owner or the actual owner, as the case may be.

(5) (a) The Chief Commissioner, or a police officer authorised by the Commissioner of Police, may cause seals to be affixed to a motor vehicle or trailer referred to in a notice

forwarded under subsection (4)(a) or (b) in such a way that the vehicle or trailer is incapable of being used without the seals affixed to it being broken.

[Amended 18/19 (cio 16/9/19).]

(b) (i) Where an unlicensed vehicle, other than a vehicle covered by a motor vehicle dealer's licence, has to be removed from the premises where it is kept to other premises, the owner shall apply in the prescribed form, to the Chief Commissioner for permission to remove the vehicle.

[Amended 18/19 (cio 16/9/19).]

(ii) The Chief Commissioner may, subject to such conditions as he thinks fit to impose, issue the permission, in the prescribed form, on payment of the prescribed fee.

(6) Subject to subsection (10), where a person does not give notice under subsection (4)(a) or (b), as the case may be, and fails -

[Amended 18/19 (cio 16/9/19).]

(a) within 15 days of the day on which he becomes the owner of a motor vehicle or trailer, to take out a licence in respect of the motor vehicle or trailer; or

(b) within 15 days of the day of the expiry of a licence issued in respect of a motor vehicle or trailer of which he is the owner or actual owner, to renew the licence, he shall commit an offence.

(7) Any person whose unlicensed motor vehicle or trailer is -

(a) not found on the premises specified with respect to it in any notice referred to in subsection (4)(a) or (b); or

(b) found with the seals referred to in subsection (5)(a) broken or removed from it, shall commit an offence.

(8) A person who commits an offence under this section shall, on conviction, be liable to a fine which shall not be less than twice nor more than 3 times the amount of tax payable in respect of the vehicle.

(9) Proceedings for an offence under this section may be brought at any time within a period of 12 months from the date on which the offence was committed.

(10) (a) Any person who -

(i) becomes the owner of a motor vehicle or trailer in respect of which no licence under this Part is in force, and fails to give the notice under subsection (4)(a); or

(ii) being or becoming the owner or actual owner of a motor vehicle or trailer in respect of which a licence under section 23 is in force, fails to give a notice under subsection (4)(b) and fails to renew the licence within 15 days of the date of its expiry, shall, subject paragraph (aa) and subsections (10A) and (10B), be liable on the issue or renewal of the licence, as the case may be, to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer unless proceedings have, prior to the

issue or renewal, been instituted against that person under section 21 or this section.

[Amended 1/2020 (cio 16/5/2020); 15/21 (cio 5/8/21); 10/23 (cio 21/8/23).]

(aa) Where a licence expires on 31 March 2020, 30 April 2020, 31 May 2020 or such further date as may be prescribed, the owner or actual owner of the motor vehicle or trailer shall not be liable to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer, provided that the licence is renewed not later than 31 August 2020 or such further date as may be prescribed.

[Inserted 1/2020 (cio 16/5/2020).]

(b) No proceedings shall be instituted where a licence is issued or renewed, as the case may be, after payment of a surcharge.

(10A) (a) Where, on account of the COVID-19 period for the year 2021, a licence expires on 31 March 2021, 30 April 2021, 31 May 2021 or such further date as may be prescribed, the owner or actual owner of the motor vehicle or trailer shall not be liable to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer, provided that the licence is renewed not later than 31 August 2021 or such further date as may be prescribed.

[Inserted 15/21 (cio 5/8/21).]

(b) Where, on account of the COVID-19 period for any other year, a licence expires during the COVID-19 period or such further date as may be prescribed, the owner or actual owner of the motor vehicle or trailer shall not be liable to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer, provided that the licence is renewed not later than such date as may be prescribed.

[Inserted 15/21 (cio 5/8/21).]

(c) This subsection shall not apply to a vehicle or trailer registered in Rodrigues.

[Added 10/23 (cio 21/8/23).]

(10B) Where a licence in respect of a vehicle or trailer registered in Rodrigues has expired on 31 January 2022, 28 February 2022 or such further date as may be prescribed, the owner or actual owner of the motor vehicle or trailer shall not be liable to a surcharge of 50 per cent on the amount of the tax prescribed for that vehicle or trailer, provided that the licence was renewed not later than 31 March 2022 or such further date as may be prescribed.

[Inserted 10/23 (cio 21/8/23).]

(11) In this section, "renew", when used in relation to a licence, means take out a licence in respect of a vehicle which has at any time been licensed under Part III.

EXPLANATORY COMMENTARY

This is a long section, but it covers important ground: how to apply for a vehicle licence and what happens if you don't.

How to Apply

To apply for a licence, you must:

1. **Complete the prescribed form**—this is available from the licensing authorities.
2. **Make a declaration and provide particulars** about the vehicle.
3. **Provide evidence of insurance**—you must show that the vehicle will be insured for the period of the licence.

> *Example:* When you apply for a licence for your car, you'll need to provide your insurance certificate showing that the car is covered.

One Licence Per Vehicle

Each licence is specific to the vehicle it was issued for. You can't use a licence issued for one vehicle on a different vehicle.

If You Don't Want to License Your Vehicle

If you acquire a vehicle but don't intend to use it on the road, you must:

1. **Notify the Chief Commissioner** within 7 days by registered letter.
2. **Provide the address** where the vehicle will be kept.

Similarly, if you have a licensed vehicle but don't intend to renew the licence, you must notify the Chief Commissioner before the licence expires.

Seals May Be Affixed

If you notify the Chief Commissioner that you won't be licensing your vehicle, they may affix seals to it. This ensures the vehicle can't be used without breaking the seals—which would be an offence.

> *Example:* If you're storing a car in your garage and not using it, the authorities might place seals on it. If you later want to use the vehicle, you'll need to get a licence and have the seals removed.

Removing an Unlicensed Vehicle

If you need to move an unlicensed vehicle from one location to another, you must apply to the Chief Commissioner for permission.

Penalties for Non-Compliance

If you fail to license your vehicle within 15 days of becoming its owner—or fail to renew within 15 days of expiry—you commit an offence. The penalty is a fine of 2 to 3 times the tax payable for the vehicle.

Surcharge for Late Renewal

If you don't give notice and don't renew your licence on time, you'll face a **50% surcharge** on the tax when you finally renew. This is in addition to any other penalties.

> *Example:* If your vehicle licence expires on 31 March and you don't renew until 30 April, you'll pay a 50% surcharge on top of the normal licence fee.

COVID-19 Exceptions

The law includes special provisions for licence renewals during the COVID-19 period. If your licence expired during specified periods in 2020 or 2021, you weren't liable for the 50% surcharge if you renewed by the extended deadline.

Key Takeaway: Always license your vehicle on time. If you don't intend to use it, notify the Chief Commissioner. Late renewal means a 50% surcharge—so mark your calendar and renew before your licence expires.

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For more resources, visit roadsafetymoris.org.in.

Section 22A: Jurisdiction of Court

VERBATIM TEXT

22A. Jurisdiction of Court

(1) Notwithstanding section 114 of the Courts Act, a Magistrate shall have jurisdiction to try all charges relating to offences under sections 21 and 22 and may impose all fines provided for under those sections.

(2) (a) In any proceedings for an offence under section 22, the Court may, where the person charged proves to its satisfaction that his default was not due to carelessness or an intention to defraud the revenue, mitigate the penalty prescribed for the offence.

(b) No mitigated penalty imposed by the Court under this subsection shall, in any case, be less than 25 rupees.

EXPLANATORY COMMENTARY

This section gives Magistrates the power to hear cases involving vehicle licensing offences.

Magistrate's Jurisdiction

A Magistrate can try all charges under sections 21 and 22 and can impose the full range of fines provided.

Mitigation of Penalties

If you're charged under section 22, the Court can reduce the penalty if you prove that your failure wasn't due to carelessness or an intent to defraud. However, the reduced penalty can't be less than Rs 25.

> *Example:* If you forgot to renew your licence because you were hospitalised and couldn't attend to it, the Court might reduce the penalty. But if you simply couldn't be bothered to renew, mitigation is unlikely.

Key Takeaway: If you have a genuine excuse for failing to license your vehicle, the Court can reduce your penalty. But the minimum reduced penalty is Rs 25.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 23: Issue of Licences

VERBATIM TEXT

23. Issue of licences

(1) Subject to this Part, every licence in respect of a motor vehicle and trailer shall be issued by the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

(2) The Commissioner shall -

(a) satisfy himself that the application form has been correctly completed; and

(b) enter on the licence such particulars as may be prescribed, including the purpose for which the vehicle or trailer is being licensed.

EXPLANATORY COMMENTARY

This section confirms that the Chief Commissioner issues vehicle licences and must ensure applications are correctly completed.

Checking Applications

Before issuing a licence, the Chief Commissioner must verify that the application form has been correctly completed. This prevents errors and fraud.

Purpose of Licence

The licence will state the purpose for which the vehicle is licensed—for example, private use, commercial use, or public service.

> *Example:* If you apply for a licence for private use but later want to use the vehicle commercially, you'll need to apply for a new licence.

Key Takeaway: The Chief Commissioner issues vehicle licences and ensures applications are properly completed. The licence states the purpose for which the vehicle can be used.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 24: Conditions for Issue of Licence

VERBATIM TEXT

24. Conditions for issue of licence

The Chief Commissioner shall not -

[Amended 18/19 (cio 16/9/19).]

(a) issue a motor vehicle or trailer licence unless the motor vehicle or trailer has been duly registered; or

(b) renew a motor vehicle or trailer licence unless he is satisfied that the particulars of the motor vehicle or trailer do not differ in any respect from the particulars entered in the register.

EXPLANATORY COMMENTARY

This section sets out conditions that must be met before a licence can be issued or renewed.

Registration Required

You cannot get a licence for a vehicle unless it's already registered. Registration comes first, then licensing.

No Changes Without Notification

When renewing a licence, the Chief Commissioner must be satisfied that the vehicle's particulars haven't changed from what's in the register. If you've modified your vehicle (for example, changed the engine), you need to update the registration first.

> *Example:* If you've replaced your car's engine with a more powerful one, you need to update the registration before renewing your licence. Otherwise, the renewal will be refused.

Key Takeaway: Register your vehicle before applying for a licence. If you've modified your vehicle, update the registration before renewing your licence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 25: Application for New Licence

VERBATIM TEXT

25. Application for new licence

(1) Subject to subsection (5), where - [Amended 10/23 (cio 21/8/23).]

(a) the holder of a motor vehicle or trailer licence desires to use the motor vehicle or trailer for a purpose not authorised by the licence; or

(b) after the issue of a licence, a motor vehicle or trailer is altered so that a different rate of tax becomes payable, the existing licence shall become void and the holder shall apply for a new licence.

(2) Where a new licence is applied for under subsection (1), it shall not be issued until the old licence has been surrendered.

(3) The Chief Commissioner shall - [Amended 18/19 (cio 16/9/19).]

(a) require the holder to pay; or

(b) refund to him, any difference in tax between the old and new licences for the unexpired period of the old licence.

(4) In the case of a refund, the sum of 100 rupees shall be deducted.

(5) Subsection (1) shall not apply to the holder of a contract bus licence who is authorised by NLTA to operate the contract bus as a shuttle bus under a short-term road service licence.

[Added 10/23 (cio 21/8/23).]

EXPLANATORY COMMENTARY

This section explains what to do if you want to change how you use your vehicle or if your vehicle has been altered.

When You Need a New Licence

You need a new licence if:

1. **You want to use the vehicle for a different purpose** than what the licence allows.
2. **Your vehicle has been altered** so that a different rate of tax applies.

> *Example:* If you have a private vehicle licence but want to start using your car as a taxi, you need a new licence. Similarly, if you modify your car's engine, increasing its capacity, you'll need a new licence because the tax rate will be different.

Surrendering the Old Licence

You must surrender your old licence before a new one can be issued. This ensures that you can't use both licences simultaneously.

Tax Adjustment

If the new licence costs more than the old one, you pay the difference. If it costs less, you get a refund—but Rs 100 is deducted from any refund.

Exception for Contract Buses

The requirement to get a new licence doesn't apply to contract bus licence holders who are authorised to operate as shuttle buses under a short-term road service licence.

Key Takeaway: If you change how you use your vehicle or alter it significantly, you need a new licence. Surrender the old one and pay any difference in tax (or receive a refund, minus Rs 100).

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 25A: Suspension of Licence

VERBATIM TEXT

25A. Suspension of licence

(1) Where the holder of a licence issued under section 23 is convicted under section 21(3), the Court before which he is convicted shall, without prejudice to any penalty that may be incurred under that section, order that the licence held by him be suspended for a period -

(1) in the case of a first conviction, of not less than 3 months nor more than 6 months; and

(2) in the case of a second or subsequent conviction, of not less than 6 months nor more than 12 months.

(2) (a) Where a Court orders that a licence be suspended under subsection (1), the Commissioner of Police or a police officer authorised by him shall send notice of the order to the Chief Commissioner within 14 days of such order.

[Amended 18/19 (cio 16/9/19).]

(b) Where a licence has been suspended under subsection (1) -

(i) the holder of the licence shall surrender it to the Chief Commissioner;

[Amended 18/19 (cio 16/9/19).]

(ii) the vehicle in respect of which it has been issued shall not be used, caused or permitted to be used, during the period of the suspension; and

(iii) the Chief Commissioner may cause seals to be affixed to the vehicle for the period of suspension.

[Amended 18/19 (cio 16/9/19).]

(3) Any unauthorised person who breaks the seals affixed under subsection (2), or causes or permits such seals to be broken, shall commit an offence.

(3A) Any person who drives a vehicle during the period of suspension under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 10,000 rupees.

(3B) Section 153 of the Criminal Procedure Act shall not apply to a person liable to be sentenced under subsection (3A).

(4) A person whose licence is suspended by virtue of an order of a Court under this section may appeal against the order in the same manner as against a conviction, and the Court may, if it thinks fit, suspend the operation of the order pending the determination of the appeal.

EXPLANATORY COMMENTARY

This section deals with what happens when your vehicle licence is suspended because you used the vehicle for the wrong purpose.

When Suspension Applies

If you're convicted under section 21(3) for using a vehicle for a purpose not authorised by the licence, the Court must suspend your licence. The suspension period is:

- **First conviction:** 3 to 6 months
- **Second or subsequent conviction:** 6 to 12 months

> *Example:* If you have a private vehicle licence but use your car as an unlicensed taxi, and you're convicted, the Court will suspend your vehicle licence for at least 3 months.

Surrendering the Licence

If your licence is suspended, you must surrender it to the Chief Commissioner. The vehicle cannot be used during the suspension period, and the Chief Commissioner may affix seals to it.

Breaking Seals

If you or anyone else breaks the seals on a suspended vehicle, that's an offence.

Driving During Suspension

If you drive a vehicle while its licence is suspended, you commit an offence and face a fine of Rs 5,000 to Rs 10,000.

Appeal

You can appeal against the suspension order in the same way you would appeal a conviction. The Court can suspend the order while the appeal is being heard.

Key Takeaway: If your vehicle licence is suspended for using the vehicle for the wrong purpose, you can't use the vehicle during the suspension period. Surrender the licence, don't break the seals, and don't drive the vehicle.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 27: Duplicate Licence

VERBATIM TEXT

27. Duplicate licence

(1) Where a motor vehicle or trailer licence is -

(a) lost;

(b) defaced;

(c) mutilated; or

(d) rendered illegible, the Chief Commissioner shall issue a duplicate licence on payment of the prescribed fee.

[Amended 18/19 (cio 16/9/19).]

(2) (a) Where a licence which has been lost is subsequently found, the holder of the duplicate shall forthwith surrender the duplicate to the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

(b) Any person who knowingly retains, or has in his possession, an original licence and its duplicate shall commit an offence.

EXPLANATORY COMMENTARY

This section explains how to get a replacement licence if yours is lost or damaged.

When You Can Get a Duplicate

You can get a duplicate licence if your original is:

- Lost
- Defaced
- Mutilated
- Rendered illegible

You must pay the prescribed fee.

If the Original Is Found

If you got a duplicate because your original was lost, and you later find the original, you must surrender the duplicate to the Chief Commissioner. You can't keep both.

> *Example:* If you lose your vehicle licence, get a duplicate, and then find the original in a drawer, you must hand the duplicate back to the Chief Commissioner.

Keeping Both Is an Offence

Knowingly retaining both the original and duplicate licence is an offence.

> **Key Takeaway:** If your licence is lost or damaged, you can get a duplicate for a fee. If you find the original later, surrender the duplicate. Don't keep both.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 28: Provisions as to Licences

VERBATIM TEXT

28. Provisions as to licences

(1) A licence, other than a motor vehicle dealer's licence issued under this Part, may be taken out -

(a) for a period specified in the First Schedule running from the first day of the month on which the licence first has effect; or

(b) in respect of any vehicle for which the issue of a carrier's licence for the transport of sugar cane and sugar cane crop requisites has been approved by the NLTA, for a period specified in the First Schedule.

[Amended 18/19 (cio 16/9/19).]

(2) The period referred to in subsection (1)(b) shall -

(a) where the licence is taken out before the crop season, run from the first day of the crop season; or

(b) where the licence is taken out during the crop season, run from the date of actual payment of the prescribed fee.

(3) A licence issued under subsection (1)(b) may, on payment of the prescribed fee, be extended for one or more periods specified in the First Schedule during the crop season.

(4) For the purpose of this section, "crop season" means such period as the Minister may prescribe.

EXPLANATORY COMMENTARY

This section explains the periods for which vehicle licences can be issued.

Licence Periods

Vehicle licences can be taken out for periods specified in the First Schedule. These periods run from the first day of the month on which the licence takes effect.

Sugar Cane Vehicles

Special provisions apply to vehicles licensed for transporting sugar cane and sugar cane crop requisites. These licences are tied to the crop season.

Crop Season

The crop season is the period prescribed by the Minister for sugar cane harvesting.

Key Takeaway: Vehicle licences are issued for periods specified in the First Schedule. Special rules apply to vehicles used for sugar cane transport.

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For more resources, visit roadsafetymoris.org.in.

Section 29: Tax

VERBATIM TEXT

29. Tax

(1) The tax payable in respect of a licence for a motor vehicle or a trailer, including a classic or vintage motor car, shall be as specified in the First Schedule.

[Amended 10/23 (cio 5/3/2024).]

(2) (a) The holder of a licence issued under this Part for any period of 12 months shall, on surrendering it to the Chief Commissioner for cancellation, be entitled to a refund of one twelfth of the tax payable on the licence in respect of each complete month of the period of the currency of the licence which is unexpired at the date of the surrender.

[Amended 18/19 (cio 16/9/19).]

(b) No fraction of a rupee shall be refunded.

(c) The total amount of the refund shall not exceed the difference between the cost of the licence and the cost of 2 licences for 3 months.

(d) A sum of 100 rupees shall be deducted from the total amount so computed.

(3) For the purpose of ascertaining the rate of tax payable in respect of a motor vehicle or trailer, the Chief Commissioner may direct that the motor vehicle or trailer be examined by an authorised examiner or a vehicle examiner, as the case may be.

[Amended 19/16 (cio 3/11/16); 18/19 (cio 16/9/19).]

(4) Any person who -

(a) fails to comply with a direction given; or

(b) obstructs an authorised examiner or a vehicle examiner in the performance of his duties, under subsection (3) shall commit an offence.

EXPLANATORY COMMENTARY

This section deals with the tax payable for vehicle licences.

Tax Rates

The tax payable is specified in the First Schedule. This schedule sets out different rates depending on the type of vehicle, engine capacity, and other factors.

> *Example:* A small car with an engine capacity of 1,250cc or less pays less tax than a large car with an engine capacity above 2,250cc. Electric vehicles may have different rates.

Refunds

If you surrender your licence before it expires, you may be entitled to a refund. The refund is calculated as one-twelfth of the tax for each complete month remaining on the licence.

Limits on Refunds

- No fraction of a rupee is refunded.
- The total refund can't exceed the difference between the cost of the licence and the cost of two 3-month licences.
- Rs 100 is deducted from any refund.

> *Example:* If you paid Rs 12,000 for a 12-month licence and surrender it after 6 months, you might be entitled to a refund for the remaining 6 months. However, the refund is capped and Rs 100 is deducted.

Vehicle Examination

The Chief Commissioner can require your vehicle to be examined to determine the correct tax rate.

Obstruction

Failing to comply with an examination direction or obstructing an examiner is an offence.

Key Takeaway: Vehicle licence tax rates are set out in the First Schedule. If you surrender your licence early, you may get a partial refund, but there are limits and deductions.

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For more resources, visit roadsafetymoris.org.in.

Section 29A: Payment by Cheque

VERBATIM TEXT

29A. Payment by cheque

(1) The Chief Commissioner, or any person authorised by him, may, if he thinks fit, grant a licence under this Part on receipt of a cheque for the amount of the tax payable in respect of the licence.

[Amended 18/19 (cio 16/9/19).]

(2) (a) Where a licence has been granted in respect of a vehicle on receipt of a cheque and the cheque is subsequently dishonoured or stopped by the drawer, the licence shall be void as from the date when it was granted.

[Amended 27/12 (cio 22/12/12).]

(b) The Chief Commissioner shall thereupon send to the registered owner, by registered letter addressed to him at the address mentioned in the register, a notice requiring him to surrender the licence within 7 days of the date on which the notice was posted.

[Amended 18/19 (cio 16/9/19).]

(c) Any registered owner who fails to surrender the licence within the period mentioned under paragraph (b) shall commit an offence.

(3) Where a licence has not been surrendered in accordance with subsection (2) (b), the Chief Commissioner may, in addition, refuse to renew the licence for a subsequent period specified in the First Schedule until such time as the amount remaining due on account of a cheque being dishonoured or stopped by the drawer has been settled, together with any surcharge payable.

[Added 27/12 (cio 22/12/12); Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section deals with what happens if you pay for your vehicle licence by cheque and the cheque bounces.

Paying by Cheque

You can pay for your vehicle licence by cheque if the Chief Commissioner allows it.

If the Cheque Bounces

If your cheque is dishonoured (bounces) or you stop payment:

1. **The licence becomes void** from the date it was granted. This means it's as if the licence was never valid.
2. **You must surrender the licence** within 7 days of receiving a notice from the Chief Commissioner.
3. **Failure to surrender is an offence.**

Refusal to Renew

Until you settle the outstanding amount (plus any surcharge), the Chief Commissioner can refuse to renew your licence.

> *Example:* If you pay for your licence with a cheque that bounces, you'll receive a notice requiring you to return the licence. If you don't return it within 7 days, you commit an offence. You also won't be able to renew your licence until you've paid what you owe.

Key Takeaway: Only pay by cheque if you're sure the funds are available. If your cheque bounces, your licence becomes void, and you must surrender it immediately.

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Section 30: Licence to be Carried on Vehicle

VERBATIM TEXT

30. Licence to be carried on vehicle

(1) (a) Every motor vehicle or trailer licence shall be carried on the vehicle or trailer in the prescribed manner when it is in use.

(b) A trailer licence may be carried in or on the motor vehicle drawing it at the time.

(2) Every motor vehicle or trailer licence may be inspected on demand by -

(a) a police officer; or

(b) any other person authorised, in writing, by the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section requires you to carry your vehicle licence in your vehicle.

Carrying the Licence

When your vehicle is in use, the licence must be carried on the vehicle in the prescribed manner. For trailers, the licence can be carried in the towing vehicle.

> *Example:* If you're driving your car, you should have the vehicle licence in the car. If you're towing a trailer, the trailer's licence can be in the towing vehicle.

Inspection on Demand

A police officer—or anyone authorised by the Chief Commissioner—can ask to see your licence at any time.

Key Takeaway: Always carry your vehicle licence in your vehicle. Be ready to show it if asked by a police officer or authorised person.

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Section 31: False Licence or Token

VERBATIM TEXT

31. False licence or token

Any person who -

(a) manufactures any false licence or token;

(b) is in possession of any false licence or token;

(c) affixes to a vehicle a false licence or token; or

(d) affixes a licence or token to a vehicle, other than the vehicle in respect of which it was issued, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 6 months.

EXPLANATORY COMMENTARY

This section makes it an offence to create or use fake vehicle licences or tokens.

Offences

You commit an offence if you:

- **Manufacture** a false licence or token
- **Possess** a false licence or token
- **Affix** a false licence or token to a vehicle
- **Affix a genuine licence or token to the wrong vehicle**

> *Example:* If you make a fake vehicle licence for your car, or if you take a valid licence from one car and put it on another, you're committing an offence.

Penalties

The penalty is a fine up to Rs 1,000 and imprisonment up to 6 months.

Key Takeaway: Never use a fake licence or put a licence on the wrong vehicle. The penalties may seem modest, but a criminal conviction can have serious consequences.

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Section 32: Motor Vehicle Dealer's Licence

VERBATIM TEXT

32. Motor vehicle dealer's licence

(1) (a) Notwithstanding this Part, the NLTA may, on the application of a dealer in, or manufacturer or repairer of, a motor vehicle or trailer, issue to him a motor vehicle dealer's licence.

[Amended 18/19 (cio 16/9/19).]

(b) A motor vehicle dealer's vehicle licence shall -

(i) be in the prescribed form; and

(ii) subject to the payment of the prescribed fee, to sections 33 to 36 and to any other conditions which may be prescribed, authorise the use of such number of motor vehicles or trailers as may be specified in it.

(2) A person aggrieved by the refusal of NLTA to issue him a licence under this section may, within 7 days of the notification of the refusal to him, appeal to the Appeal Committee, whose decision shall be final.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section provides for motor vehicle dealer's licences, which allow dealers, manufacturers, and repairers to use vehicles without registering and licensing each one individually.

Who Can Get a Dealer's Licence?

Dealers in motor vehicles, manufacturers, and repairers can apply for a motor vehicle dealer's licence from the NLTA (National Land Transport Authority).

What the Licence Allows

A dealer's licence authorises the use of a specified number of motor vehicles or trailers. This allows dealers to test-drive vehicles, deliver them to customers, and move them between locations without licensing each vehicle separately.

> *Example:* A car dealership might have a dealer's licence allowing them to use 20 vehicles. This means they can have 20 vehicles on the road for test drives, deliveries, etc., without each vehicle needing its own licence.

Appeal

If the NLTA refuses to issue a dealer's licence, you can appeal to the Appeal Committee within 7 days.

Key Takeaway: Dealers, manufacturers, and repairers can get a dealer's licence that covers multiple vehicles. This simplifies operations for businesses that deal with many vehicles.

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For more resources, visit roadsafetymoris.org.in.

Section 33: Use of Motor Vehicle Dealer's Licence

VERBATIM TEXT

33. Use of motor vehicle dealer's licence

(1) A motor vehicle dealer's licence shall authorise the use of a motor vehicle or trailer which is being -

(a) driven to the motor dealer's place of business after delivery to him;

(b) tested by the motor dealer or repairer; or

(c) tested or used for the purpose of effecting a sale or for such other purpose as may be prescribed.

(2) The Minister may make regulations for -

(a) the issue of more than one type of motor vehicle dealer's licence; and

(b) assigning a general identification mark to a person holding a licence issued under this section.

EXPLANATORY COMMENTARY

This section explains what you can do with a motor vehicle dealer's licence.

Permitted Uses

A dealer's licence allows you to use a vehicle for:

- **Driving to your place of business** after taking delivery
- **Testing** the vehicle
- **Demonstrating** the vehicle to potential buyers
- **Other prescribed purposes**

> *Example:* If you're a car dealer and a customer wants to test-drive a vehicle, you can use your dealer's licence to allow that test drive.

Regulations

The Minister can make regulations for different types of dealer's licences and for identification marks.

Key Takeaway: A dealer's licence is for business purposes—testing, demonstrating, and delivering vehicles. It's not for personal use.

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Section 34: Motor Vehicle Dealer's Identification Plates

VERBATIM TEXT

34. Motor vehicle dealer's identification plates

(1) The Chief Commissioner shall - [Amended 18/19 (cio 16/9/19).]

(a) assign such identification number, disc or other token, in the prescribed form, as may be necessary to identify all vehicles and trailers used under the authority of a motor vehicle dealer's licence; and

(b) enter the number under paragraph (a) in the licence.

(2) The plates bearing the assigned identification number shall be -

(a) issued by the Chief Commissioner;

[Amended 18/19 (cio 16/9/19).]

(b) interchangeable between all vehicles or trailers in the motor vehicle dealer's possession when used for a purpose specified in section 33; and

(c) fixed or suspended on the vehicle or trailer in the prescribed manner.

EXPLANATORY COMMENTARY

This section provides for identification plates for vehicles used under a dealer's licence.

Identification Numbers

The Chief Commissioner assigns an identification number to each dealer's licence. This number is used to identify vehicles being used under the licence.

Plates

The Chief Commissioner issues plates bearing the identification number. These plates:

- Can be transferred between vehicles in the dealer's possession
- Must be fixed or suspended on the vehicle in the prescribed manner

> *Example:* A car dealer has identification plates with their dealer number. When they take a vehicle for a test drive, they put the plates on that vehicle. When they return, they can move the plates to another vehicle.

Key Takeaway: Dealer identification plates allow vehicles to be identified as being used under a dealer's licence. The plates are interchangeable between vehicles.

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Section 35: Duration of Motor Vehicle Dealer's Licence

VERBATIM TEXT

35. Duration of motor vehicle dealer's licence

(1) A motor vehicle dealer's licence shall continue in operation from the date when it is granted until the following 31 December.

(2) Where the motor vehicle dealer ceases to carry on business, the licence shall cease to be valid.

EXPLANATORY COMMENTARY

This section explains how long a dealer's licence lasts.

Duration

A dealer's licence runs from the date it's granted until 31 December of that year. So if you get a licence in March, it expires on 31 December—you'll need to renew it annually.

Cessation of Business

If the dealer ceases to carry on business, the licence becomes invalid immediately.

> **Key Takeaway:** Dealer's licences must be renewed annually by 31 December. If you stop doing business, your licence is no longer valid.

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Section 36: Fee for Motor Vehicle Dealer's Identification Numbers

VERBATIM TEXT

36. Fee for motor vehicle dealer's identification numbers

For each separate identification number included in a motor vehicle dealer's vehicle and for each set of identification plates, such fee shall be charged as may be prescribed.

EXPLANATORY COMMENTARY

This section provides for fees for dealer identification numbers and plates.

Fees

You must pay a fee for each identification number and each set of plates. The fee is prescribed by regulations.

> **Key Takeaway:** There are fees associated with dealer identification numbers and plates. These are in addition to the licence fee.

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Section 37: Cancellation of Motor Vehicle Dealer's Licence

VERBATIM TEXT

37. Cancellation of motor vehicle dealer's licence

Where the holder of a motor vehicle dealer's licence is convicted before a Court for an offence under this Act relating to his licence, the Court may, in addition to imposing any other penalty, order the cancellation of his licence.

EXPLANATORY COMMENTARY

This section allows the Court to cancel a dealer's licence if the holder is convicted of a licence-related offence.

Court's Power

If a dealer is convicted of an offence under the Act relating to their licence, the Court can cancel the licence in addition to any other penalty.

> *Example:* If a dealer is convicted of misusing their dealer's licence—for example, by using it for personal purposes—the Court might cancel the licence.

Key Takeaway: Dealers who misuse their licences can have them cancelled by the Court.

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Section 39: Exemptions

VERBATIM TEXT

39. Exemptions

This Part shall not apply to -

(a) a motor vehicle or trailer held by a manufacturer of, or licensed dealer in, motor vehicles or trailers for the purposes of sale only, except sections 21 and 32 to 36;

(b) a motor vehicle or trailer for which a licence is required under any other enactment;

(c) a motor vehicle or trailer owned by the Government;

(d) a motor vehicle or trailer brought into Mauritius by a visitor, whether used under the authority of an international certificate or not, and exempted from being licensed under this Act in accordance with any regulations made under it; and

(e) such motor vehicle or trailer, or class of motor vehicles or trailers, as may be prescribed.

EXPLANATORY COMMENTARY

This section lists vehicles that are exempt from the licensing requirements of Part III.

Exempt Vehicles

1. **Dealer Stock:** Vehicles held by manufacturers or dealers for sale are exempt, except for certain sections.

2. **Vehicles Licensed Under Other Laws:** If a vehicle needs a licence under another law, it's exempt from this Part.
3. **Government Vehicles:** Government-owned vehicles are exempt.
4. **Visitors' Vehicles:** Vehicles brought by visitors are exempt if they meet certain conditions.
5. **Other Prescribed Vehicles:** The Minister can exempt other vehicles by regulation.

Key Takeaway: Certain vehicles—including dealer stock, government vehicles, and visitors' vehicles—are exempt from licensing under Part III.

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End of Part III – Vehicle Licensing

SUMMARY OF PART III

Part III establishes the vehicle licensing system:

- **Licence required:** All vehicles used on roads must have a valid licence.
- **Application:** Apply in the prescribed form with evidence of insurance.
- **Tax:** Pay the tax specified in the First Schedule.
- **Renewal:** Renew before expiry to avoid a 50% surcharge.
- **Wrong purpose:** Using a vehicle for a purpose not covered by the licence is an offence with higher penalties.
- **Suspension:** Licences can be suspended for using a vehicle for the wrong purpose.
- **Dealer's licences:** Available for dealers, manufacturers, and repairers.
- **Exemptions:** Certain vehicles are exempt from licensing.

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PART IV – DRIVING LICENCES

INTRODUCTION TO PART IV

Welcome to Part IV of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

Having covered vehicle registration (Part II) and vehicle licensing (Part III), we now turn to the most personal aspect of road traffic law: **driving licences**. This part governs who can drive, how they qualify, and what happens when things go wrong.

A driving licence is more than just a card in your wallet. It represents:

- **Competence** —you've demonstrated you can drive safely
- **Responsibility** —you accept the rules of the road
- **Accountability** —you can be held to account for your actions

This part covers:

- The requirement to hold a valid driving licence
- The different types of licences (provisional, full, heavy vehicle)
- Age requirements
- The driving test
- Medical fitness
- Revocation and suspension
- Disqualification by courts
- Endorsements

Whether you're a new driver just starting out, an experienced driver renewing your licence, or someone facing disqualification, this part contains the rules that govern your ability to drive.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 40: Driving Without Licence

VERBATIM TEXT

40. Driving without licence

(1) No person shall -

(a) drive a motor vehicle on a road unless he is the holder of a driving licence authorising him to drive a vehicle of that class or description; or

(b) permit or employ any person to drive a motor vehicle on a road unless that person is the holder of a driving licence mentioned under paragraph (a).

(2) Where any person contravenes this section, he shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees and not exceeding 100,000 rupees and to imprisonment for a term not exceeding 12 months.

[Amended 12/18 (cio 1/10/18).]

(3) This section shall not apply to a person who is the holder of -

(a) an international driving permit; or [Amended 7/15 (cio 27/7/15).]

(b) a provisional driving licence where that person has complied with all the conditions subject to which the provisional driving licence was granted. [Repealed and replaced 7/15 (cio 27/7/15).]

EXPLANATORY COMMENTARY

This section establishes the most fundamental rule of driving: **you must have a licence**.

The Basic Rule

You cannot drive a motor vehicle on a road unless you hold a valid driving licence for that class of vehicle. This means:

- If you have a car licence, you can drive a car—but not a motorcycle or lorry.
- If your licence has expired, you can't drive.
- If your licence has been suspended or cancelled, you can't drive.

> *Example:* If you hold a private car licence (Class B) but drive a motorcycle without a motorcycle licence, you're committing an offence—even if you're a skilled rider.

Employing or Permitting Unlicensed Drivers

You also commit an offence if you:

- **Employ** someone to drive when they don't have a licence
- **Permit** someone to drive your vehicle when they don't have a licence

> *Example:* If you own a delivery business and hire a driver who doesn't have a valid licence, you commit an offence. Similarly, if you let your friend borrow your car knowing they don't have a licence, you commit an offence.

Serious Penalties

The penalties for driving without a licence are severe:

- Fine of **Rs 50,000 to Rs 100,000**
- Imprisonment up to **12 months**

These penalties reflect the seriousness of driving without proper authorisation. An unlicensed driver poses a risk to everyone on the road.

Exceptions

The section doesn't apply to:

- Holders of **international driving permits**
- Holders of **provisional driving licences** who are complying with all conditions

> *Example:* If you're visiting Mauritius from abroad and hold a valid international driving permit, you can drive without a Mauritian licence (subject to any regulations). Similarly, if you're learning to drive with a provisional licence and following all the rules, you're not committing an offence.

Key Takeaway: Never drive without a valid licence for the class of vehicle you're driving. Never let someone else drive your vehicle unless they have a valid licence. The penalties are severe—up to Rs 100,000 and 12 months in prison.

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Section 41: Issue of Driving Licence

VERBATIM TEXT

41. Issue of driving licence

(1) On payment of the prescribed fee, a driving licence shall, subject to this Part, be issued to a person applying for it in the prescribed form and manner to the licensing officer.

(2) (a) The applicant shall furnish with his application 2 copies of his photograph and, where the application is made by a paid driver or by a person who desires or intends to be a paid driver, shall allow his fingerprints to be taken in such manner as the licensing officer directs.

(b) The licensing officer may, where he considers it necessary, require an applicant to furnish, on an application for renewal of a driving licence, 2 copies of a recent photograph of the applicant.

(3) On an application for the grant of a driving licence, the applicant shall, in addition to any declaration required under this Act, state whether -

(a) he has held an international driving permit in any part of the world; [Amended 7/15 (cio 27/7/15).]

(b) any permit under paragraph (a) has been endorsed, suspended or cancelled; [Amended 7/15 (cio 27/7/15).]

(c) he has been disqualified from holding a driving licence; or [Amended 7/15 (cio 27/7/15).]

(d) he is, under this Act disqualified by reason of age or otherwise, from obtaining the licence for which he is applying. [Amended 7/15 (cio 27/7/15).]

(4) (a) Subject to this Part as to tests of competence to drive and as to the physical fitness of applicants for driving, the licensing officer shall, except in the case of an applicant who is disqualified under subsection (8), on payment of the prescribed fee, grant a driving licence to the person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is not disqualified by reason of age or otherwise from obtaining the licence for which he is applying.

(b) The licensing officer may refuse to grant or renew any driving licence where he is satisfied that, by reason of the character, conduct or record of convictions of the applicant, the driving of any motor vehicle or class of motor vehicles by that applicant is likely to be a source of danger or prejudice to the public.

(5) A driving licence may authorise its holder to drive -

(a) all classes of motor vehicles; or

(b) such class or such type within a class as the licensing officer may specify in it.

(6) Where under this Part an applicant is subject to a restriction with respect to the driving of any class of motor vehicles, the extent of the restriction shall be specified in the prescribed manner on the driving licence.

(7) Subject to the provisions of this Act with respect to provisional driving licences, a driving licence shall, unless previously revoked or suspended, remain in force for such period as may be prescribed from the date on which it is granted.

[Amended 7/15 (cio 27/7/15).]

(8) A person shall be disqualified from obtaining a driving licence -

(a) where another driving licence granted to him is in force, whether the licence is suspended or not; and

(b) where he is, by a conviction under this Act or any other enactment or by an order of a Court, disqualified from holding or obtaining a driving licence. [Amended 7/15 (cio 27/7/15).]

(9) In any proceedings, the fact that a driving licence has been granted to a person shall be evidence that that person, for the purpose of obtaining that licence, made a declaration that he was not disqualified from holding or obtaining the licence.

EXPLANATORY COMMENTARY

This section explains how to apply for a driving licence and what the licensing officer considers.

Application Process

To apply for a driving licence, you must:

1. **Pay the prescribed fee**
2. **Complete the prescribed form**
3. **Provide 2 passport-sized photographs**
4. **Allow fingerprints to be taken** (if applying as a paid driver)

> *Example:* If you're applying to be a taxi driver, you'll need to provide fingerprints. This helps with background checks and identification.

Declarations Required

You must declare whether you:

- Have held an international driving permit
- Have had any permit endorsed, suspended, or cancelled
- Have been disqualified from holding a licence
- Are disqualified by age or otherwise from getting the licence

> *Example:* If you were disqualified from driving in another country, you must declare this. Hiding it could result in your application being refused—or your licence being cancelled later.

Refusal of Licence

The licensing officer can refuse to grant or renew a licence if satisfied that, based on your character, conduct, or convictions, allowing you to drive would be a danger to the public.

> *Example:* If you have a history of dangerous driving convictions, the licensing officer might refuse your application.

Classes of Vehicles

Your licence can authorise you to drive:

- **All classes** of motor vehicles
- **Specific classes** or types within a class

> *Example:* A standard car licence (Class B) allows you to drive private cars. If you want to drive motorcycles, you need to add that class.

Duration

Unless revoked or suspended, your licence remains valid for the prescribed period.

Disqualification from Getting a Licence

You're disqualified from getting a licence if:

- You already hold another driving licence (you can't have two)
- You've been disqualified by a conviction or court order

Key Takeaway: Apply for your licence in the prescribed manner with all required documents. Be honest about your driving history. The licensing officer has discretion to refuse a licence if you pose a danger to the public.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 42: Licence to Drive Heavy Motor Vehicle

VERBATIM TEXT

42. Licence to drive heavy motor vehicle

No licence shall be issued to a person to drive a heavy motor vehicle unless he has been the holder of a licence to drive motor cars for at least 6 months.

EXPLANATORY COMMENTARY

This section sets an experience requirement for driving heavy vehicles.

Experience Required

Before you can get a licence to drive a heavy motor vehicle, you must have held a car licence for at least **6 months**.

> *Example:* If you get your car licence in January, you can't apply for a heavy vehicle licence until July at the earliest.

Why This Rule Exists

Heavy vehicles are more difficult to drive and more dangerous if mishandled. Requiring experience with lighter vehicles ensures that drivers have basic skills before moving to more challenging vehicles.

Key Takeaway: You need at least 6 months of car driving experience before you can get a heavy vehicle licence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 43: Age of Driver

VERBATIM TEXT

43. Age of driver

(1) A person under the age of 15 shall not drive a motor vehicle on a road.

(2) A person under the age of 17 shall not drive a motor vehicle other than an auto cycle on a road.

(3) A person under the age of 18 shall not drive a motor vehicle other than an auto cycle, a motorcycle or an invalid carriage on a road.

(4) A person under the age of 18 shall not drive on a road in -

(a) a public service vehicle;

(b) a locomotive;

(c) a motor tractor; or

(d) a heavy motor car.

(5) The burden of establishing a person's age shall rest on the applicant for a driving licence.

(6) Any person who -

(a) drives; or

(b) causes or permits any other person to drive, a motor vehicle in contravention of this section shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees and not exceeding 100,000 rupees and to imprisonment for a term not exceeding 12 months.

[Amended 12/18 (cio 1/10/18).]

(7) A person who is prohibited, under this section, by reason of his age, from driving a motor vehicle or a motor vehicle of any class shall, for the purposes of this Part, be deemed to be disqualified under this Part from holding or obtaining any licence, other than a licence to drive the motor vehicle which he is not, by this section, forbidden to drive.

EXPLANATORY COMMENTARY

This section sets minimum ages for driving different types of vehicles.

Age Requirements

Age	What You Can Drive
Under 15	Nothing on a road
15-16	Auto cycle only
17	Auto cycle, motorcycle, invalid carriage
18+	All other vehicles (subject to other requirements)

> *Example:* A 16-year-old can ride an auto cycle (moped) but cannot drive a car. An 18-year-old can drive a car but still cannot drive a public service vehicle, locomotive, motor tractor, or heavy motor car.

Burden of Proof

The applicant must prove their age. This means you'll need to provide a birth certificate or other official document showing your date of birth.

Penalties

Driving below the minimum age—or allowing someone below the minimum age to drive—is an offence:

- Fine of **Rs 50,000 to Rs 100,000**
- Imprisonment up to **12 months**

> *Example:* If you let your 14-year-old child drive your car on a public road, you commit an offence and face severe penalties.

Deemed Disqualification

If you're prohibited by age from driving a particular class of vehicle, you're deemed disqualified from holding a licence for that class.

Key Takeaway: Respect the minimum age requirements. Don't let underage drivers use your vehicle. The penalties are severe.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 44: Test of Competence to Drive

VERBATIM TEXT

44. Test of competence to drive

(1) (a) Subject to paragraph (b), a driving licence shall not be granted to an applicant unless he satisfies the licensing officer that he has either, at some time -

(i) passed the prescribed test of competence to drive; or

(ii) within 3 years before the date on which he makes the application, held an international driving permit in any country authorising him to drive motor vehicles of the class or description which he would be authorised under the licence which he has applied for.

[Amended 7/15 (cio 27/7/15).]

(b) Where a licence is issued in Rodrigues, the licensing officer may require the applicant to undergo the prescribed test of competence to drive.

(2) (a) For the purpose of enabling an applicant for a driving licence to learn to drive a motor vehicle with a view to passing a test under this section, the licensing officer may, on payment of the prescribed fee, grant to the applicant a provisional driving licence, which shall be in the prescribed form and subject to such terms and conditions as may be prescribed.

[Amended 7/15 (cio 27/7/15).]

(b) Where a person to whom a provisional driving licence is granted fails to comply with any of the conditions subject to which it is granted, he shall commit an offence.

[Amended 7/15 (cio 27/7/15).]

(3) The Court before which a person is convicted of an offence under section 123A or 123C may, whether he has previously passed the prescribed test of competence to drive or not, and even if the Court does not make an order under section 52 disqualifying him from holding or obtaining a licence to drive a motor vehicle, order him to be disqualified from holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed the test.

(4) The provisions of this Act, which have effect where an order disqualifying a person from holding or obtaining a driving licence is made, shall have effect in relation to a disqualification by virtue of an order under this section subject to the following modifications -

(a) notwithstanding section 41(8) or 53(3), the person disqualified shall, unless he is disqualified from holding or obtaining a driving licence otherwise than by virtue of an order under this section, be entitled to -

(i) obtain and hold a provisional driving licence to be granted, where the person disqualified is the holder of a driving licence granted by the licensing officer, under subsection (2); and

(ii) drive a motor vehicle in accordance with the conditions subject to which the provisional driving licence is granted;

(b) the disqualification shall be deemed to have expired on production to the licensing officer of evidence that the person has, since the order was made, passed the prescribed test;

(c) on the return to the person disqualified of a driving licence held by him, or on the issue to him of that licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

EXPLANATORY COMMENTARY

This section deals with the driving test and provisional licences.

The Driving Test

To get a full driving licence, you must pass the prescribed test of competence to drive. The only exceptions are:

- If you've held an international driving permit within the last 3 years
- If you're in Rodrigues (where the licensing officer may or may not require a test)

> *Example:* If you've just moved to Mauritius from abroad and held a valid international driving permit within the last 3 years, you may not need to take a Mauritian driving test.

Provisional Driving Licence

While learning to drive, you can get a provisional driving licence. This allows you to practise driving under certain conditions (which are prescribed by regulations). You must pay the prescribed fee.

> *Example:* A provisional licence might require you to display "L" plates and be accompanied by a qualified driver. Failing to comply with these conditions is an offence.

Court-Ordered Test

If you're convicted of dangerous driving (section 123A) or careless driving (section 123C), the Court can order you to retake the driving test—even if you weren't disqualified.

> *Example:* If you're convicted of dangerous driving, the Court might order that you must pass the driving test again before you can get your licence back.

Key Takeaway: You must pass the driving test to get a full licence (unless you have a recent international permit). While learning, you can get a provisional licence but must follow all conditions. Courts can order retesting for certain offences.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 45: Fitness of Applicant

VERBATIM TEXT

45. Fitness of applicant

(1) On an application for the grant or renewal of a driving licence, the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from -

(a) any disease or physical disability as may be specified in the form; or

(b) any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a motor vehicle of such class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) (a) Subject to paragraphs (b) and (c) where, from the declaration or on inquiry from other information, it appears that the applicant is suffering from a disease or disability referred to in subsection (1), the licensing officer shall refuse to grant the driving licence.

(b) A licence limited to driving an invalid carriage may be granted to an applicant where the licensing officer is satisfied that he is fit to drive that carriage.

(c) The applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test

as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive.

(d) Where the applicant passes the prescribed test and is not otherwise disqualified, the driving licence shall not be refused by reason only of this subsection, except that if the test proves his fitness to drive motor vehicles of a particular construction or design only, the driving licence shall be limited only to the driving of those vehicles.

(3) Where the applicant is of the age of 60 or more, the licensing officer may, before issuing or renewing a driving licence, if he thinks fit, require the applicant to produce a satisfactory medical certificate in such form as may be prescribed, signed by a medical practitioner.

EXPLANATORY COMMENTARY

This section deals with medical fitness to drive.

Declaration of Health

When applying for or renewing a licence, you must declare whether you suffer from any disease or disability that could affect your driving. This includes both:

- Specific conditions listed on the form
- Any other condition that could make driving dangerous

> *Example:* If you have epilepsy, severe diabetes, or a heart condition that could cause sudden incapacitation, you must declare it.

Refusal of Licence

If you have a condition that makes driving dangerous, the licensing officer must refuse your licence.

Exception for Invalid Carriages

If you're fit to drive an invalid carriage, you can get a licence limited to that type of vehicle.

Fitness Test

You can request a test to prove your fitness to drive. If you pass, you can get a licence—but it might be limited to vehicles of a particular construction or design.

Older Drivers

If you're 60 or older, the licensing officer may require a medical certificate before issuing or renewing your licence.

> *Example:* If you're 65 and applying to renew your licence, you might be asked to provide a medical certificate confirming you're fit to drive.

Key Takeaway: Be honest about your health when applying for a licence. If you have a condition that affects your driving, you may need to undergo a fitness test or accept a restricted licence. Older drivers may need medical certificates.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 46: Production of Driving Licence

VERBATIM TEXT

46. Production of driving licence

(1) Any person driving a motor vehicle on a road shall, at the request of a police officer, or an officer appointed under section 3(2), produce his driving licence or a digital driving licence. [Amended 17/12 (cio 10/5/13); 15/26 (cio 4/9/26).]

(2) Any person who contravenes subsection (1) shall commit an offence.

(3) Where a driver -

(a) fails to produce his driving licence or a digital driving licence; or [Amended 17/12 (cio 10/5/13); 15/26 (cio 4/9/26).]

(b) produces a digital driving licence, [Amended 15/26 (cio 4/9/26).]

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) Any person who fails to comply with a requirement made under subsection (3) shall commit an offence and shall, on conviction, be liable to a fine of not less than 2,000 rupees and not more than 10,000 rupees. [Amended 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section requires drivers to produce their licence when asked by police.

Producing Your Licence

If a police officer or authorised officer asks to see your driving licence, you must produce it. You can produce either:

- Your physical driving licence
- A digital driving licence (if available)

> *Example:* If you're stopped at a police checkpoint, the officer may ask to see your licence. You should be able to show it immediately—either the physical card or a digital version.

If You Can't Produce It Immediately

If you can't produce your licence immediately (or if you produce a digital licence), the officer may require you to produce the physical licence within **5 days** at a police station of your choice.

> *Example:* If you left your licence at home, you can tell the officer you'll produce it at a police station within 5 days. You get to choose which station.

Penalties

- Failing to produce your licence when asked is an offence.
- Failing to produce it within 5 days at the specified police station is an offence with a fine of **Rs 2,000 to Rs 10,000**.

Key Takeaway: Always carry your driving licence when driving. If you can't produce it immediately, you have 5 days to produce it at a police station. Failure to do so can result in a fine.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 47: Delivery of Licence to Licensing Officer

VERBATIM TEXT

47. Delivery of licence to licensing officer

(1) (a) Where the licensing officer has reasonable cause to believe that a driving licence is in the possession of any person, other than the one to whom it was issued, he may, by notice in writing served personally on the person in whose possession the licence is alleged to be, require that person forthwith to deliver the licence to him.

(b) The licensing officer shall, in the absence of any reason to the contrary, deliver the driving licence to the person to whom it was issued.

(2) Any person who, without reasonable cause, fails to comply with a notice under this section shall commit an offence.

EXPLANATORY COMMENTARY

This section deals with situations where someone else has your driving licence.

If Someone Else Has Your Licence

If the licensing officer believes that someone else has your driving licence, they can require that person to deliver it. The licensing officer will then return it to you (the person to whom it was issued).

> *Example:* If you left your licence with a friend and the licensing officer finds out, they can require your friend to hand it over. The licence will then be returned to you.

Failure to Comply

If you're required to deliver a licence and don't do so without reasonable cause, you commit an offence.

Key Takeaway: If you have someone else's driving licence, you can be required to hand it over. The licence will be returned to its rightful owner.

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For more resources, visit roadsafetymoris.org.in.

Section 48: Paid Drivers

VERBATIM TEXT

48. Paid drivers

(1) Every paid driver shall, at the request of the licensing officer -

(a) made in writing, attend at the office of the licensing officer; and

(b) allow his fingerprints to be taken; and

(c) produce his driving licence.

(2) Any person who, without reasonable cause, fails to comply with subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section imposes additional requirements on paid drivers.

Who Is a Paid Driver?

A paid driver is someone who drives a motor vehicle in return for a salary or other remuneration. This includes:

- Taxi drivers
- Bus drivers
- Delivery drivers
- Private chauffeurs

Requirements

If you're a paid driver, the licensing officer can require you to:

1. **Attend** at their office (by written request)
2. **Allow your fingerprints to be taken**
3. **Produce your driving licence**

> *Example:* If you're a taxi driver, the licensing officer might ask you to come to their office to update your records. You must attend and provide your fingerprints and licence.

Failure to Comply

Failing to comply without reasonable cause is an offence.

Key Takeaway: Paid drivers have additional obligations, including providing fingerprints and attending the licensing officer's office when requested.

Guidance provided by roadsafetymoris.org.in.

For more resources, visit roadsafetymoris.org.in.

Section 49: Driving Test Fees

VERBATIM TEXT

49. Driving test fees

(1) (a) Every person applying to undergo a driving test shall pay the prescribed fee.

(b) Where a person fails to present himself for the test for which he has applied, the fee paid shall be forfeited unless he gives 48 hours' notice of his inability to attend the test, in which case the fee paid shall be refunded to him.

(2) No fee shall be payable in respect of a test carried out as a result of an order given under section 50(1)(c).

EXPLANATORY COMMENTARY

This section deals with fees for driving tests.

Test Fees

You must pay a fee when you apply for a driving test.

Failure to Attend

If you don't show up for your test, you lose your fee—unless you give at least **48 hours' notice** that you can't attend. If you give proper notice, you get a refund.

> *Example:* If your test is on Friday and you realise on Wednesday you can't make it, you must notify the authorities by Wednesday (at least 48 hours before). If you do, you get your fee back. If you just don't show up, you lose the fee.

No Fee for Court-Ordered Tests

If you're required to take a test as a result of a court order under section 50(1)(c), you don't have to pay.

Key Takeaway: Pay your test fee when applying. If you can't attend, give at least 48 hours' notice to get a refund.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 50: Revocation of Driving Licence

VERBATIM TEXT

50. Revocation of driving licence

(1) Notwithstanding this Act, the licensing officer may -

(a) revoke a driving licence, or an endorsement authorising its holder to drive a public service vehicle, where it appears to him that the conduct or character of the holder is such as to render him unfit to drive the vehicle, regard being had to the safety of the public;

(b) revoke the driving licence of a person who appears to him to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public; and

(c) (i) where, at any time, he has reason to believe that a person who holds a driving licence is no longer competent to drive a motor vehicle, call upon that person to submit himself to a further test as to his competence; and

(ii) where that person fails to submit himself to, or does not pass, the test, revoke or refuse to renew the licence, as the case may be.

(2) No revocation may be made under this section unless the licence holder has first been given an opportunity to make representations on his behalf to the licensing officer.

(3) (a) An order made under this section shall be in writing and shall be sent or delivered to the licence holder.

(b) Where an order to revoke a driving licence or an endorsement of the licence has been made, the licence holder shall, within 14 days of -

(i) the receipt of the order; or

(ii) the failure of an appeal against the order, deliver or send the licence to the licensing officer.

EXPLANATORY COMMENTARY

This section gives the licensing officer power to revoke driving licences in certain circumstances.

Grounds for Revocation

The licensing officer can revoke your licence if:

1. **Your conduct or character** makes you unfit to drive (considering public safety)
2. **You suffer from a disease or disability** that makes driving dangerous
3. **You're no longer competent** to drive (you may be required to take another test)

> *Example:* If you develop a medical condition that causes seizures, the licensing officer can revoke your licence. If you're convicted of a serious driving offence, your conduct might lead to revocation.

Right to Make Representations

Before revoking your licence, the licensing officer must give you an opportunity to make representations—to explain your side of the story.

> *Example:* If the licensing officer is considering revoking your licence due to a medical condition, you can provide medical evidence showing that your condition is controlled and you're fit to drive.

Surrendering the Licence

If your licence is revoked, you must surrender it within **14 days** of receiving the order (or within 14 days of a failed appeal).

Key Takeaway: The licensing officer can revoke your licence for conduct, medical, or competence reasons. You have the right to make representations before revocation. If revoked, surrender your licence within 14 days.

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For more resources, visit roadsafetymoris.org.in.

Section 51: Appeal

VERBATIM TEXT

51. Appeal

(1) (a) Where a person is aggrieved by -

(i) the refusal of the licensing officer to grant or renew a driving licence; or

(ii) the revocation of a driving licence under section 50, he may, within 8 days of the notification to him of the decision of the licensing officer, cause a summons to be served upon the licensing officer calling upon him to show cause before the Magistrate of the District Court of Port Louis (First Division) why his decision should not be reversed, modified or suspended.

(b) The Magistrate may hear and determine the case as though it were a civil matter.

(2) Where an appeal is made under subsection (1), the decision of the Magistrate shall be final.

EXPLANATORY COMMENTARY

This section provides a right of appeal against certain licensing decisions.

When You Can Appeal

You can appeal if you're aggrieved by:

- The refusal of the licensing officer to grant or renew your licence

- The revocation of your licence under section 50

How to Appeal

You must:

1. **Act within 8 days** of being notified of the decision
2. **Serve a summons** on the licensing officer
3. **Appear before the Magistrate** of the District Court of Port Louis (First Division)

The Magistrate will hear the case as a civil matter.

Final Decision

The Magistrate's decision is final—there's no further appeal.

> *Example:* If your licence is revoked and you believe the decision was wrong, you can appeal to the Magistrate within 8 days. The Magistrate will review the decision and either confirm, reverse, or modify it. Their decision is final.

Key Takeaway: If you disagree with a licensing decision, you can appeal to the Magistrate within 8 days. The Magistrate's decision is final.

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For more resources, visit roadsafetymoris.org.in.

Section 51A: Credit for Disqualification

VERBATIM TEXT

51A. Credit for disqualification

A Court before which a person is convicted of an offence under this Act shall -

(a) in determining the period for which the person is to be disqualified from driving a motor vehicle, give credit to the person for the period during which he was disqualified from driving a motor vehicle pursuant to section 123LA(4) (a); and

(b) indicate in its judgment that such credit has been given to the person.

EXPLANATORY COMMENTARY

This section ensures that time already spent disqualified counts toward any new disqualification.

Credit for Time Served

If you were disqualified under section 123LA(4)(a) (which relates to being under the influence of alcohol or drugs), and you're later convicted of another offence, the Court must give you credit for the time you were already disqualified.

> *Example:* If you were disqualified for 3 months under section 123LA, and then convicted of a driving offence that carries a 6-month disqualification, the Court must deduct the 3 months already served. Your new disqualification would be 3 months, not 6.

Recording in Judgment

The Court must indicate in its judgment that credit was given.

Key Takeaway: Time spent disqualified counts toward any new disqualification. The Court must give you credit and record it in the judgment.

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For more resources, visit roadsafetymoris.org.in.

Section 52: Powers of Court

VERBATIM TEXT

52. Powers of Court

(1) (a) Subject to section 123AG, a Court before which a person is convicted of an offence under this Act -

[Amended 17/12 (cio 10/5/13); 7/15 (cio 27/7/15).]

(i) may, where it is declared to be permissible by the Second Schedule, and, unless the Court for special reasons thinks fit to order otherwise, shall, where it is declared to be obligatory by that Schedule, subject to any limitation specified in relation to that offence in that Schedule -

(A) where the convicted person holds a driving licence or provisional driving licence, declare that person disqualified from holding or obtaining a licence in Mauritius for such time as the Court thinks fit or cancel the licence and declare that person disqualified;

[Repealed and replaced 7/15 (cio 27/7/15).]

(B) where the convicted person holds an international driving permit, declare that person disqualified from driving in Mauritius for such time as the Court thinks fit; or

[Repealed and replaced 7/15 (cio 27/7/15).]

(C) where the convicted person does not hold a driving licence, provisional driving licence or an international driving permit, declare that person disqualified from holding or obtaining a licence in Mauritius for such time as the Court may determine;

[Inserted 7/15 (cio 27/7/15).]

(ii) may, where it is declared to be permissible by the Second Schedule, and shall, where it is declared to be obligatory by that Schedule, order that particulars of the conviction and of any cancellation of his driving licence

or provisional driving licence and of any disqualification to which that person has become subject shall be endorsed on the licence held by that person; and

[Amended 7/15 (cio 27/7/15).]

(iii) may, in all cases of cancellation of a licence or of disqualification, further order that the convicted person be disqualified from holding or obtaining a licence in Mauritius unless and until he has, since the date of the order, passed a driving test.

(b) [Repealed 17/12 (cio 10/5/13).]

(1A) (a) Where a person is disqualified under this Part, the Court shall -

(i) order that person to surrender his driving licence, provisional driving licence or international driving permit, as the case may be, to the Court within 5 days of the date of the order;

(ii) order that person to follow a rehabilitation course -

(A) in the case of a person referred to in subsection (1)(a)(i)(A), before restoration of his licence, or for holding or obtaining a driving licence;

(B) in the case of a person referred to in subsection (1)(a)(i)(B), before restoration of his permit; or

(C) in the case of a person referred to in subsection (1)(a)(i)(C), before holding or obtaining a driving licence, pursuant to section 123AI; and

(iii) (A) where there is no appeal, forward the surrendered licence or permit to the licensing officer after 21 days but not later than 30 days from the date on which the licence or permit is surrendered;

[Amended 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(B) where there is an appeal, return the surrendered licence or permit to the holder on production of his National Identity Card or, where he is the holder of an international driving permit, his passport.

(b) Where a person against whom an order is made pursuant to paragraph (a)(i) is the holder of both -

(i) a driving licence and an international driving permit; or

(ii) a provisional driving licence and an international driving permit, he shall surrender both the licence and permit to the Court.

(c) Any person who fails to surrender his licence or permit within the period specified in paragraph (a)(i) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) A person who, by virtue of an order of a Court under this Part -

(a) is disqualified from holding or obtaining a driving licence; [Amended 7/15 (cio 27/7/15).]

(b) has had his driving licence or provisional licence cancelled; or [Amended 7/15 (cio 27/7/15).]

(c) is disqualified from driving in Mauritius, [Inserted 7/15 (cio 27/7/15).]

may appeal against the order in the same manner as against a conviction and the Court may, pending the appeal, suspend the operation of the order.

EXPLANATORY COMMENTARY

This section gives courts power to disqualify drivers and cancel licences.

Disqualification Powers

When a person is convicted of an offence under the Act, the Court can:

1. **Disqualify** the person from holding or obtaining a licence for a specified period
2. **Cancel** the licence and disqualify the person
3. **Endorse** the licence with particulars of the conviction
4. **Order a retest** before the person can get a licence back

The Second Schedule specifies which offences carry obligatory or permissible disqualification.

> *Example:* If you're convicted of dangerous driving, the Court may disqualify you from driving for a period (e.g., 6 months or 1 year). The Second Schedule sets out whether disqualification is obligatory or discretionary for each offence.

Surrender of Licence

If you're disqualified, the Court will order you to surrender your licence within **5 days**. You must comply—failure to do so is an offence with a fine up to Rs 10,000 and imprisonment up to 12 months.

Rehabilitation Course

The Court will also order you to complete a rehabilitation course before your licence can be restored. This is a course aimed at improving driving behaviour.

> *Example:* If you're disqualified for drink driving, you must complete a rehabilitation course before you can get your licence back.

Appeal

You can appeal against a disqualification order in the same way as against a conviction. The Court can suspend the order while the appeal is being heard.

Key Takeaway: Courts can disqualify you from driving, cancel your licence, and order you to retake the driving test. If disqualified, surrender your licence within 5 days and complete a rehabilitation course before getting it back.

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For more resources, visit roadsafetymoris.org.in.

Section 53: Disqualification

VERBATIM TEXT

53. Disqualification

(1) (a) Where a person who is the holder of a driving licence or provisional driving licence is disqualified by virtue of a conviction or order under this Part, the licence shall be retained by the licensing officer as long as the disqualification is in force and the licence shall be suspended as from the date of disqualification until the restoration of the licence to its holder under section 123AI(3).

(b) Where a person who is the holder of an international driving permit is disqualified by virtue of a conviction or order under this Part, the permit shall be retained by the licensing officer as long as the disqualification is in force and until its restoration to the holder under section 123AI(4).

[Amended 17/12 (cio 10/5/13); repealed and replaced 7/15 (cio 27/7/15).]

(2) A driving licence or provisional driving licence suspended by virtue of this Part shall, during the time of suspension, be of no effect in Mauritius.

(3) (a) A person who, by virtue of a conviction or order under this Part and section 123AG, is disqualified from holding or obtaining a driving licence or provisional driving licence, or is disqualified from driving in Mauritius, may, at any time after the expiry of 6 months from the date of the conviction or order and on his completion of a rehabilitation course, apply to the Court before which he was convicted or by which the order was made to remove the disqualification.

[Amended 17/12 (cio 10/5/13); 7/15 (cio 27/7/15).]

(b) Where an application is made under paragraph (a), the Court may, if it thinks proper, having regard to -

(i) the character of the person disqualified;

(ii) his conduct subsequent to the conviction or order;

(iii) the nature of the offence; and

(iv) any other circumstances of the case, by order, remove the disqualification as from such date as may be specified in the order or refuse the application.

(c) Where an application under this subsection is refused, a further application shall not be entertained if made within 3 months after the date of the refusal.

(d) Where the Court orders a disqualification to be removed, the Court -

(i) shall cause particulars of the order to be endorsed on any licence previously held by the applicant; and

(ii) may order the applicant to pay the whole or any part of the costs of the application.

(4) Where a person who is disqualified under this Part and section 123AG from holding or obtaining a driving licence or provisional driving licence, or is disqualified from driving in Mauritius -

[Amended 17/12 (cio 10/5/13); 7/15 (cio 27/7/15).]

(a) applies for or obtains a driving licence;

(b) drives a motor vehicle on a road; or

(c) where the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives a motor vehicle of that class or description on a road, he shall commit an offence and shall, on conviction, be liable -

(i) to imprisonment for a term not exceeding 2 years;

(ii) where the Court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine of not less than 50,000 rupees and not exceeding 100,000 rupees; or

[Amended 12/18 (cio 1/10/18).]

(iii) to both imprisonment for a term not exceeding 2 years and a fine of not less than 50,000 rupees and not exceeding 100,000 rupees,

[Amended 12/18 (cio 1/10/18).]

and a driving licence obtained by any disqualified person shall be of no effect.

(5) Proceedings for an offence under subsection (4) may be instituted -

(a) within a period of 6 months from the date of the commission of the alleged offence; or

(b) within a period which does not exceed -

(i) 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed; or

(ii) one year from the date of the commission of the offence, whichever period is the longer.

EXPLANATORY COMMENTARY

This section deals with the consequences of disqualification and the process for getting your licence back.

Retention of Licence

If you're disqualified, your licence is retained by the licensing officer for the duration of the disqualification. During this time, your licence is suspended and has no effect in Mauritius.

Applying to Remove Disqualification

After **6 months** from the date of conviction or order, you can apply to the Court to have your disqualification removed. You must have completed a rehabilitation course.

The Court will consider:

- Your character
- Your conduct since the conviction
- The nature of the offence
- Any other circumstances

The Court can either remove the disqualification or refuse your application.

> *Example:* If you were disqualified for 12 months for a driving offence, you can apply to the Court after 6 months to have the disqualification removed early. The Court will decide based on your behaviour and the circumstances.

Further Applications

If your application is refused, you can't apply again for another **3 months**.

Driving While Disqualified

Driving while disqualified is a serious offence:

- Imprisonment up to **2 years**
- Fine of **Rs 50,000 to Rs 100,000**
- Or both

Any licence you obtain while disqualified is of no effect.

> *Example:* If you're disqualified for 6 months and drive during that period, you commit an offence. If caught, you could face up to 2 years in prison and a fine of up to Rs 100,000.

Time Limits for Prosecution

Proceedings for driving while disqualified can be brought within 6 months of the offence, or within 3 months of the prosecutor becoming aware of it (up to one year from the offence).

Key Takeaway: Disqualification means your licence is suspended and retained by authorities. After 6 months, you can apply to have the disqualification removed—but you must complete a rehabilitation course. Driving while disqualified is a serious offence with severe penalties.

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Section 54: Endorsement

VERBATIM TEXT

54. Endorsement

(1) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on the driving licence held by the offender shall, whether the offender is at the time the holder of a driving licence or not,

operate as an order that any driving licence he may then hold or subsequently obtain shall be so endorsed until he becomes entitled, under this section, to have a driving licence free from endorsement issued to him.

(2) (a) Where an order is made requiring a driving licence held by an offender to be endorsed, the offender shall -

(i) where he is at the time the holder of a driving licence, produce, if the Court so orders, the driving licence within 5 days or such longer time as the Court may determine, for the purpose of endorsement; and

(ii) where he is not the holder of a driving licence but subsequently obtains a driving licence, within 5 days after obtaining the driving licence, produce it to the Court for the purpose of endorsement.

(b) Any person who contravenes paragraph (a) shall commit an offence and, where the driving licence is not produced for the purpose of endorsement within the period specified under paragraph (a), it shall be suspended from the expiry of that period until it is produced for the purpose of endorsement.

(3) On the issue of a new driving licence to any person, the particulars endorsed on a previous driving licence held by him shall be copied on the new driving licence, unless he has previously become entitled, under this section, to have a driving licence free from endorsement issued to him.

(4) Any person -

(a) whose driving licence has been ordered to be endorsed; and

(b) who has not previously become entitled, under this section, to have a driving licence free from endorsement issued to him, who applies for or obtains a driving licence without giving particulars of the order, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 3 months and the driving licence which he has obtained shall be of no effect.

(5) (a) Where an order has been made in respect of a person under this Part requiring the endorsement of a driving licence held by him, he shall be entitled, on applying for the grant of a driving licence under this Part, or on payment of the prescribed fee and the surrender of any subsisting driving licence, to have issued to him a new driving licence free from endorsement -

(i) where he has, during a continuous period of 3 years or more since the order was made, had no order made against him, or no order, other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at speed exceeding a speed limit; or

(ii) where the order was made by reason only of a conviction under subparagraph (i) and immediately before the order was made, he was the holder of, or was entitled to have issued to him, a driving licence, free from any endorsement, other than that of particulars in relation to the conviction if

he has during a continuous period of one year or more since the order was made, had no order requiring endorsements made against him.

(b) In reckoning the continuous period of 3 years and one year respectively under paragraph (a), any period during which the applicant was, by virtue of the order, disqualified from holding or obtaining a driving licence shall be excluded.

(6) (a) Where -

(i) a Court orders particulars to be endorsed on a driving licence held by a person; or

(ii) by a conviction or order of a Court, a person is disqualified from holding or obtaining a driving licence, the Court shall send notice of the conviction or order to the licensing officer.

(b) Where a person is disqualified under paragraph (a), the Court shall also, on the production of the driving licence for the purpose of endorsement, retain the driving licence and forward it to the licensing officer.

(c) The licensing officer shall keep the driving licence until -

(i) the disqualification has expired or been removed; and

(ii) the person entitled to the driving licence has made a demand in writing for its return to him.

(d) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the licensing officer shall forthwith, after receiving the driving licence of that person under paragraph (b), issue to that person a new driving licence.

(e) The new driving licence shall indicate, in the prescribed manner, the class or description of vehicle which the holder of the driving licence is not authorised to drive, and shall remain in force for -

(i) the unexpired period of the original driving licence; or

(ii) the period of the disqualification, whichever is the shorter.

(7) (a) Where on an appeal against an order made under this section, the appeal is allowed or the conviction quashed, the appellate Court shall send notice of the fact to the licensing officer.

(b) The Registrar or other officer of the Court shall, as may be necessary, cancel or amend an endorsement made on the driving licence.

EXPLANATORY COMMENTARY

This section deals with endorsements on driving licences—records of convictions and disqualifications.

What Is an Endorsement?

An endorsement is a record on your driving licence showing that you've been convicted of an offence or disqualified from driving. It's like a permanent mark on your driving record.

Producing Your Licence for Endorsement

If the Court orders your licence to be endorsed, you must produce it within **5 days** (or longer if the Court allows). If you don't have a licence at the time but get one later, you must produce it within 5 days of getting it.

> *Example:* If you're convicted of a driving offence and the Court orders an endorsement, you must hand in your licence within 5 days so the endorsement can be added.

Failure to Produce

If you fail to produce your licence for endorsement, it will be suspended from the end of the 5-day period until you produce it.

New Licences

When you get a new licence, any endorsements from your previous licence are copied onto the new one—unless you've become entitled to a clean licence.

Getting a Clean Licence

You can get a licence free from endorsements if:

- **3 years** have passed since the order, with no further orders against you (or only a speeding offence more than a year before your application)
- **1 year** has passed if the only endorsement was for speeding and you had a clean licence before

> *Example:* If your only endorsement was for speeding and you've had no other offences for a year, you can apply for a clean licence.

Retention of Licence

If you're disqualified, the Court will retain your licence and forward it to the licensing officer. The licensing officer keeps it until the disqualification expires or is removed, and you request its return in writing.

Limited Disqualification

If your disqualification is limited to a particular class of vehicle, the licensing officer will issue you a new licence showing which vehicles you can't drive.

Appeals

If your appeal against an endorsement order is successful, the Court will notify the licensing officer, and the endorsement will be cancelled or amended.

Key Takeaway: Endorsements are records of convictions on your licence. You must produce your licence for endorsement within 5 days. After 3 years (or 1 year for minor speeding offences), you can get a clean licence. If disqualified, your licence is retained by the licensing officer.

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End of Part IV – Driving Licences

SUMMARY OF PART IV

Part IV governs driving licences:

- **Licence required:** You must hold a valid licence for the class of vehicle you drive.
- **Application:** Apply with photographs, fingerprints (for paid drivers), and declarations about your driving history.
- **Age requirements:** Minimum ages range from 15 (auto cycles) to 18 (all other vehicles).
- **Driving test:** You must pass the test unless you have a recent international permit.
- **Medical fitness:** You must declare any condition that could affect your driving.
- **Production of licence:** You must produce your licence when asked by police.
- **Revocation:** The licensing officer can revoke your licence for conduct, medical, or competence reasons.
- **Disqualification:** Courts can disqualify you from driving and order you to retake the test.
- **Endorsements:** Convictions are recorded on your licence. After 3 years (or 1 year for minor offences), you can get a clean licence.

This concludes Part IV of the Road Traffic Act of Mauritius, Annotated Edition. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART V – COMPULSORY THIRD PARTY INSURANCE

INTRODUCTION TO PART V

Welcome to Part V of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This part of the law deals with something that affects every single driver in Mauritius: **compulsory third party insurance**. If you drive a motor vehicle, you are legally required to have insurance that covers damage or injury you might cause to others.

Why is this so important? Because driving is inherently risky. Even the most careful driver can be involved in an accident. Without insurance, a driver who causes injury or death to another person could face financial ruin—and the victim might receive no compensation at all.

Compulsory third party insurance ensures that:

- **Victims are compensated** for death or bodily injury caused by motor vehicles
- **Drivers are protected** from catastrophic financial liability
- **The public is protected** from uninsured drivers

This part covers:

- The requirement to have valid insurance
- What a policy of insurance must cover
- The insurance vignette you must display on your vehicle
- What happens when accidents occur
- The Motor Vehicle Insurance Arbitration Committee
- The Agreed Statement of Facts Form for minor accidents
- Insurers' liability to third parties
- Rights of third parties against insurers

Whether you're a driver, a vehicle owner, or someone who's been injured in an accident, this part contains essential information about your rights and obligations.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 55: Using Uninsured Vehicle

VERBATIM TEXT

55. Using uninsured vehicle

(1) Subject to this Part, no person shall -

(a) use; or

(b) cause or permit any other person to use, a motor vehicle, unless there is in force in relation to the use of that vehicle by that person or that other person, as the case may be, such policy of insurance or such security in respect of third party risks as complies with this Part.

(2) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) This section shall not apply to a vehicle -

(a) owned by, and used for the purpose of, the Government;

(b) owned by a person who has deposited and keeps deposited with the Accountant-General such sum as the Accountant-General considers sufficient where it is -

(i) driven by the owner or by a servant of the owner in the course of his employment; or

(ii) otherwise subject to the control of the owner; or

(c) driven for police purposes -

(i) by or under the direction of a Superintendent of Police; or

(ii) by a person employed in the Police Force.

EXPLANATORY COMMENTARY

This section makes it a legal requirement to have valid third party insurance before using a motor vehicle on a road.

The Basic Rule

You cannot use a motor vehicle—or allow anyone else to use it—unless there is a valid policy of insurance in place that covers third party risks. This means insurance that covers death or bodily injury to other people.

> *Example:* If you drive your car without valid insurance, you commit an offence. If you lend your car to a friend knowing it's uninsured, you also commit an offence.

Penalties

Driving without insurance carries serious penalties:

- Fine up to **Rs 10,000**
- Imprisonment up to **12 months**

Exceptions

There are three exceptions to this requirement:

1. **Government vehicles** —vehicles owned and used by the Government
2. **Deposits with Accountant-General** —if a person has deposited a sufficient sum with the Accountant-General, they don't need insurance
3. **Police vehicles** —vehicles driven for police purposes

Key Takeaway: Never drive without valid third party insurance. Never let anyone else drive your vehicle without insurance. The penalties are severe—up to Rs 10,000 and 12 months in prison.

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Section 56: Defence

VERBATIM TEXT

56. Defence

A person charged with using a motor vehicle in contravention of section 55 shall not commit an offence if he proves that -

(a) the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan;

(b) he was using the vehicle in the course of his employment; and

(c) he neither knew, nor had reason to believe, that there was not in force in relation to the vehicle such policy of insurance or security as complies with this Part.

EXPLANATORY COMMENTARY

This section provides a defence for people charged with using an uninsured vehicle.

The Defence

You have a defence if you can prove all three of the following:

1. **The vehicle didn't belong to you** —you weren't the owner and weren't hiring or borrowing it
2. **You were using the vehicle in the course of your employment** —you were driving it for work

3. **You didn't know and had no reason to believe** there was no insurance

> *Example:* If you're an employee and your employer asks you to drive a company vehicle, and you genuinely don't know it's uninsured, you may have a defence. But if you knew (or should have known) the vehicle was uninsured, this defence won't work.

Key Takeaway: If you're employed to drive a vehicle and genuinely don't know it's uninsured, you may have a defence. But this defence requires proof of all three elements.

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Section 57: Policy of Insurance

VERBATIM TEXT

57. Policy of insurance

(1) In order to comply with this Part, a policy of insurance shall -

(a) be issued by an insurer licensed under the Insurance Act;

(b) notwithstanding any other enactment, insure such person, persons or classes of persons as may be specified in the policy in respect of any liability of not less than 150 million rupees, for each occurrence or event, which may be incurred by him or them in respect of the death of, or bodily injury to, any person caused by, or arising out of, the use of the motor vehicle; and

(c) not be required to cover -

(i) any liability in respect of the death of, or bodily injury to, a person in the employ of any person insured by the policy, where the death or bodily injury arises out of and in the course of his employment;

(ii) except in the case of a motor vehicle in which passengers are carried for hire or reward or by reason of, or in pursuance of, a contract of employment, liability in respect of the death of, or bodily injury to, a person being carried in or upon, or entering or getting on, or alighting from, the vehicle at the time of the occurrence of the event out of which the claim arise; or

(iii) any contractual liability.

(2) Notwithstanding any other enactment, a person issuing a policy of insurance under this section shall be liable to indemnify up to the maximum amount specified under section 57(1)(b) the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(3) (a) A policy shall be of no effect for the purpose of this Part unless and until there is issued, by the insurer, in favour of the person by whom the policy is effected, a certificate of insurance in the prescribed form -

(i) issued from a counterfoil book of certificates numbered serially and signed by the insurer or his authorised representative whose specimen signature shall be furnished to the Commissioner; and

(ii) containing such particulars of any conditions subject to which the policy is issued and of such other matters as may be prescribed.

(b) In a policy of insurance issued under paragraph (a), different forms and different particulars may be prescribed in relation to different cases or circumstances.

(4) (a) The Commissioner or the Commissioner of Police, or any officer deputed by either of them in writing, may, at any time, call at the office of an insurer and require the production, for the purpose of inspection, of the records kept by him in connection with a certificate of insurance issued by him and of the policy to which the certificate relates.

(b) Where an inspection under paragraph (a) is refused, the insurer shall commit an offence.

(c) Where an inspection under paragraph (a) is refused, the Court may compel the production of the records and the policy.

EXPLANATORY COMMENTARY

This section sets out what a valid policy of insurance must include.

Requirements for a Valid Policy

To comply with the law, an insurance policy must:

1. **Be issued by a licensed insurer** —the insurer must be licensed under the Insurance Act
2. **Cover at least Rs 150 million** —for each occurrence or event, for death or bodily injury to any person
3. **Not be required to cover certain liabilities** —including employee injuries in the course of employment, passengers in private vehicles (unless carried for hire or reward), and contractual liability

> *Example:* If you cause an accident that injures someone, your insurance must cover at least Rs 150 million in liability. This is a very high limit, ensuring that victims can receive adequate compensation.

What's Not Covered

The policy doesn't have to cover:

- **Employee injuries** —if an employee is injured in the course of their employment
- **Passengers in private vehicles** —unless they're being carried for hire or reward or under a contract of employment
- **Contractual liability** —liability arising from a contract

Certificate of Insurance

A policy is not effective for the purposes of this Part unless a certificate of insurance is issued. The certificate must:

- Be in the prescribed form
- Be issued from a serially numbered counterfoil book
- Be signed by the insurer or authorised representative
- Contain prescribed particulars

Inspection of Records

The Commissioner or Commissioner of Police can inspect an insurer's records at any time. Refusing inspection is an offence.

Key Takeaway: Your insurance policy must be issued by a licensed insurer and cover at least Rs 150 million for death or bodily injury. You must have a certificate of insurance for the policy to be valid.

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Section 57A: Insurance Vignette

VERBATIM TEXT

57A. Insurance vignette

(1) Every insurer who issues a policy of insurance under this Part shall also issue to the person insured an insurance vignette, which shall be in such form and contain such particulars as may be prescribed.

(2) No person shall drive a motor vehicle on a road unless an insurance vignette issued in respect of that motor vehicle under subsection (1) is affixed to and conspicuously displayed on -

(a) the near side of the front seat of motorcycles and auto cycles; or

(b) the left corner of the windscreen of any other vehicle.

(3) Where an insurance vignette is affixed to, and conspicuously displayed on, a motor vehicle, the person driving the motor vehicle shall not be required to produce a certificate of insurance for the purposes of section 68(1)(a)(ii) or (2)(a)(ii).

EXPLANATORY COMMENTARY

This section requires you to display an insurance vignette on your vehicle.

What Is an Insurance Vignette?

An insurance vignette is a sticker or label that proves your vehicle is insured. Your insurer will issue it when you take out a policy.

Where to Display It

You must display the vignette:

- **On motorcycles and auto cycles:** On the near side of the front seat
- **On all other vehicles:** On the left corner of the windscreen

> *Example:* If you drive a car, your insurance vignette must be on the left corner of your windscreen. If you ride a motorcycle, it must be on the near side of the front seat.

Benefit of Displaying the Vignette

If your vignette is properly displayed, you don't need to produce your certificate of insurance when asked by police under certain sections. The vignette itself serves as proof of insurance.

Key Takeaway: Always display your insurance vignette on your vehicle. This proves you have insurance and saves you from having to produce your certificate when stopped by police.

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Section 58: Security

VERBATIM TEXT

58. Security

(1) In order to comply with this Part, a security shall -

(a) be given by -

(i) an insurer licensed under the Insurance Act; or

(ii) some body of persons approved by the Minister, which carries on the business of giving securities of a similar nature and has deposited and keeps deposited with the Accountant-General the sum of 300,000 rupees in respect of that business; and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified in the security and up to the amount -

(i) in the case of an undertaking relating to the use of a public service vehicle, of not less than 250,000 rupees;

(ii) in the case of any other undertaking, of not less than 100,000 rupees, any liability which is required to be covered by a policy of insurance under this Part.

EXPLANATORY COMMENTARY

This section deals with “security” as an alternative to a policy of insurance.

What Is a Security?

A security is a formal undertaking to pay for liabilities that would normally be covered by insurance. It’s an alternative way of complying with the insurance requirement.

Who Can Give a Security?

A security can be given by:

1. **A licensed insurer**
2. **An approved body** that has deposited at least Rs 300,000 with the Accountant-General

Amount of Security

The security must cover at least:

- **Rs 250,000** for public service vehicles
- **Rs 100,000** for other vehicles

Key Takeaway: Instead of a policy of insurance, you can provide a security—a formal undertaking to pay liabilities. This is more common for businesses and organisations.

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Section 59: Void Conditions of Policy or Security

VERBATIM TEXT

59. Void conditions of policy or security

Any condition in a policy or security issued or given for the purposes of this Part providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such liabilities as are required to be covered by a policy of insurance under this Part.

EXPLANATORY COMMENTARY

This section protects third parties by invalidating certain conditions in insurance policies.

What This Means

If your insurance policy contains a condition saying that liability won't arise (or will cease) if you do or don't do something after an accident, that condition has no effect for third-party liabilities.

> *Example:* Suppose your insurance policy says you must report an accident within 24 hours, or you lose coverage. If you fail to report within 24 hours, your insurer can't use that as a reason to deny compensation to an injured third party. The insurer might still have rights against you, but the victim is protected.

Why This Matters

This section ensures that innocent victims of accidents aren't denied compensation because of technical breaches by the insured person. The insurance must cover the liability regardless of such conditions.

Key Takeaway: Insurance conditions that would allow an insurer to deny third-party claims after an accident are void. Victims are protected even if the insured person breaches a policy condition.

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Section 60: Avoidance of Restrictions

VERBATIM TEXT

60. Avoidance of restrictions

(1) Where a certificate of insurance has been issued under section 57(3) to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured by reference to -

(a) the age, physical or mental condition of a person driving the vehicle;

(b) the fact that a person driving the vehicle is not licensed to drive a motor vehicle;

(c) the fact that a person driving the vehicle does so without the owner's consent;

(d) the condition of the vehicle;

(e) the number of persons that the vehicle carries;

(f) the weight or physical characteristics of the goods that the vehicle carries;

(g) the time at which, or the areas within which, the vehicle is used;

(h) the horse power, cubic capacity or value of the vehicle;

(i) the transportation on the vehicle of a particular apparatus; or

(j) the transportation on the vehicle of any particular means of identification other than that required under Part II, shall, as respects such liabilities as are required to be covered by a policy under section 57(1)(b), be of no effect.

(2) Nothing in this section shall require an insurer to pay any sum in respect of the liability of a person otherwise than in or towards the discharge of that liability.

(3) Any sum paid by an insurer in or towards the discharge of any liability of a person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

EXPLANATORY COMMENTARY

This section invalidates policy restrictions that would otherwise allow insurers to deny third-party claims.

What Restrictions Are Void?

If your insurance policy tries to restrict coverage based on:

- **Age or condition of the driver** —e.g., “not covered if driver is under 25”
- **Whether the driver is licensed** —e.g., “not covered if driver has no licence”
- **Whether the driver has the owner’s consent** —e.g., “not covered if vehicle is stolen”
- **Condition of the vehicle** —e.g., “not covered if vehicle is unroadworthy”
- **Number of passengers** —e.g., “not covered if more than 5 passengers”
- **Weight or characteristics of goods** —e.g., “not covered if carrying heavy loads”
- **Time or area of use** —e.g., “not covered outside Mauritius”
- **Vehicle specifications** —e.g., “not covered if engine modified”

...those restrictions have no effect for third-party liabilities.

> *Example:* If your policy says you’re not covered when driving outside certain hours, and you cause an accident at 3 AM, your insurer can’t deny compensation to an injured third party. The insurer may still have rights against you, but the victim is protected.

Insurer’s Right to Recover

If the insurer pays a claim that would normally be excluded by such a restriction, the insurer can recover that money from you (the insured person).

Key Takeaway: Insurers can’t deny third-party claims based on common policy restrictions. However, if they pay a claim that would otherwise be excluded, they can recover the money from you.

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Section 60A: Liability of Non-Resident Drivers

VERBATIM TEXT

60A. Liability of non-resident drivers

(1) Notwithstanding any other enactment or any term or condition of a policy of insurance or security, where a non-resident driver is liable in respect of the death of, or bodily injury to, any person caused by, or arising out of, the use of a motor vehicle in Mauritius, the insurer shall be liable to indemnify the non-resident driver in respect of that liability.

(2) Subsection (1) shall not apply to a motor vehicle belonging to a non-resident and in respect of which a visitor's licence has been issued.

EXPLANATORY COMMENTARY

This section protects non-resident drivers by ensuring they're covered by insurance.

What This Means

If a non-resident driver causes death or bodily injury in Mauritius, the insurer must indemnify them—regardless of any policy terms that might otherwise restrict coverage.

> *Example:* If a tourist from France rents a car in Mauritius and causes an accident that injures someone, the insurer must cover the liability. The tourist is protected.

Exception

This doesn't apply to vehicles belonging to non-residents with a visitor's licence.

Key Takeaway: Non-resident drivers are protected by insurance when they cause death or injury in Mauritius. This encourages tourism and ensures victims are compensated.

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Section 61: Liability of Insurers

VERBATIM TEXT

61. Liability of insurers

(1) Where, after a certificate of insurance has been issued, under section 57(3), to the person by whom a policy has been effected, judgment in respect of such liability as is required to be covered by a policy under section 57(1)(b), being a liability covered by the policy, is obtained against any person insured by the policy, the insurer shall, not-

withstanding that he may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, but subject to this section, pay to the persons entitled to the benefit of the judgment any sum payable in respect of -

(a) the liability;

(b) costs; and

(c) interest by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under subsection (1) -

(a) in respect of a judgment, unless before or within 14 days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the proceedings;

(b) in respect of a judgment, as long as its execution is stayed pending an appeal; or

(c) in connection with any liability, where, before the occurrence of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained in it, and the Commissioner was informed of the cancellation and -

(i) before the occurrence of the event, the certificate was surrendered to the insurer, or the person to whom the certificate was issued, made a declaration stating that the certificate had been lost or destroyed;

(ii) after the occurrence of the event, but before the expiry of a period of 14 days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or the person to whom the certificate was issued made the declaration under subparagraph (i); or

(iii) either before or after the occurrence of the event, but within the period of 14 days specified in subparagraph (ii), the insurer has commenced proceedings under this Part in respect of the failure to surrender the certificate.

(3) (a) No sum shall be payable by an insurer under subsection (1) where, in an action commenced before or within 3 months after the commencement of the proceedings in which the judgment was given, he has obtained a declaration that -

(i) apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by the representation of fact which was false in some material particular; or

(ii) where he has avoided the policy on the ground specified in subparagraph (i), he was entitled to do apart from any provision contained in it.

(b) An insurer who has obtained a declaration under paragraph (a) in an action shall not become entitled to the benefit of any judgment obtained in proceedings commenced before the commencement of that action unless, before, or within 7 days after, the commencement of that action, he had given notice to the person who

is the plaintiff in those proceedings, specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party to it.

(4) Where the amount which an insurer becomes liable, under this section, to pay, in respect of a liability of a person insured by a policy, exceeds the amount for which he would, apart from this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section -

"liability covered by the policy" means a liability which would be covered by the policy but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy;

"material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, in what terms.

(6) In this Part, references to a certificate of insurance in any provision relating to the surrender, loss or destruction of a certificate of insurance shall be construed -

(a) in relation to policies under which more than one certificate is issued, as references to all the certificates; and

(b) where a copy has been issued of a certificate, as including a reference to that copy.

(7) (a) Where -

(i) a policy of insurance has been issued or a security has been given in respect of third party risks in relation to the use of a motor vehicle; and

(ii) during the continuance of the policy or security under subparagraph (i), the vehicle is sold, the policy or security shall, notwithstanding the sale and the non-issue of a certificate of insurance or a certificate of security to the purchaser, be deemed for the purposes of this Part to have been effected by, or been given to, the purchaser.

(b) The policy or security shall have effect and remain in force until -

(i) 2 days after the Commissioner has received notification in writing from the insurer or the giver of the security that the policy or security has been cancelled; or

(ii) the expiration of the policy or security, as the case may be.

EXPLANATORY COMMENTARY

This section deals with the insurer's liability to pay judgments against insured persons.

Insurer Must Pay Judgments

If a court judgment is obtained against an insured person for a liability covered by the policy, the insurer must pay:

- The liability amount

- Costs
- Interest

This applies even if the insurer is entitled to avoid or cancel the policy—with certain exceptions.

Notice Requirements

The insurer must have notice of the proceedings before or within **14 days** after they commence. If the insurer doesn't receive notice, it may not have to pay.

Cancellation of Policy

If the policy was cancelled before the accident, the insurer may not have to pay—provided certain conditions are met, including surrender of the certificate.

Avoidance for Non-Disclosure

If the insurer can show that the policy was obtained through non-disclosure of a material fact or false representation, it may avoid the policy. But it must act quickly—within 3 months of the judgment proceedings.

Recovery from Insured

If the insurer pays more than it would otherwise be liable for, it can recover the excess from the insured person.

Sale of Vehicle

If a vehicle is sold while a policy is in force, the policy is deemed to have been effected by the purchaser. It remains in force until:

- 2 days after the Commissioner receives notice of cancellation
- Or the policy expires

Key Takeaway: Insurers must pay judgments against insured persons for covered liabilities. However, they must receive notice of proceedings and may avoid the policy for non-disclosure. If insurers pay more than their liability, they can recover from the insured.

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Section 62: Rights of Third Parties

VERBATIM TEXT

62. Rights of third parties

(1) Where, under a policy issued under this Part -

(a) a person is insured against any liability to a third party and -

(i) becomes bankrupt; or

(ii) makes a composition or arrangement with his creditors;

(b) a company is insured against any liability to a third party and -

(i) a winding up order is made;

(ii) a resolution for a voluntary winding up is passed with respect to the company;

(iii) a receiver or manager of the company's business or undertaking is appointed; or

(iv) possession is taken by or on behalf of the holders of any debentures secured by a floating charge over any property comprised in or subject to the charge, the rights of that insured person or company against the insurer under the policy in respect of the liability shall, if any liability is incurred before or after the events specified in paragraphs (a) and (b), be transferred to and vest in the third party to whom the liability was incurred.

(2) Any condition in a policy issued under this Part purporting, directly or indirectly -

(a) to avoid the policy; or

(b) to alter the rights of the party under the policy for the occurrence to the insured person or company of any of the events specified in subsection (1), shall be of no effect.

(3) (a) Upon a transfer under subsection (1), the insurer shall, subject to section 64, be under the same liability to the third party as he would have been under to the insured person or company.

(b) Where the liability of the insurer to the insured person or company -

(i) exceeds the liability of the insured person or company to the third party, the right of the insured person or company against the insurer shall not be affected in respect of the excess;

(ii) does not exceed the liability of the insured person or company to the third party, the rights of the third party against the insured person or company shall not be affected.

(4) (a) In sections 62, 63 and 64, "liability to the third party", in relation to a person insured under a policy of insurance, does not include any liability of that person in the capacity of insurer under some other policy of insurance.

(b) Sections 62, 63 and 64 shall not apply -

(i) where a company is wound up voluntarily merely for the purpose of reconstruction or of amalgamation with another company; or

(ii) in any case where the Workmen's Compensation Act or the National Pensions Act would apply.

EXPLANATORY COMMENTARY

This section protects third parties when the insured person becomes bankrupt or insolvent.

Transfer of Rights

If an insured person becomes bankrupt or insolvent, their rights against the insurer transfer to the third party who suffered loss. This means the third party can claim directly against the insurer.

> *Example:* If you're injured by a driver who then goes bankrupt, you can claim directly against their insurer. You're not left without compensation because of the driver's financial problems.

Conditions Void

Any policy condition that tries to avoid the policy or alter rights when the insured becomes bankrupt is void.

Insurer's Liability

The insurer is liable to the third party to the same extent it would have been liable to the insured person.

Exceptions

This section doesn't apply:

- When a company is wound up voluntarily for reconstruction or amalgamation
- Where the Workmen's Compensation Act or National Pensions Act applies

Key Takeaway: If an insured person becomes bankrupt, their rights against the insurer transfer to the injured third party. This ensures victims can still claim compensation.

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Section 63: Duty to Give Information to Third Parties

VERBATIM TEXT

63. Duty to give information to third parties

(1) A person against whom a claim is made in respect of such liability as is required to be covered by a policy under section 57(1)(b) shall, on demand by or on behalf of the person making the claim -

(a) state whether or not -

(i) he was insured; or

(ii) he would have been insured if the insurer had not avoided or cancelled the policy, in respect of that liability by any policy having effect under this Part; and

(b) give such particulars with respect to that policy as were specified in the certificate of insurance issued under section 57(3).

(2) (a) Where -

(i) a person becomes bankrupt or makes a composition or arrangement with his creditors;

(ii) a winding up order is made or a resolution for a voluntary winding up is passed with respect to any company;

(iii) a receiver or manager of the company's business or undertaking is appointed; or

(iv) possession is taken by or on behalf of the holders of any debentures secured by a floating charge, or any property comprised in or subject to a charge, the bankrupt, debtor, personal representative of the deceased debtor, or company, and, as the case may be, the trustee, liquidator, receiver, manager or person in possession of the property shall, at the request of any person claiming that the bankrupt, debtor, deceased debtor or company is under a liability to him, give such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him under this Act and enforcing any such rights.

(b) A contract of insurance, in so far as it purports, whether directly or indirectly -

(i) to avoid the contract or alter the rights of the parties under it upon the giving of any information under paragraph (a); or

(ii) otherwise to prohibit or prevent the giving of any information under paragraph (a), shall be of no effect.

(3) Where the information given to any person under subsection (2) discloses a reasonable ground for supposing that there have, or may have, been transferred to him under this Act rights against any particular insurer, that insurer shall be subject to the same duty as is imposed under subsection (2).

(4) The duty to give information under this section shall include a duty to allow all contracts of insurance, receipts for premiums and other relevant documents in the possession or power of the person on whom the duty is imposed to be inspected and copies to be taken.

(5) Any person who, without reasonable excuse -

(a) fails to comply with this section; or

(b) wilfully makes any false or misleading statement in reply to a demand under this section, shall commit an offence.

EXPLANATORY COMMENTARY

This section requires people to provide information about insurance when claims are made against them.

Duty to Provide Information

If someone claims against you for a liability covered by insurance, you must tell them:

1. **Whether you were insured** —or would have been insured if the policy hadn't been cancelled
2. **Details of the policy** —including particulars from the certificate of insurance

> *Example:* If you're involved in an accident and the other driver claims against you, you must provide your insurance details. You can't refuse to tell them who your insurer is.

Insolvency Situations

If you become bankrupt or your company is wound up, you (or your trustee/liquidator) must provide information to anyone claiming against you. This helps them determine whether rights have transferred to them.

Insurer's Duty

If the information discloses grounds for thinking rights have transferred to a claimant, the insurer has the same duty to provide information.

Inspection of Documents

The duty to give information includes allowing inspection of insurance contracts, premium receipts, and other relevant documents.

Penalties

Failing to comply or making false statements is an offence.

Key Takeaway: If someone claims against you for a liability covered by insurance, you must provide information about your insurance. This applies even if you become bankrupt. Failure to comply is an offence.

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Section 64: Settlement

VERBATIM TEXT

64. Settlement

(1) Where -

(a) a person who is insured under a policy issued under this Part has become bankrupt; or

(b) a winding up order has been made or a resolution for a voluntary winding up has been passed with respect to a company which is insured under a policy issued under this Part, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding up, as the case may be, nor any waiver, assignment or other disposition made by, or payment made to, the insured after the commencement of the bankruptcy or winding up, shall be effective to defeat or affect the rights transferred to the third party under this Act.

(2) The rights under subsection (1) shall be the same as if no agreement, waiver, assignment, disposition or payment had been made.

EXPLANATORY COMMENTARY

This section protects third parties from settlements made after the insured becomes bankrupt.

What This Means

If you're insured and become bankrupt, any agreement you make with your insurer after that point—and after a third party has a claim against you—doesn't affect the third party's rights.

> *Example:* If you cause an accident and then go bankrupt, you can't make a deal with your insurer to reduce the third party's compensation. The third party's rights are protected.

Rights Preserved

The third party's rights are the same as if no agreement, waiver, assignment, disposition, or payment had been made.

Key Takeaway: Once a third party has a claim and the insured becomes bankrupt, any settlement between the insurer and insured doesn't affect the third party's rights.

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Section 65: Claims by Third Parties Not Affected

VERBATIM TEXT

65. Claims by third parties not affected

(1) Where a certificate of insurance has been issued, under section 57(3), to the person by whom a policy has been effected, the occurrence, in relation to any person insured by the policy, of such event as is mentioned in section 62(1) or (2) shall, notwithstanding this Act, not affect such liability of that person as is required to be covered by a policy under section 57(1)(b).

(2) Nothing in this section shall affect any rights against the insurer conferred, under sections 67 to 69, on the person to whom the liability was incurred.

EXPLANATORY COMMENTARY

This section confirms that third-party claims aren't affected by the insured person's bankruptcy or insolvency.

Claims Not Affected

If an insured person becomes bankrupt or insolvent, their liability for death or bodily injury—which must be covered by insurance—is not affected. The third party can still claim.

Rights Against Insurer

This section doesn't affect any rights against the insurer under sections 67 to 69.

Key Takeaway: Third-party claims for death or bodily injury survive the insured person's bankruptcy. Victims can still claim against the insurer.

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Section 66: Additional Rights of Third Parties

VERBATIM TEXT

66. Additional rights of third parties

(1) No settlement by an insurer in respect of a claim which might be made by a third party in respect of such liability as is required to be covered by a policy under section 57(1)(b) shall be valid unless the third party is a party to the settlement.

(2) A policy issued under this Part shall, as if the insured person were still alive, remain in force and available for third parties, notwithstanding the death of any person insured under section 57(1)(b).

EXPLANATORY COMMENTARY

This section gives third parties additional protection.

No Settlement Without Third Party

An insurer can't settle a claim without the third party being involved. This prevents insurers from making deals with insured persons that would leave third parties without compensation.

Policy Survives Death

If the insured person dies, the policy remains in force for the benefit of third parties, as if the insured person were still alive.

> *Example:* If a driver dies in an accident but caused injury to someone else before dying, the insurance policy still covers the third party's claim.

Key Takeaway: Third parties must be party to any settlement of their claim. The insurance policy survives the insured person's death.

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For more resources, visit roadsafetymoris.org.in.

Section 67: Cancellation of Policy

VERBATIM TEXT

67. Cancellation of policy

(1) Where a certificate of insurance has been issued, under section 57(3), to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of a provision in the policy, the person to whom the certificate was issued shall, within 7 days from the taking effect of the cancellation -

(a) surrender the certificate to the insurer; or

(b) where the certificate has been lost or destroyed, make a declaration to that effect.

(2) Any person who fails to comply with subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section requires you to surrender your certificate of insurance when a policy is cancelled.

Surrender Requirement

If your policy is cancelled—either by agreement with the insurer or because of a policy provision—you must:

1. **Surrender the certificate** to the insurer within 7 days
2. **Or make a declaration** if the certificate has been lost or destroyed

> *Example:* If you sell your car and cancel your insurance, you must return the certificate of insurance to your insurer within 7 days.

Penalty

Failing to comply is an offence.

Key Takeaway: When your insurance policy is cancelled, surrender the certificate within 7 days or declare it lost/destroyed.

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Section 68: Production of Certificate of Insurance

VERBATIM TEXT

68. Production of certificate of insurance

(1) (a) A person driving a motor vehicle on a road shall, on being so required by a police officer -

(i) give his name and address and the name and address of the owner of the vehicle; and

(ii) produce his certificate.

(b) Subject to paragraph (c), any person who fails to comply with paragraph (a) shall commit an offence.

(c) Where the driver of a motor vehicle, within 5 days after the date on which the production of his certificate was required under paragraph (a), produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not commit an offence under paragraph (b) by reason only of the failure to produce his certificate to the police officer.

(2) (a) Where owing to the presence of a motor vehicle on a road -

(i) an accident occurs involving personal injury to another person; and

(ii) the driver of the vehicle does not at the time produce his certificate to a police officer or to some person who, having reasonable grounds for so doing, has required its production, the driver shall, as soon as possible and in any case within 24 hours of the occurrence of the accident, report the accident at a police station or to a police officer and produce his certificate.

(b) Subject to paragraph (c), any driver who fails to comply with paragraph (a) shall commit an offence.

(c) A person shall not commit an offence under paragraph (b) by reason only of failure to produce his certificate if, within 5 days after the occurrence of the accident, he produces his certificate in person at such police station as may be specified by him at the time the accident was reported.

(3) (a) The owner of a motor vehicle shall give such information as he may be required by or on behalf of the Commissioner of Police to give for the purpose of determining whether the motor vehicle was or was not being driven in contravention of section 55 on any occasion when the driver was required under this section to produce his certificate.

(b) Any owner who fails to comply with paragraph (a) shall commit an offence.

(4) In this section, “produce his certificate” means produce for examination -

(a) the relevant certificate of insurance or certificate of security; or

(b) such other evidence that the motor vehicle is not or was not being driven in contravention of section 55 as may be prescribed.

EXPLANATORY COMMENTARY

This section requires drivers to produce their certificate of insurance when asked.

When Stopped by Police

If a police officer asks, you must:

1. **Give your name and address** and the name and address of the vehicle's owner
2. **Produce your certificate of insurance**

If you can't produce it immediately, you have **5 days** to produce it at a police station of your choice.

After an Accident

If you're involved in an accident involving personal injury and don't produce your certificate at the scene, you must:

- **Report the accident** at a police station or to a police officer within **24 hours**
- **Produce your certificate**

Again, if you can't produce it within 24 hours, you have 5 days to produce it at a police station.

Owner's Duty

The owner of a vehicle must provide information to help determine whether the vehicle was being driven without insurance.

Penalties

Failing to comply with these requirements is an offence.

Key Takeaway: Always carry your certificate of insurance. If you can't produce it when asked, you have 5 days to produce it at a police station. After an accident involving injury, report within 24 hours and produce your certificate.

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Section 68A: Motor Vehicle Damaged in Road Accidents

VERBATIM TEXT

68A. Motor vehicle damaged in road accidents

Notwithstanding any other enactment or anything to the contrary in an insurance contract, sections 68B to 68J shall apply to every road traffic accident between 2 motor vehicles which does not involve -

(a) bodily injury to persons travelling in the motor vehicles;

(b) injury or other prejudice to any other person;

(c) damage to other structure or property;

(d) a motor vehicle which does not have a valid insurance vignette;

(e) a motor vehicle being driven by a person not holding a valid driving licence;

(f) a motor vehicle being driven by a person under the influence of alcohol, a drug or an intoxicating substance;

[Amended 6/19 (cio 1/6/22).]

(g) a State-owned vehicle.

EXPLANATORY COMMENTARY

This section introduces a special procedure for minor accidents—what are sometimes called "fender benders."

When This Applies

Sections 68B to 68J apply to accidents between two motor vehicles where:

- **No one is injured**
- **No other person is hurt or prejudiced**
- **No other property is damaged**
- **Both vehicles have valid insurance vignettes**
- **Both drivers have valid licences**
- **Neither driver is under the influence of alcohol or drugs**
- **Neither vehicle is State-owned**

> *Example:* If you're driving to work and bump into another car at a junction, and no one is hurt, and both of you are properly licensed and insured, this procedure applies.

What Happens Next

If these conditions are met, the drivers should use the Agreed Statement of Facts Form (if they agree on what happened) or the Minor Road Accident Report Form (if they don't).

Key Takeaway: For minor accidents involving no injuries, no other property damage, and both drivers properly licensed and insured, a simplified procedure applies. This avoids the need to report to police.

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Section 68B: Agreement Between Parties

VERBATIM TEXT

68B. Agreement between parties

(1) Where the drivers of the motor vehicles agree on the circumstances of the accident, they -

(a) shall record, in 2 originals, the facts of the accident on the Agreed Statement of Facts Form substantially set out in Part A of the Fifth Schedule, and sign the form; or

(b) may call at the nearest police station where a police officer shall give all reasonable assistance in filling up the form after which they and the police officer shall sign such form.

(2) Each driver shall -

(a) keep one of the signed original Agreed Statement of Facts Form;

(b) as soon as possible, and not later than 5 days of the accident -

(i) notify the insurer of the motor vehicle driven by him of the accident; and

(ii) forward a copy of the Agreed Statement of Facts Form to the insurer.

(3) For the purposes of subsection (1), every driver of a motor vehicle shall carry in his vehicle an Agreed Statement of Facts Form.

(4) Where an Agreed Statement of Facts Form has been filled in accordance with this section, the drivers of the motor vehicles shall not be required to report the accident to the police as required by section 140.

(5) Any person who contravenes subsection (2)(b) or (3) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

EXPLANATORY COMMENTARY

This section explains what to do when you and the other driver agree on what happened.

The Agreed Statement of Facts Form

If you and the other driver agree on the circumstances of the accident:

1. **Fill in the Agreed Statement of Facts Form** in two originals
2. **Both sign** the form
3. **Each keep one original**

You can also go to the nearest police station for help filling in the form.

Notifying Your Insurer

Each driver must:

- **Notify their insurer** of the accident as soon as possible, and no later than **5 days**
- **Forward a copy** of the form to their insurer

Carrying the Form

Every driver must carry an Agreed Statement of Facts Form in their vehicle.

> *Example:* If you're driving and have a minor accident, you should have the form in your vehicle. Both you and the other driver fill it in, sign it, and each keep a copy. You then notify your insurers within 5 days.

No Need to Report to Police

If the Agreed Statement of Facts Form is properly completed, you don't need to report the accident to the police under section 140.

Penalties

Failing to notify your insurer within 5 days or failing to carry the form is an offence with a fine up to Rs 5,000.

Key Takeaway: For minor accidents where you agree on what happened, use the Agreed Statement of Facts Form. Both drivers sign, each keeps a copy, and you notify your insurers within 5 days. Carry the form in your vehicle.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 68C: Drivers Unable to Agree

VERBATIM TEXT

68C. Drivers unable to agree

(1) Where the drivers of the motor vehicles involved in an accident to which section 68A applies do not agree on the circumstances of the accident -

(a) they shall record the facts of the accident on the Minor Road Accident Report Form substantially set out in Part B of the Fifth Schedule; or

(b) where they are unable to record the facts of the accident on the Minor Road Accident Report Form, they shall report the accident to the nearest police station.

(2) Where the drivers record the facts of the accident on the Minor Road Accident Report Form, each driver shall -

(a) sign the form; and

(b) forward a copy of the form to his insurer not later than 5 days after the accident.

EXPLANATORY COMMENTARY

This section explains what to do when you and the other driver don't agree on what happened.

Minor Road Accident Report Form

If you and the other driver don't agree:

1. **Fill in the Minor Road Accident Report Form**
2. **Each sign** the form
3. **Each forward a copy** to your insurer within 5 days

If you can't complete the form, you must report the accident to the nearest police station.

> *Example:* If you and the other driver have different accounts of how the accident happened, you use the Minor Road Accident Report Form instead of the Agreed Statement of Facts Form.

Key Takeaway: If you don't agree on what happened, use the Minor Road Accident Report Form. If you can't complete it, report to the police.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 68D: Liability of Insurers

VERBATIM TEXT

68D. Liability of insurers

Where an Agreed Statement of Facts Form or a Minor Road Accident Report Form has been filled in accordance with section 68B or 68C, the insurer of each motor vehicle involved in the accident shall be liable to indemnify the insured in respect of any liability incurred by him in respect of the accident, in accordance with the scales of liabilities set out in Part B of the Fifth Schedule.

EXPLANATORY COMMENTARY

This section confirms that insurers are liable to indemnify their insured persons for minor accidents handled through the Agreed Statement of Facts Form or Minor Road Accident Report Form.

Scales of Liabilities

The Fifth Schedule sets out scales of liability—essentially, who is responsible for what percentage of the damage in different accident scenarios.

> *Example:* If the scales say that a driver who rear-ends another vehicle is 100% liable, that driver's insurer must cover the full cost of the other vehicle's damage.

Key Takeaway: When the proper forms are completed, insurers must indemnify their insured persons according to the scales of liability in the Fifth Schedule.

Guidance provided by roadsafetymoris.org.in.

For more resources, visit roadsafetymoris.org.in.

Section 68E: Settlement of Dispute

VERBATIM TEXT

68E. Settlement of dispute

Where there is a dispute as to the liability of the insurers in respect of an accident to which section 68A applies, the dispute shall be referred to the Motor Vehicle Insurance Arbitration Committee for determination.

EXPLANATORY COMMENTARY

This section provides for disputes between insurers to be resolved by the Motor Vehicle Insurance Arbitration Committee.

When Disputes Arise

If insurers can't agree on who is liable for an accident, the dispute goes to the Committee.

> *Example:* If two insurers disagree about which driver was at fault in an accident, the Committee will determine the issue.

Key Takeaway: Disputes between insurers about liability are resolved by the Motor Vehicle Insurance Arbitration Committee.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 68F: Motor Vehicle Insurance Arbitration Committee

VERBATIM TEXT

68F. Motor Vehicle Insurance Arbitration Committee

(1) There is established for the purposes of this Act a Motor Vehicle Insurance Arbitration Committee.

(2) The Committee shall consist of -

(a) a Chairperson and one or more Vice-Chairpersons who shall be barristers of not less than 5 years' standing; and

(b) such other members having suitable qualifications or wide experience in transport, traffic management, insurance, automobile engineering or motor surveying.

(3) The Chairperson, the Vice-Chairpersons and the members shall be appointed by the Minister on such terms and conditions as may be determined by the Minister.

(4) (a) For the purpose of determining any dispute referred to the Committee under section 68E, the Committee may sit in one or more divisions.

(b) A division shall consist of the Chairperson or a Vice-Chairperson and 2 other members to be selected by the Chairperson, or the Vice-Chairperson in the absence of the Chairperson.

(5) A decision of the Committee shall be taken by at least 2 members including the member presiding at the meeting of the Committee.

(6) Every member of the Committee shall be paid such remuneration or allowances as may be determined by the Minister.

(7) There shall be a Secretary to the Committee who shall be paid such remuneration or allowances as may be determined by the Minister.

(8) The Secretary shall ensure that the Committee obtains such administrative, secretarial or other assistance as the Committee may require.

(9) The Chairperson or a Vice-Chairperson may be appointed on a part-time basis.

(10) Any party who is aggrieved by a decision of the Committee may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

[RR 27/25 (cio 5/1/26).]

EXPLANATORY COMMENTARY

This section establishes the Motor Vehicle Insurance Arbitration Committee.

Purpose

The Committee resolves disputes between insurers about liability for minor accidents.

Composition

The Committee consists of:

- A **Chairperson** and **Vice-Chairpersons** who are barristers of at least 5 years' standing
- Other members with expertise in transport, traffic management, insurance, automobile engineering, or motor surveying

Divisions

The Committee can sit in divisions, each consisting of the Chairperson or a Vice-Chairperson and two other members.

Decisions

Decisions are taken by at least two members, including the presiding member.

Judicial Review

A party aggrieved by the Committee's decision can apply for judicial review.

Key Takeaway: The Motor Vehicle Insurance Arbitration Committee resolves disputes between insurers. It consists of legal and technical experts and can sit in divisions.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 68G: Conflict of Interest

VERBATIM TEXT

68G. Conflict of interest

Where a member of the Committee has any interest, direct or indirect, in any matter which is the subject of arbitration before the Committee, he shall disclose his interest to the Committee and shall not take part in the arbitration.

EXPLANATORY COMMENTARY

This section requires Committee members to disclose conflicts of interest.

Disclosure Required

If a Committee member has any interest—direct or indirect—in a matter being arbitrated, they must:

1. **Disclose** the interest to the Committee
2. **Not take part** in the arbitration

> *Example:* If a Committee member owns shares in an insurance company involved in a dispute, they must disclose this and step aside.

Key Takeaway: Committee members must disclose any interest in matters before them and must not participate in those arbitrations.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 68H: Proceedings of Committee

VERBATIM TEXT

68H. Proceedings of Committee

(1) The Committee shall sit at such place and time as the Chairperson of the Committee may determine.

(2) The Committee shall, subject to the Sixth Schedule, regulate its proceedings in such manner it thinks fit.

(3) The findings of the Committee shall be complied with within 21 days from the date of its communication to the interested parties.

EXPLANATORY COMMENTARY

This section deals with how the Committee conducts its proceedings.

Sittings

The Committee sits at times and places determined by the Chairperson.

Procedure

The Committee regulates its own proceedings, subject to the Sixth Schedule (which contains procedural rules).

Compliance

Findings must be complied with within **21 days** of being communicated to the parties.

Key Takeaway: The Committee determines its own procedure and its findings must be complied with within 21 days.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 68J: Removal of Obstruction

VERBATIM TEXT

68J. Removal of obstruction

(1) Where an accident to which section 68A applies occurs and the vehicles involved are likely to cause an obstruction on the road, each driver shall move his vehicle to allow the free passage of traffic after he has clearly marked on the surface of the road the position and the registration mark of his vehicle.

(2) For the purpose of marking the position and registration mark of his vehicle on the surface of the road, a driver shall carry in his vehicle a yellow indelible chalk, or other appropriate yellow indelible marker.

(3) Where a driver wilfully and fraudulently marks a position other than the true position of his vehicle involved in the accident under subsection (1), he shall commit an offence and shall, on conviction, be liable to imprisonment for a term of not less than 3 months nor more than 2 years.

EXPLANATORY COMMENTARY

This section requires drivers to move their vehicles after a minor accident to avoid obstructing traffic.

Moving Your Vehicle

After a minor accident, if your vehicle is causing an obstruction:

1. **Mark the position** of your vehicle on the road
2. **Mark the registration mark** of your vehicle
3. **Move your vehicle** to allow traffic to pass

What to Use

You must carry a **yellow indelible chalk** or other appropriate yellow indelible marker in your vehicle.

> *Example:* If you have a minor accident that blocks traffic, use your yellow chalk to mark where your vehicle was and its registration number, then move your vehicle to the side of the road.

Fraudulent Marking

If you deliberately mark a false position for your vehicle, you commit an offence with a penalty of **3 months to 2 years imprisonment**.

Key Takeaway: After a minor accident, mark your vehicle's position and registration number with yellow chalk, then move your vehicle to clear traffic. Don't mark a false position.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 69: Deposits Under Part V

VERBATIM TEXT

69. Deposits under Part V

Where a sum is deposited by a person under section 55, or as a condition of approval by the President under section 58, no part of that sum shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part, which have been incurred by him, have not been discharged or otherwise provided for, be applicable in the discharge of any other liabilities incurred by him.

EXPLANATORY COMMENTARY

This section protects deposits made under Part V.

Deposits Protected

If you've deposited money with the Accountant-General as an alternative to insurance, that money can't be used to pay other liabilities as long as you have outstanding liabilities covered by this Part.

> *Example:* If you've deposited Rs 500,000 as security and you cause an accident that injures someone, the deposit must be used to compensate the victim before it can be used for anything else.

Key Takeaway: Deposits made under Part V are protected for the purpose of covering third-party liabilities.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 70: Making False Statement

VERBATIM TEXT

70. Making false statement

Where any person, for the purpose of obtaining a policy under section 55 -

(a) makes a false statement in consequence of which the policy is liable to be avoided; or

(b) wilfully performs an act which disentitles him to claim under the policy, he shall, unless he satisfies the Court that he acted without intention to deceive, commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

EXPLANATORY COMMENTARY

This section makes it an offence to make false statements to obtain insurance.

Offences

If you make a false statement to get insurance—or do something that disentitles you to claim—you commit an offence, unless you can prove you acted without intent to deceive.

> *Example:* If you lie about your driving history to get cheaper insurance, you commit an offence. If you lie about who drives the vehicle, you commit an offence.

Penalties

The penalty is a fine up to Rs 5,000 and imprisonment up to 12 months.

Key Takeaway: Never make false statements to obtain insurance. The penalties include fines and imprisonment.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 71: Regulations

VERBATIM TEXT

71. Regulations

(1) The Minister may make regulations prescribing anything which may be prescribed under this Part and generally for the purpose of carrying this Part into effect.

(2) Without prejudice to the generality of the power under subsection (1), the Minister may provide for -

(a) the forms to be used under this Part;

(b) (i) the application for, and the issue of, certificates of insurance and any other documents which may be prescribed; and

(ii) the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect to those records or documents to the Minister, the Commissioner of Police or the Chief Commissioner;

[Amended 18/19 (cio 16/9/19).]

(c) the issue of copies of any certificates or other documents specified in paragraph (b) which are lost or destroyed;

(d) the custody, production, cancellation and surrender of any such certificates or other documents;

(e) any provision of this Part to have effect subject to such modifications and adaptations as may be prescribed in relation to a motor vehicle brought into Mauritius from abroad by a temporary visitor to Mauritius; and

(f) (i) the payment and investment of, and dealing with, deposits under this Part;

(ii) the deposit of stocks or other securities in lieu of money;

(iii) the payment of the interests or dividends accruing or due on any securities in which deposits are being invested; and

(iv) the withdrawal and transfer of deposits.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations under Part V.

Regulation-Making Power

The Minister can make regulations for:

- Forms to be used

- Applications for and issue of certificates of insurance
- Keeping records and providing information
- Issuing copies of lost or destroyed certificates
- Custody, production, cancellation, and surrender of certificates
- Modifications for temporary visitors
- Deposits and investments

Key Takeaway: The Minister has broad powers to make regulations to implement Part V.

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Section 72: Application of Part V to Securities

VERBATIM TEXT

72. Application of Part V to securities

(1) This Part shall apply in relation to securities having effect under this Part as they apply in relation to policies of insurance.

(2) Any reference in this Part, in relation to a security under subsection (1) to -

(a) being insured;

(b) a certificate of insurance;

(c) an insurer; and

(d) persons insured, shall be construed respectively as a reference to the being in force of the security, to the certificate of security, to the giver of the security, and to the person whose liability is covered by the security.

EXPLANATORY COMMENTARY

This section applies Part V to securities as well as insurance policies.

Securities Treated Like Insurance

The provisions of Part V apply to securities in the same way they apply to insurance policies.

> *Example:* References to “being insured” mean having a valid security in force. References to a “certificate of insurance” mean a certificate of security.

Key Takeaway: The rules in Part V apply equally to insurance policies and securities.

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End of Part V – Compulsory Third Party Insurance

SUMMARY OF PART V

Part V establishes compulsory third party insurance:

- **Insurance required:** You must have valid third party insurance to use a motor vehicle on a road.
- **Minimum coverage:** At least Rs 150 million for death or bodily injury per occurrence.
- **Insurance vignette:** Must be displayed on your vehicle.
- **Certificate of insurance:** Must be produced when required by police.
- **Minor accidents:** Use the Agreed Statement of Facts Form or Minor Road Accident Report Form.
- **Motor Vehicle Insurance Arbitration Committee:** Resolves disputes between insurers.
- **Third party protections:** Victims are protected even if the insured person becomes bankrupt.
- **Penalties:** Driving without insurance can result in fines up to Rs 10,000 and imprisonment up to 12 months.

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART VI – PUBLIC SERVICE VEHICLES AND CARRIERS

INTRODUCTION TO PART VI

Welcome to Part VI of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This part of the law deals with **public service vehicles**—buses, taxis, contract buses, contract cars, and shuttle buses—as well as **goods vehicles** used for carrying goods for hire or reward.

Public transport is essential in Mauritius. Thousands of people rely on buses and taxis every day to get to work, school, and other destinations. Goods vehicles keep our economy moving, delivering everything from food to building materials.

Because these vehicles carry passengers or goods for hire or reward, they're subject to more detailed regulation than private cars. This part covers:

- The different classes of public service vehicles
- Licensing requirements for public service vehicles
- Road service licences for buses
- Taxi, contract car, and shuttle bus licences
- Carrier's licences for goods vehicles
- Conditions attached to licences
- Records and returns
- Revocation and suspension of licences
- Stopping places and stands
- Conduct of passengers and drivers

Whether you're a bus operator, taxi driver, goods vehicle owner, or simply a passenger, this part contains essential information about how public transport and goods carriage are regulated.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 75: Public Service Vehicles

VERBATIM TEXT

75. Public service vehicles

(1) Public service vehicles shall, for the purpose of this Part and any regulations made under it, be divided into -

(a) buses, being motor vehicles having a seating capacity for 7 or more passengers and carrying passengers for hire or reward at separate fares;

(b) contract buses, being motor vehicles having a seating capacity for 7 or more passengers and carrying passengers for hire or reward under a contract, express or implied, for the use of a vehicle as a whole;

(c) taxis, being motor vehicles having a seating capacity for not more than 6 passengers and carrying passengers and their effects for hire or reward whether under a contract, express or implied, for the use of the vehicle as a whole or at separate fares;

[Amended 10/23 (cio 21/8/23).]

(d) contract cars, being motor vehicles constructed solely for the carriage of passengers and having a seating capacity for not more than 6 persons, excluding the driver, and let out for hire or reward for a period of not less than 6 consecutive hours under a contract in writing with the condition, express or implied, that the vehicle shall be used for the carriage of passengers and their effects otherwise than at separate fares and be driven by the hirer or any other person authorised by him; and

[Amended 10/23 (cio 21/8/23).]

(e) shuttle buses, being motor vehicles having a seating capacity for 7 or more but not exceeding 32 passengers and carrying passengers for hire or reward at separate fares.

[Added 10/23 (cio 21/8/23).]

(2) Where persons are carried in a motor vehicle, other than a bus or taxi, for a journey in consideration of separate payments made by them, whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a bus whether the payments are solely in respect of the journey or not.

EXPLANATORY COMMENTARY

This section defines the different types of public service vehicles.

The Five Categories

1. **Buses** —vehicles with 7 or more passenger seats, carrying passengers at separate fares. This is your standard public bus.

2. **Contract buses** —vehicles with 7 or more passenger seats, carrying passengers under a contract for the use of the whole vehicle. This might be a bus hired for a school trip or a private event.
3. **Taxis** —vehicles with no more than 6 passenger seats, carrying passengers for hire or reward. Taxis can be hired for a journey or at separate fares.
4. **Contract cars** —vehicles with no more than 6 passenger seats (excluding the driver), hired out for at least 6 consecutive hours under a written contract. The hirer drives the vehicle. This is like a long-term car rental with a driver option.
5. **Shuttle buses** —vehicles with 7 to 32 passenger seats, carrying passengers at separate fares. This is a newer category, added in 2023.

> *Example:* If you hire a 20-seater bus to take your family to a wedding, that's a contract bus. If you flag down a 4-seater car and ask the driver to take you to your destination for a fare, that's a taxi.

Deemed Buses

If people are carried in a vehicle (other than a bus or taxi) and they make separate payments for the journey, the vehicle is deemed to be a bus. This prevents people from operating unlicensed bus services by claiming they're not carrying passengers at separate fares.

> *Example:* If you use a van to carry passengers and each passenger pays you separately, the van is deemed to be a bus—even if it's not designed as a bus. You'd need a bus licence to operate it legally.

Key Takeaway: Public service vehicles fall into five categories: buses, contract buses, taxis, contract cars, and shuttle buses. Each has different licensing requirements. If you carry passengers for separate payments, your vehicle may be deemed a bus.

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Section 76: Public Service Vehicle Licence

VERBATIM TEXT

76. Public service vehicle licence

(1) (a) (i) No person shall use, or cause or permit to be used, a motor vehicle as a bus, contract bus, taxi, contract car or shuttle bus, unless there is in force in relation to that motor vehicle a public service vehicle licence to use it as a vehicle of that class in accordance with this Part.

[Amended 10/23 (cio 21/8/23).]

(ii) A vehicle having a seating capacity for 7 or more passengers which is licensed as a bus may also be licensed as a contract bus.

(b) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 20,000 rupees and to imprisonment for a term not exceeding 12 months.

[Amended 12/18 (cio 1/10/18).]

(2) A public vehicle licence may -

(a) be refused; or

(b) where it has already been granted, be suspended or revoked by the NLTA if, having regard to -

[Amended 18/19 (cio 16/9/19).]

(i) the character or conduct of the applicant or holder of the licence; or

(ii) the manner in which the vehicle is being used, it appears to the Authority that he is not a fit and proper person to hold the licence.

(3) A public service vehicle licence shall not be granted or renewed or, where it has already been granted or renewed, may be suspended or revoked by NLTA, where -

(a) the prescribed conditions as to fitness are not fulfilled in respect of the vehicle; or

(b) the holder of a taxi licence fails, pursuant to section 12 of the Taxi Operators Welfare Fund Act 2021, to pay the one-off entrance fee or the annual contribution to the Taxi Operators Welfare Fund, as the case may be.

[Amended 18/19 (cio 16/9/19); RR 6/21 (cio 3/1/22).]

(4) Where a public service vehicle licence is suspended or revoked under subsection (2) or (3), the NLTA shall cause seals to be affixed to the motor vehicle during the period of suspension or revocation.

[Amended 18/19 (cio 16/9/19).]

(5) Any unauthorised person who breaks a seal affixed under subsection (4), or causes or permits a seal to be broken, shall commit an offence.

(6) NLTA may -

[Amended 18/19 (cio 16/9/19).]

(a) attach to a public service vehicle licence such conditions; and

(b) vary the conditions under paragraph (a), as it thinks fit.

(7) Where the driver, owner or conductor of any public service vehicle wilfully or negligently fails to comply with any of the conditions attached to the public service vehicle licence issued in respect of that vehicle, he shall commit an offence.

(7A) The Minister may, with regard to a motor vehicle, having a seating capacity for 7 or more passengers, which has been used or is being used in contravention of this Part, make such regulations as he thinks fit -

(a) to provide for the affixing of seals or immobilisation devices on the motor vehicle; and

(b) for disciplinary proceedings to be initiated against the owner or person in charge of the motor vehicle.

[Inserted 10/23 (cio 21/8/23).]

(8) In this section -

"taxi licence" has the same meaning as in the Taxi Operators Welfare Fund Act 2021.

[Added 6/2021 (cio 3/1/22).]

EXPLANATORY COMMENTARY

This section requires public service vehicles to have a public service vehicle licence.

Licence Required

You cannot use a vehicle as a bus, contract bus, taxi, contract car, or shuttle bus unless you have a public service vehicle licence for that class of vehicle.

> *Example:* If you want to operate a taxi, you need a public service vehicle licence specifically for a taxi. You can't use a bus licence to operate a taxi.

Dual Licensing

A vehicle with 7 or more passenger seats that's licensed as a bus can also be licensed as a contract bus. This allows operators to use the same vehicle for both regular bus services and private hires.

Refusal, Suspension, or Revocation

The NLTA (National Land Transport Authority) can refuse, suspend, or revoke a public service vehicle licence if:

- The applicant or holder is not a fit and proper person (based on character or conduct)
- The vehicle doesn't meet fitness conditions
- A taxi licence holder fails to pay required fees to the Taxi Operators Welfare Fund

Seals

If a licence is suspended or revoked, the NLTA will affix seals to the vehicle. Breaking these seals is an offence.

Conditions

The NLTA can attach conditions to a public service vehicle licence and vary those conditions. Drivers, owners, and conductors must comply with these conditions.

> *Example:* A condition might require the vehicle to operate only in a certain district or to maintain a specific timetable. Failing to comply is an offence.

Penalties

Using a vehicle without a public service vehicle licence can result in:

- Fine up to **Rs 20,000**
- Imprisonment up to **12 months**

Key Takeaway: Public service vehicles require a specific licence for their class. The NLTA can refuse, suspend, or revoke licences and attach conditions. Operating without a licence carries serious penalties.

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Section 77: Road Service Licence

VERBATIM TEXT

77. Road service licence

(1) Subject to this section, NLTA may -

[Amended 18/19 (cio 16/9/19).]

(a) grant to any person who wishes to provide a service of buses, a road service licence, which shall be in the prescribed form and shall authorise its holder to provide such road service as may be specified in the licence;

(b) vary the provisions of a road service licence on the application of its holder, or on its own motion; or

[Amended 10/23 (cio 21/8/23).]

(c) on its own motion, or otherwise, cancel or vary a road service licence where it is satisfied that its holder is not providing an adequate or satisfactory service.

(2) The person required to hold a road service licence in respect of a bus shall be -

(a) where the vehicle is on hire to another person, for a purpose other than the conveyance by that other person of passengers for hire or reward, the person in whose name the vehicle is registered;

(b) in any other case, the person using the vehicle.

(3) Any person who -

(a) uses; or

(b) causes or permits to be used, on a road, a bus otherwise than under and in accordance with the terms and conditions of a road service licence shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

(4) NLTA shall not grant or vary a road service licence in respect of any route if it thinks, from any particulars furnished under subsection (8), that the provisions of this Act relating to the speed of motor vehicles are likely to be contravened.

[Amended 18/19 (cio 16/9/19).]

(5) (a) In deciding whether to grant, refuse or vary a road service licence in respect of any route or area, NLTA shall have regard to -

[Amended 18/19 (cio 16/9/19).]

1 the suitability of the routes on which a service may be provided under the licence;

2 the extent to which a route or area in respect of which the application is made is already served by road transport;

3 the extent to which road transport might be adversely affected and any representations which may be made in that behalf;

4 the extent to which the proposed service is necessary or desirable in the public interest;

5 the needs of Mauritius as a whole in relation to traffic, including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of uneconomic services, and the co-ordination of all forms of transport;

6 the payment of reasonable wages and observance of proper conditions of service in respect of the drivers and conductors of the applicant;

7 the reliability and financial stability of the applicant;

8 the facilities at the disposal of the applicant for carrying out vehicle maintenance and mechanical repairs;

9 any previous conviction of the applicant for an offence under this Act;

10 the number of vehicles in possession of the applicant in relation to the demands of the service for which a licence is sought;

11 whether the applicant's main source of livelihood is, or is intended to be, derived from the business of operating public service vehicles; and

12 where a person holds or has held a road service licence, the manner in which he has operated the service authorised by the licence.

(6) (a) Where the particulars required under subsection (8) have been supplied and the application is otherwise in order, NLTA shall cause a notice of the application to be published in -

[Amended 18/19 (cio 16/9/19).]

(i) the Gazette; and

(ii) such other manner as may be prescribed or as NLTA thinks fit, not more than 14 days before the public sitting at which the application is to be heard.

[Amended 18/19 (cio 16/9/19).]

(b) - [R 10/23 (cio 21/8/23).]

(7) (a) NLTA may -

[Amended 18/19 (cio 16/9/19).]

(i) attach to a road service licence such conditions as it thinks fit; and

(ii) vary the conditions under paragraph (a).

(b) Compliance with this Act and adherence to the rates and fares prescribed in respect of any service shall be implied conditions of the road service licence under which that service is operated.

(8) (a) Every person who applies for a road service licence and every holder of a licence who applies for its variation shall submit to NLTA -

[Amended 18/19 (cio 16/9/19).]

(i) particulars of the road or area it is proposed to serve;

(ii) particulars of the number and type of vehicles to be used;

(iii) the reasons for alleging that existing transport facilities on such road or in such area are inadequate;

(iv) in the case of a regular service, the timetable of the service which it is proposed to provide under the licence, the starting and destination points, stops in between and any duplication that is to be made;

(v) in any other case, such particulars as to the frequency of the service, the time to be taken, and the vehicles to be used, on the journeys included in that service as NLTA may require;

[Amended 18/19 (cio 16/9/19).]

(vi) the fare table of the proposed service;

(vii) particulars of any bankruptcy or of any agreement with creditors entered into by the applicant;

(viii) particulars of any agreement or arrangement affecting, in any material respect, the provision within Mauritius of facilities for the transport of goods or passengers for hire or reward entered into by the applicant with any other person by whom those facilities are provided;

(ix) particulars of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee or other financial transaction) which any other person providing facilities for the transport of goods or passengers for hire or reward or for motor trade or any motor insurance business or controlling (either solely or in conjunction with any other person) the business of any person who provides those facilities, has in the business of the applicant, and, in the case of an applicant being a company, of any right which that person has to nominate any director of the company, and such interest or right which the applicant has in the business of any other person engaged in the operation of public service vehicles within Mauritius; and

(x) such accounts, documents and records relating to the applicant's business and such other information as NLTA may require.

[Amended 18/19 (cio 16/9/19).]

(b) In the case of any material misstatement of any of the particulars specified under paragraph (a), NLTA may revoke a road service licence issued, or variation made, based on the application containing the misstatement.

[Amended 18/19 (cio 16/9/19).]

(9) The Minister may, either of his own motion or at the request of a person interested or affected, by regulations, lay down or vary fixed rates and fares for any service on any road or in any area, or fix or vary the maximum or minimum rates and fares for any service.

EXPLANATORY COMMENTARY

This section deals with road service licences, which are required to operate bus services.

Road Service Licence Required

To operate a bus service, you need a road service licence from the NLTA. This licence authorises you to provide a specific road service.

NLTA's Powers

The NLTA can:

- **Grant** a road service licence
- **Vary** the licence (on application or on its own motion)
- **Cancel or vary** the licence if the holder isn't providing adequate service

Who Holds the Licence

The person who must hold the road service licence is:

- The registered owner, if the vehicle is on hire to someone not using it for passenger transport
- The person using the vehicle, in any other case

Factors NLTA Considers

When deciding whether to grant or vary a road service licence, the NLTA considers 12 factors, including:

- Suitability of routes
- Existing transport services
- Public interest
- Co-ordination of transport
- Wages and conditions of drivers and conductors
- Financial stability of the applicant
- Maintenance facilities
- Previous convictions
- Number of vehicles
- Whether the applicant's main livelihood is from public transport

> *Example:* If you apply to operate a bus route that's already well-served by existing operators, the NLTA might refuse your application because it would lead to unnecessary competition. But if you propose a route that's currently underserved, the NLTA might grant the licence.

Public Notice

Applications for road service licences must be published in the Gazette and in other prescribed ways at least 14 days before the public sitting where the application will be heard.

Conditions

The NLTA can attach conditions to a road service licence. Compliance with the Act and adherence to prescribed fares are implied conditions.

Information Required

Applicants must provide extensive information, including:

- Routes to be served
- Number and type of vehicles
- Timetables
- Fare tables
- Financial information
- Details of any agreements with other transport providers

Misstatements

If an applicant makes a material misstatement, the NLTA can revoke the licence.

Fares

The Minister can set fixed or maximum/minimum fares for any service.

Penalties

Operating a bus without a road service licence or in breach of its conditions can result in a fine up to **Rs 3,000**.

Key Takeaway: Operating a bus service requires a road service licence from the NLTA. The NLTA considers many factors before granting a licence, including public interest and existing services. Extensive information must be provided, and the NLTA can attach conditions.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 77A: NTC Licences

VERBATIM TEXT

77A. NTC licences

(1) Where the Minister is satisfied that it is in the public interest to do so, he may direct NLTA to issue to the NTC such licences as the Corporation may require to operate buses on such route or in such area as the Minister may designate.

[Amended 18/19 (cio 16/9/19).]

(2) Where the Minister makes a direction under subsection (1), section 77 shall not apply and NLTA shall, on application made to that effect, issue to the NTC such licences as it may require to operate buses on any route or in any area designated by the Minister.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section allows the Minister to direct the NLTA to issue licences to the National Transport Corporation (NTC).

Minister's Direction

If the Minister considers it in the public interest, they can direct the NLTA to issue licences to the NTC to operate buses on specific routes or areas.

Simplified Process

When the Minister gives such a direction, section 77 (which contains detailed procedures for road service licences) doesn't apply. The NLTA must issue the licences on application.

Key Takeaway: The Minister can direct the NLTA to issue licences to the NTC for public interest reasons, bypassing the normal application process.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 77B: Request from NTC for Variation, Suspension or Revocation of Licences

VERBATIM TEXT

77B. Request from NTC for variation, suspension or revocation of licences

(1) Where the NTC, in pursuance of its objects under the National Transport Corporation Act, considers that a stage bus licence ought to be varied, suspended or revoked, it may make a request to that effect to NLTA, stating the grounds for the request.

[Amended 18/19 (cio 16/9/19).]

(2) NLTA shall, on receipt of a request under subsection (1), forthwith, by notice in writing, require the holder of the licence, within 10 days from the date of service of the notice, to submit written representations to show cause why his licence should not be varied, suspended or revoked.

[Amended 18/19 (cio 16/9/19).]

(3) Notwithstanding this Act, where a request has been made under subsection (1), NLTA shall -

[Amended 18/19 (cio 16/9/19).]

(a) as soon as practicable, consider the request and any representation made under subsection (2); and

(b) vary, suspend or revoke the licence, unless the Authority is satisfied that, in the light of the representation made by the licensee, it would not be in the public interest to do so.

(4) Where NLTA has varied, suspended or revoked any licence under subsection (3) (b), its decision shall -

[Amended 18/19 (cio 16/9/19).]

(a) be communicated forthwith to the licensee; and

(b) take effect as from the date of the communication of the decision to the licensee.

(5) No decision taken by NLTA under subsection (3)(b) shall be stayed pending the determination of any appeal or other court proceedings in respect of that decision.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section allows the NTC to request the variation, suspension, or revocation of stage bus licences.

NTC's Request

The NTC can ask the NLTA to vary, suspend, or revoke a stage bus licence, stating its reasons.

Notice to Licensee

When the NLTA receives such a request, it must notify the licensee, who has **10 days** to submit written representations showing why the licence shouldn't be varied, suspended, or revoked.

NLTA's Decision

The NLTA must consider the request and any representations and then vary, suspend, or revoke the licence—unless it's satisfied that doing so wouldn't be in the public interest.

Immediate Effect

The NLTA's decision takes effect immediately upon communication to the licensee. It can't be stayed pending an appeal.

Key Takeaway: The NTC can request changes to stage bus licences. The licensee has 10 days to respond, but the NLTA's decision takes effect immediately and can't be stayed pending appeal.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 77C: Variation of Licence on Minister's Direction

VERBATIM TEXT

77C. Variation of licence on Minister's direction

(1) Where the Minister is satisfied that it is in the public interest to do so, he may direct NLTA to vary an existing licence so as to allow the holder to operate his bus on any route or in any area designated by the Minister.

[Amended 18/19 (cio 16/9/19).]

(2) Where the Minister makes a direction under subsection (1), section 77 shall not apply and, on application made by the holder of the licence, NLTA shall vary the licence accordingly.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section allows the Minister to direct the NLTA to vary a bus licence.

Minister's Direction

If the Minister considers it in the public interest, they can direct the NLTA to vary an existing licence to allow the holder to operate on a different route or area.

Simplified Process

When the Minister gives such a direction, section 77 doesn't apply. The NLTA must vary the licence on application.

Key Takeaway: The Minister can direct the NLTA to vary bus licences for public interest reasons.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 77D: Redeployment of Bus Services and Issue of Road Service Licence on Minister's Directions

VERBATIM TEXT

77D. Redeployment of bus services and issue of road service licence on Minister's directions

(1) Where the Minister is satisfied that it is in the public interest to do so, he may direct NLTA to allow an existing licensee to redeploy his bus from an existing route to another route or area designated by the Minister, provided that -

(a) service on the route from which the bus is to be redeployed from is not adversely impacted;

(b) the authorisation is granted for such duration as the Minister may deem fit; and

(c) NLTA is satisfied that the licensee has been providing adequate service.

(2) Where the Minister is satisfied that a particular route or area is inadequately served and that it is in the public interest to improve bus services on that route or area, he may direct NLTA to grant a road service licence, for such duration as he may deem fit, to an existing licensee so as to allow him to operate bus services on such route or area designated by the Minister, provided that -

(a) NLTA is satisfied that existing bus services on that route or area are inadequate;

(b) there has been requests or complaints from commuters and users of public transport as regards the level of service provided by existing bus operators; and

(c) NLTA is satisfied that the licensee has been providing adequate service on any route operated by him.

(3) Where the Minister makes a direction under subsection (1) or (2), section 77 shall not apply and, on application made by the licensee, NLTA shall vary the licence accordingly.

[Inserted 10/23 (cio 21/8/23).]

EXPLANATORY COMMENTARY

This section allows the Minister to direct the redeployment of bus services or the grant of new road service licences.

Redeployment of Buses

The Minister can direct the NLTA to allow an existing licensee to move a bus from one route to another, provided:

- Service on the original route isn't adversely affected
- The authorisation is for a duration the Minister decides
- The licensee has been providing adequate service

New Licences for Inadequately Served Areas

If a route or area is inadequately served, the Minister can direct the NLTA to grant a road service licence to an existing licensee, provided:

- Existing services are inadequate
- There have been requests or complaints from commuters
- The licensee has been providing adequate service

Simplified Process

When the Minister gives such a direction, section 77 doesn't apply.

Key Takeaway: The Minister can direct the redeployment of buses or the grant of new licences to improve service on inadequately served routes.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 78: Extension of Validity of Licence

VERBATIM TEXT

78. Extension of validity of licence

Where, on the date of the expiry of a stage bus licence, other than a short term licence -

(a) proceedings are pending before NLTA, on application by the holder of that licence for the grant to him of a new licence in substitution for the existing licence; or

[Amended 18/19 (cio 16/9/19).]

(b) an appeal is pending in respect of any decision of NLTA, the existing licence shall, without prejudice to the powers of suspension and revocation conferred by this Part, continue in force until the application or appeal is disposed of.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section extends the validity of a stage bus licence in certain circumstances.

Extension of Licence

If a stage bus licence expires while:

- An application for a new licence is pending before the NLTA, or
- An appeal is pending against an NLTA decision

...the existing licence continues in force until the application or appeal is resolved.

> *Example:* If your bus licence expires on 31 December but you've applied for a new licence and the application is still being processed, your existing licence remains valid until the NLTA makes a decision.

Key Takeaway: If your stage bus licence expires while an application or appeal is pending, it continues in force until the matter is resolved.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 79: Particulars of Public Service Vehicle

VERBATIM TEXT

79. Particulars of public service vehicle

(1) The gross weight of a public service vehicle, the weight of goods and the maximum number of passengers, including, where permitted, standing passengers, that may be carried on a public service vehicle shall be -

(a) determined by an authorised examiner or a vehicle examiner in the prescribed manner;

[Amended 19/16 (cio 3/11/16).]

(b) described, together with such other particulars as may be prescribed, on the certificate of fitness for the vehicle issued under Part VIII; and

(c) legibly painted in a conspicuous position on the vehicle in such manner as may be prescribed.

(2) Where a public service vehicle carries more passengers than it is permitted to carry, the conductor of the vehicle or the driver, where there is no conductor, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

[Amended 12/18 (cio 1/10/18).]

(3) Any person who, being requested by the conductor or driver of a public service vehicle not to enter the vehicle, enters or attempts to enter the vehicle when it is carrying the full number of passengers which it is permitted to carry, shall commit an offence.

EXPLANATORY COMMENTARY

This section deals with the weight and passenger capacity of public service vehicles.

Determining Capacity

The gross weight, goods weight, and maximum passenger capacity (including standing passengers) of a public service vehicle must be:

1. **Determined** by an authorised examiner or vehicle examiner
2. **Described** on the certificate of fitness
3. **Painted** legibly in a conspicuous position on the vehicle

> *Example:* A bus might have a sign saying “Maximum 60 passengers” based on the examiner’s determination. This helps ensure the vehicle isn’t overloaded.

Overloading

If a public service vehicle carries more passengers than permitted, the conductor (or driver if there’s no conductor) commits an offence with a fine up to **Rs 5,000**.

Passengers Refusing to Comply

If a passenger tries to enter a vehicle that’s already full, after being asked not to, they commit an offence.

Key Takeaway: Public service vehicles have determined capacity limits that must be displayed. Overloading is an offence for the operator, and passengers who try to board a full vehicle also commit an offence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 80: Taxi, Contract Car or Shuttle Bus Licence

VERBATIM TEXT

80. Taxi, contract car or shuttle bus licence

[RR 10/23 (cio 21/8/23).]

(1) Every person applying for a public service vehicle licence in respect of a taxi, contract car or shuttle bus, referred to as "taxi licence", "contract car licence" or "shuttle bus licence", respectively, shall submit to NLTA in the form it requires -

(a) particulars of the type of vehicle to be used;

(b) particulars as to the stand, base or locality from which it is intended to operate the taxi, contract car or shuttle bus, as the case may be; and

(c) such other particulars as NLTA may require.

[RR 10/23 (cio 21/8/23).]

(2) (a) NLTA may grant or refuse an application for a taxi licence, contract car licence or shuttle bus licence.

[Amended 18/19 (cio 16/9/19); 10/23 (cio 21/8/23).]

(b) In deciding whether to grant or refuse an application under paragraph (a), NLTA shall have regard -

(i) primarily to the needs and interests of the public generally, including those of persons requiring, as well as those providing, facilities for the conveyance of passengers;

[Amended 6/21 (cio 3/1/22).]

(ii) to the character of the applicant; and

[Amended 6/2021 (cio 3/1/22).]

(iii) as to whether the applicant has complied with section 12 of the Taxi Operators Welfare Fund Act 2021.

[Added 6/2021 (cio 3/1/22).]

(3) Subject to this section and to regulations made by the Minister, the Authority may attach to a taxi licence such conditions as it thinks fit -

(a) with regard to matters to which it is required to take into consideration under subsection (2) and, in particular, for securing that -

(i) prescribed fares are charged;

(ii) copies of the fare table are carried and made available for inspection in vehicles;

(iii) wages, conditions of service and hours of employment are in accordance with particulars attached to the licence;

(iv) arrangements are made for the systematic and complete maintenance of the vehicle; and

(v) the authorised vehicle is used only in a specified district or between specified places or from a specified base or on specified roads; and

(b) to impose in the public interest or with a view to preventing uneconomic competition.

(4) NLTA may cancel or vary any of the conditions attached to a taxi licence under subsection (3).

[Amended 18/19 (cio 16/9/19).]

(5) NLTA may, on an application made by the holder of a taxi licence, authorise him to operate, in addition to his existing base of operation, in another location on a temporary basis and subject to such terms and conditions as NLTA may determine.

[RR 10/23 (cio 21/8/23).]

EXPLANATORY COMMENTARY

This section deals with taxi, contract car, and shuttle bus licences.

Application Requirements

To apply for a taxi, contract car, or shuttle bus licence, you must provide:

- Particulars of the vehicle type
- The stand, base, or locality from which you intend to operate
- Any other information the NLTA requires

NLTA's Decision

The NLTA can grant or refuse the application. In deciding, it considers:

- The needs and interests of the public
- Your character
- Whether you've complied with the Taxi Operators Welfare Fund Act 2021

Conditions

The NLTA can attach conditions to a taxi licence, including:

- Charging prescribed fares
- Carrying fare tables in the vehicle
- Complying with wage and employment conditions
- Maintaining the vehicle systematically

- Operating only in specified areas or from a specified base

Temporary Additional Base

A taxi licence holder can apply to operate from an additional location on a temporary basis.

> *Example:* If you're a taxi driver based in Port Louis but want to operate temporarily in Grand Baie during peak tourist season, you can apply to the NLTA for authorisation.

Key Takeaway: Taxi, contract car, and shuttle bus licences are granted by the NLTA based on public need and the applicant's suitability. Conditions may be attached, including fare requirements and operating areas.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 81: Contract Car

VERBATIM TEXT

81. Contract car

(1) No person shall let out a contract car on hire unless the public service vehicle licence in respect of the contract car has been inscribed by the Chief Commissioner as being valid for a contract car.

[Amended 18/19 (cio 16/9/19).]

(2) Any person who fails to comply with subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section requires contract cars to have a licence specifically inscribed as valid for a contract car.

Inscription Required

You can't hire out a contract car unless the vehicle's public service vehicle licence has been inscribed by the Chief Commissioner as valid for a contract car.

> *Example:* If you have a vehicle that you want to hire out as a contract car (for at least 6 hours, with the hirer driving), you need to ensure your licence is properly inscribed.

Penalty

Failing to comply is an offence.

Key Takeaway: Contract cars require a specific inscription on their public service vehicle licence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 81A: Disclosure of Particulars

VERBATIM TEXT

81A. Disclosure of particulars

(1) Every holder of a road service licence, contract bus licence or contract car licence shall, upon request from NLTA, submit to NLTA a detailed statement showing -

(a) his receipts and expenditure supported by certified copies of vouchers;

(b) salaries, allowances and conditions of service of persons in his employ and, where the holder is a company, of its directors;

(c) any acquisition or transfer of assets; and

(d) such other particulars as may be required by NLTA in respect of the operation of the bus, contract bus or contract car, as the case may be, in respect of such period as NLTA may determine.

[RR 10/23 (cio 21/8/23).]

(2) Any person who fails to comply with subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

(3) Without prejudice to subsection (2), the Authority may revoke the license held by any person who -

(a) fails to comply with subsection (1); or

(b) makes any statement which he knows to be false in any material particular.

EXPLANATORY COMMENTARY

This section requires licence holders to disclose financial and operational particulars to the NLTA.

Information Required

If you hold a road service licence, contract bus licence, or contract car licence, you must provide the NLTA, on request, with:

- Receipts and expenditure (with certified vouchers)
- Salaries, allowances, and conditions of service for employees (and directors)
- Details of asset acquisitions or transfers
- Any other required particulars

Penalties

Failing to comply can result in:

- Fine up to **Rs 2,000**
- Revocation of licence for non-compliance or false statements

Key Takeaway: Licence holders must provide detailed financial and operational information to the NLTA when requested. Failure can result in fines or licence revocation.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 82: Touting

VERBATIM TEXT

82. Touting

(1) No owner, driver or conductor, or person acting on behalf of the owner, driver or conductor of a public service vehicle authorised to carry passengers shall -

(a) make any loud noise or sound any instrument in order to attract the attention of the public or of a possible passenger;

(b) by troublesome or frequent demands or by persistent following, hold out the vehicle for hire to the public, or attempt to induce any person to become a passenger in the vehicle, in such manner as to constitute a nuisance; or

(c) act in any way so as to cause annoyance or inconvenience to any person.

(2) Any person who contravenes subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section prohibits touting—aggressively soliciting passengers.

What Is Touting?

Touting includes:

- Making loud noises or sounding instruments to attract attention
- Persistently following or demanding that someone become a passenger
- Acting in any way that causes annoyance or inconvenience

> *Example:* If a taxi driver honks their horn repeatedly to get your attention, or follows you down the street asking if you need a ride, that's touting.

Penalty

Touting is an offence.

Key Takeaway: Public service vehicle operators must not aggressively solicit passengers. Touting is prohibited.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 83: Licensing of Goods Vehicle

VERBATIM TEXT

83. Licensing of goods vehicle

(1) Subject to this Part, no person shall use a goods vehicle for the carriage of goods -

(a) for hire or reward; or

(b) for, or in connection with, any trade or business carried on by him, except under a carrier's licence issued under this Part.

(2) Notwithstanding this Part, a goods vehicle shall, when used for any purpose, be deemed to have been used for the carriage of goods.

(3) "Goods vehicle" means -

(a) a motor vehicle, other than a two-wheeled motorcycle; or

(b) a trailer, constructed or adapted for use for the carriage of goods.

(4) Where a goods 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.

(5) (a) Where goods are carried in a goods vehicle, being a vehicle which has been let on hire by the person who at the time of the carriage of the goods is, within the meaning of this Part, the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

(b) Where a person uses any motor vehicle, other than a goods vehicle, for the carriage of goods for, or in connection with, the trade or business of another person, he shall be deemed, if the carriage of the goods is not for hire or reward, to carry those goods for or in connection with his own trade or business.

(6) For the purposes of this Part -

(a) the delivery or collection by a person of goods sold, used or let on hire or hire purchase in the course of a trade or business carried on by him;

(b) the delivery or collection by a person of goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by him;

(c) the carriage of goods in a vehicle which is being used under, and in accordance with the rules applicable to, a motor dealer's vehicle licence taken out by a manufacturer or dealer or repairer under section 32; or

(d) the carriage of goods in a vehicle by a manufacturer, agent or dealer, where the vehicle is being used by him for demonstration purposes, shall not be deemed to constitute a carrying of the goods for hire or reward.

(7) This section shall not apply to the use of -

(a) a public service vehicle as a bus under a road service licence granted under this Part;

(b) a vehicle for the purpose of funerals;

(c) a vehicle for police, fire brigade or ambulance purposes;

(d) a vehicle for -

(i) towing a disabled vehicle; or

(ii) removing goods from a disabled vehicle to a place of safety; or

(e) (i) a vehicle for a prescribed purpose; or

(ii) a vehicle of a specified class or description, where regulations made under this Part provide that such use shall not be subject to this section; or

(f) a dual-purpose vehicle or a double cab pickup for the transport of goods or otherwise.

[Amended 27/12 (cio 22/12/12).]

(8) (a) Any person who uses a goods vehicle in contravention of this section shall commit an offence.

(b) Where a person uses, causes, or permits to be used, a motor vehicle, other than a goods vehicle, for the carriage of goods for hire or reward, he shall commit an offence.

EXPLANATORY COMMENTARY

This section requires goods vehicles to have a carrier's licence.

Carrier's Licence Required

You cannot use a goods vehicle for carrying goods:

- For hire or reward
- For or in connection with any trade or business

...unless you have a carrier's licence.

> *Example:* If you run a delivery business and use a van to deliver goods to customers, you need a carrier's licence. If you use your van only for personal purposes, you might not need one.

What Is a Goods Vehicle?

A goods vehicle is:

- A motor vehicle (other than a two-wheeled motorcycle) constructed or adapted for carrying goods
- A trailer constructed or adapted for carrying goods

Who Is the User?

The “user” of a goods vehicle is:

- The driver, if they own the vehicle or have it under a hire, hire purchase, or loan agreement
- The person whose agent or servant the driver is, in other cases

Deemed Carriage for Hire or Reward

If goods are carried in a vehicle that’s been let on hire, they’re deemed to be carried for hire or reward—even if they’re not.

Exceptions

This section doesn’t apply to:

- Buses operating under a road service licence
- Vehicles used for funerals
- Police, fire, or ambulance vehicles
- Vehicles towing disabled vehicles or removing goods from them
- Prescribed vehicles or purposes
- Dual-purpose vehicles or double cab pickups

Key Takeaway: Using a goods vehicle to carry goods for hire or reward or in connection with a trade or business requires a carrier’s licence. There are exceptions for certain vehicles and purposes.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 84: Carrier’s Licence

VERBATIM TEXT

84. Carrier’s licence

(1) A carrier’s licence shall be -

(a) a public carrier’s licence (an “A licence”);

(b) a private carrier’s licence (a “B licence”);

(2) A public carrier’s licence shall entitle its holder to use the authorised vehicle, subject to any conditions attached to the licence for the carriage of goods, other than sugar canes -

(a) for or in connection with, any trade carried on by him; or

(b) except to the extent as may be limited by the conditions attached to the licence, for hire or reward and for the conveyance of persons.

(3) A private carrier's licence shall entitle its holder to -

(a) use the authorised vehicle, subject to any conditions attached to the licence, for -

(i) the carriage of goods, other than sugar canes;

(ii) the conveyance of persons, free of charge, for or in connection with any trade or business carried on by the holder;

(b) lease the authorised vehicle to another person for any purpose, including for the carriage of goods, other than sugar canes, and subject to such conditions as NLTA may impose.

[RR 7/2020 (cio 7/8/2020).]

(4) A crop season public or private carrier's licence shall entitle its holder to use the authorised vehicle, subject to any conditions attached to the licence, for -

(a) the carriage of sugar canes or sugar cane crop requisites during the crop season; and

(b) the conveyance of persons free of charge for, or in connection with, the carriage of sugar canes or sugar cane crop requisites.

(5) Notwithstanding this Part, NLTA may, in a case of emergency and subject to such conditions as it thinks fit to impose, authorise the holder of a licence to use an authorised vehicle for the carriage of goods for any person to whom he lets the vehicle, where it is satisfied that the needs of that person cannot conveniently be met from other sources.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section describes the different types of carrier's licences.

Types of Carrier's Licences

1. **Public Carrier's Licence (A Licence)** —allows the holder to carry goods for hire or reward and in connection with their trade. This is for businesses that carry goods for others.
2. **Private Carrier's Licence (B Licence)** —allows the holder to carry goods in connection with their own trade or business, convey persons free of charge, and lease the vehicle to others.
3. **Crop Season Public or Private Carrier's Licence** —allows the holder to carry sugar canes and sugar cane crop requisites during the crop season.

> *Example:* If you run a courier company and carry packages for customers, you need an A licence. If you run a bakery and use a van to deliver your own bread, you need a B licence.

Emergency Authorisation

The NLTA can authorise a licence holder to carry goods for another person in an emergency, if that person's needs can't be met otherwise.

Key Takeaway: There are different types of carrier's licences for different purposes. A licences are for carrying goods for hire or reward; B licences are for carrying goods in connection with your own business.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 85: Application for Carrier's Licence

VERBATIM TEXT

85. Application for carrier's licence

(1) A person applying for a carrier's licence shall submit to the Authority, in the form it requires, a statement -

(a) containing, in respect of the motor vehicle proposed to be used under the licence -

(i) which belongs to the applicant; or

(ii) which is in his possession under a hire purchase agreement; or

(iii) where the application is granted, the applicant intends to acquire or to obtain possession of under an agreement, such particulars as may be required by the Authority;

(b) specifying the type of motor vehicles and the type and number of trailers proposed to be used under the licence; and

(c) specifying the facilities for the transport of goods intended to be provided by him under the licence, including particulars of the base from which, and the district within which, or the places between which, it is intended that the authorised vehicle will be operated for the purpose of carrying goods.

(2) A person applying for a carrier's licence shall -

(a) give to the Authority any information which it may reasonably require for the discharge of its duties in relation to the application; and

(b) in particular, if required by the Authority, submit such particulars as it may require with respect to -

(i) any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application;

(ii) the rates charged or proposed to be charged by the applicant; and

(iii) the wages and conditions and hours of employment of persons employed in connection with the vehicle intended to be used under the licence.

(3) No carrier's licence shall be granted or renewed unless the prescribed conditions as to fitness have been complied with in respect of the vehicle.

EXPLANATORY COMMENTARY

This section sets out the requirements for applying for a carrier's licence.

Information Required

Applicants must provide:

- Details of the vehicle(s) to be used
- The type and number of trailers
- The base and operating area
- Information about any existing carrier business
- Rates to be charged
- Wages and conditions of employees

Fitness Conditions

A carrier's licence can't be granted or renewed unless the vehicle meets prescribed fitness conditions.

> *Example:* If your vehicle fails its fitness examination, you can't get a carrier's licence until the issues are fixed.

Key Takeaway: Applying for a carrier's licence requires detailed information about the vehicle, the business, and the intended operations. The vehicle must meet fitness conditions.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 86: Power of NLTA

VERBATIM TEXT

86. Power of NLTA

[Amended 18/19 (cio 16/9/19).]

(1) NLTA may -

[Amended 18/19 (cio 16/9/19).]

(a) grant or refuse an application for a carrier's licence; or

(b) grant a licence in respect of -

(i) a motor vehicle other than that of which particulars were contained in the application;

(ii) a motor vehicle differing in type from that for the use of which authorisation was applied for; or

(iii) trailers less in number than, or differing in type from, those for the use of which authorisation was applied for.

(2) NLTA, in exercising its power under subsection (1), shall have regard -

[Amended 18/19 (cio 16/9/19).]

(a) principally to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport; and

(b) in particular where there is an application for an "A licence" -

(i) where the applicant is the holder of an existing licence of the same class, to the extent to which he is authorised to use goods vehicles for the carriage of goods for hire or reward;

(ii) to the previous conduct of the applicant in the capacity of a carrier of goods and to his character generally; and

(iii) to the type of vehicle intended to be used under the licence.

EXPLANATORY COMMENTARY

This section gives the NLTA power to grant or refuse carrier's licences.

NLTA's Powers

The NLTA can:

- Grant or refuse a carrier's licence application
- Grant a licence for a different vehicle than applied for
- Grant a licence for fewer or different trailers

Considerations

The NLTA primarily considers the public interest. For A licences, it also considers:

- The extent of existing authorisations
- The applicant's previous conduct and character
- The type of vehicle to be used

Key Takeaway: The NLTA has discretion in granting carrier's licences and considers public interest and the applicant's suitability.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 87: Conditions of Carrier's Licence

VERBATIM TEXT

87. Conditions of carrier's licence

(1) It shall be a condition of every carrier's licence that -

(a) the authorised vehicle is maintained in a fit and serviceable condition;

(b) the provisions of any enactment with respect to limits of speed and weight, laden and unladen, and the loading of goods vehicles, are complied with in relation to the authorised vehicle;

(c) the provisions of this Part relating to the keeping of records are complied with;

(d) any articulated vehicle whose overall length exceeds 33 feet and any motor vehicle whose gross weight exceeds 15 tons shall comply with any condition prescribed in respect of that vehicle.

(2) Subject to subsection (1), NLTA may attach to a carrier's licence -

[Amended 18/19 (cio 16/9/19).]

(a) a condition that the authorised vehicle shall be used only -

(i) in a specified district;

(ii) between specified places;

(iii) from a specified base; or

(iv) on specified roads;

(b) a condition that -

(i) only certain classes or descriptions of goods shall be carried;

(ii) certain classes or descriptions of goods shall not be carried; or

(iii) goods authorised to be carried shall be carried only for specified persons;

(c) a condition that the maximum or minimum rates prescribed for the carriage of goods shall be charged;

(d) a condition specifying the maximum laden weight of an authorised vehicle;

(e) a condition that wages, terms of service and hours of employment shall be in accordance with particulars attached to the licence; and

(f) such other conditions as NLTA thinks fit to impose in the public interest or with a view to preventing uneconomic competition.

(3) Subject to subsection (1), NLTA may cancel or vary any of the conditions attached to a carrier's licence under subsection (2).

[Amended 18/19 (cio 16/9/19).]

(4) Any person driving or using a goods vehicle who fails to comply with any of the conditions attached to the carrier's licence issued in respect of that vehicle shall commit an offence.

(5) The holder of the carrier's licence shall also commit an offence under subsection (4), equally with and independently of the person actually driving or using the goods vehicle, unless he proves that he had taken every reasonable precaution to prevent the commission of the offence.

EXPLANATORY COMMENTARY

This section sets out conditions attached to carrier's licences.

Mandatory Conditions

Every carrier's licence includes conditions that:

- The vehicle is maintained in fit and serviceable condition
- Speed, weight, and loading limits are complied with
- Records are kept
- Large vehicles comply with prescribed conditions

Discretionary Conditions

The NLTA can attach additional conditions, including:

- Operating only in specified areas or from a specified base
- Carrying only certain goods or for specified persons
- Charging prescribed rates
- Maximum laden weight
- Wages and employment conditions
- Other conditions in the public interest

Liability

Both the driver and the licence holder can be prosecuted for breaching conditions. The licence holder has a defence if they took every reasonable precaution to prevent the offence.

Key Takeaway: Carrier's licences come with mandatory and discretionary conditions. Both drivers and licence holders can be held liable for breaches.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 89: Using Goods Vehicle to Carry Passenger

VERBATIM TEXT

89. Using goods vehicle to carry passenger

(1) Any person driving or using any goods vehicle who -

(a) carries another person in or on it; or

(b) causes or permits another person to ride in or on it, shall commit an offence unless he proves that -

(i) the carriage of that person is authorised by a licence or permit issued under this Act; or

(ii) the person carried is sick or injured and is carried in a case of emergency.

(2) NLTA may determine the number of attendants to be carried on a goods vehicle and their duties.

[Amended 18/19 (cio 16/9/19).]

(3) The holder of a carrier's licence shall also commit an offence under subsection (1), equally with and independently of the person actually driving or using the goods vehicle, unless he proves that he had taken every reasonable precaution to prevent the commission of the offence.

EXPLANATORY COMMENTARY

This section restricts carrying passengers in goods vehicles.

General Prohibition

You can't carry passengers in a goods vehicle unless:

- It's authorised by a licence or permit
- The person is sick or injured and being carried in an emergency

> *Example:* If you give a friend a lift in your delivery van, you commit an offence—unless your licence authorises carrying passengers or your friend is injured and needs emergency transport.

Attendants

The NLTA can determine how many attendants can be carried on a goods vehicle.

Liability

Both the driver and the licence holder can be prosecuted. The licence holder has a defence if they took every reasonable precaution.

Key Takeaway: Don't carry passengers in goods vehicles unless authorised. Both drivers and licence holders can be prosecuted.

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For more resources, visit roadsafetymoris.org.in.

Section 89A: Conveyance of Development Workers

VERBATIM TEXT

89A. Conveyance of development workers

(1) Notwithstanding this Act, NLTA may, subject to such conditions as it thinks fit to impose, including conditions for the payment of joint or separate fares, authorise the holder of a carrier's licence, other than a crop season public or private carrier's licence, to carry development workers to and from their place of work in the goods vehicle in relation to which the licence is held.

[Amended 18/19 (cio 16/9/19).]

(2) In this section, "development worker" means a worker employed by Government in furtherance of the social and economic development of Mauritius.

EXPLANATORY COMMENTARY

This section allows goods vehicles to carry development workers.

Authorisation

The NLTA can authorise a carrier's licence holder to carry development workers to and from their place of work.

Who Are Development Workers?

Development workers are workers employed by the Government in furtherance of social and economic development.

Key Takeaway: Goods vehicles can be authorised to carry development workers to and from work.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 90: Records and Returns

VERBATIM TEXT

90. Records and returns

(1) A person carrying on the business of operating public service vehicles or goods vehicles shall -

(a) keep such accounts and records in relation to his business; and

(b) make such financial and statistical returns to such persons and in such manner and at such times as may be prescribed.

(2) The owner of a public service vehicle or goods vehicle shall, at the request of NLTA, produce for inspection all accounts or records kept under subsection (1).

(3) Any person who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and, in the case of a continuing offence, to a fine not exceeding 2,000 rupees for every day during which the offence continues.

[Amended 10/23 (cio 21/8/23).]

EXPLANATORY COMMENTARY

This section requires public service vehicle and goods vehicle operators to keep records and make returns.

Record-Keeping

Operators must:

- Keep accounts and records
- Make financial and statistical returns as prescribed

Inspection

The NLTA can require operators to produce their accounts and records for inspection.

Penalties

Failing to comply can result in:

- Fine up to **Rs 5,000**
- Additional fine up to **Rs 2,000 per day** for continuing offences

Key Takeaway: Public service and goods vehicle operators must keep proper records and produce them when requested.

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For more resources, visit roadsafetymoris.org.in.

Section 91: Duration of Licence

VERBATIM TEXT

91. Duration of licence

(1) A licence under this Part shall, unless previously revoked or suspended, continue in force for such period as may be prescribed.

(2) (a) Where an application has been made for a licence under this Part, NLTA may, for any justifiable administrative reason, pending the determination of the application, grant to the applicant a short term licence for such period as it thinks fit.

[Amended 18/19 (cio 16/9/19).]

(b) A short term licence granted under paragraph (a) shall cease to have effect from the date on which NLTA gives its decision on the application.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section deals with the duration of licences under Part VI.

Licence Period

Licences continue in force for the prescribed period unless revoked or suspended.

Short Term Licences

If an application is pending for administrative reasons, the NLTA can grant a short-term licence. This ceases when the NLTA decides on the application.

Key Takeaway: Licences are valid for prescribed periods. Short-term licences can be granted while applications are pending.

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Section 92: Licence Fee

VERBATIM TEXT

92. Licence fee

The prescribed fee shall be paid for -

(a) the issue of every public service vehicle licence, road service licence, carrier's licence or its duplicate;

(b) every variation of a licence under paragraph (a); and

(c) every authorised vehicle specified in the licence under paragraph (a).

EXPLANATORY COMMENTARY

This section requires fees to be paid for licences and variations.

Fees Payable

Fees are payable for:

- Issuing public service vehicle, road service, or carrier's licences
- Duplicate licences
- Varying licences
- Each authorised vehicle

Key Takeaway: Various fees apply to licences under Part VI.

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For more resources, visit roadsafetymoris.org.in.

Section 93: Transfer of Licence Prohibited

VERBATIM TEXT

93. Transfer of licence prohibited

(1) A licence granted under this Part shall, except with the prior approval of the Authority and subject to regulations made under this Act, not be transferable or assignable.

(2) Notwithstanding subsection (1), regulations may provide for a person who, in the event of -

(a) the death, incapacity, bankruptcy or liquidation of the business of; or

(b) the appointment of a receiver or manager in relation to the business of, the holder of a public service vehicle licence, a road service licence or a carrier's licence, is carrying on the business of the holder of that licence to -

(i) continue for the time being to use the licensed or authorised vehicle; or

(ii) operate the service authorised by the road service licence.

EXPLANATORY COMMENTARY

This section prohibits transferring licences without approval.

General Prohibition

Licences can't be transferred or assigned without the prior approval of the Authority.

Exceptions

In cases of death, incapacity, bankruptcy, or liquidation of a licence holder, regulations can allow the person carrying on the business to continue using the vehicle or operating the service.

Key Takeaway: Licences are personal and can't be transferred without approval. There are exceptions for certain events like death or bankruptcy.

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Section 94: NLTA to Keep Records

VERBATIM TEXT

94. NLTA to keep records

[Amended 18/19 (cio 16/9/19).]

(1) NLTA shall keep a record in such form and containing such particulars as may be prescribed of all licences it grants under this Part.

[Amended 18/19 (cio 16/9/19).]

(2) Any -

(a) police officer or person authorised by the Minister, without payment; or

(b) other person appearing to NLTA to have reasonable ground for claiming so to do, upon payment of the prescribed fee,

[Amended 18/19 (cio 16/9/19).]

may, at any reasonable time, inspect and take copies of, or extracts from, the record kept under subsection (1).

(3) The record shall be admissible in evidence of the matters required under this Part to be entered in it.

(4) A copy of an entry made in the record under this section purporting to be -

(a) signed by or on behalf of NLTA; or

[Amended 18/19 (cio 16/9/19).]

(b) certified by or on behalf of NLTA to be a true copy,

[Amended 18/19 (cio 16/9/19).]

shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the entry.

EXPLANATORY COMMENTARY

This section requires the NLTA to keep records of licences.

Record-Keeping

The NLTA must keep records of all licences granted under Part VI.

Inspection

Police officers, authorised persons, and others with reasonable grounds can inspect the records. Others may need to pay a fee.

Evidence

The records are admissible in evidence, and certified copies are evidence of the matters stated.

Key Takeaway: The NLTA maintains records of licences, which can be inspected and used as evidence.

Guidance provided by roadsafetymoris.org.in.
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Section 96: Revocation and Suspension

VERBATIM TEXT

96. Revocation and suspension

(1) (a) A public service vehicle licence, a road service licence or a carrier's licence may be revoked or suspended by NLTA on the ground that a condition of -

[Amended 18/19 (cio 16/9/19).]

(i) the licence has not been complied with; or

(ii) any other licence of the same class which the licensee holds, or has held, has not been complied with.

(b) NLTA shall not revoke or suspend a licence under paragraph (a) unless it is satisfied that -

[Amended 18/19 (cio 16/9/19).]

(i) there has been a repetition of the breach of conditions on the part of the licensee;

(ii) the breach has been committed wilfully; or

(iii) the breach has involved danger to the public.

(1A) Notwithstanding subsection (1), NLTA may revoke or suspend a public service licence, road service licence or carrier's licence where it is in the public interest to do so.

[Inserted 10/23 (cio 21/8/23).]

(2) Where a licence is revoked or suspended under subsection (1) or (1A) -

[Amended 10/23 (cio 21/8/23).]

(a) the Authority shall notify its holder of the revocation or suspension;

(b) the holder of the licence shall, on receipt of the notice, deliver the licence to the Authority; and

(c) the Authority shall cause seals to be affixed to the motor vehicle during the period of revocation or suspension.

(3) Any unauthorised person who breaks a seal affixed under subsection (2), or causes or permits a seal to be broken, shall commit an offence.

EXPLANATORY COMMENTARY

This section allows the NLTA to revoke or suspend licences.

Grounds for Revocation or Suspension

The NLTA can revoke or suspend a licence if:

- Conditions haven't been complied with
- There's been a repetition of breaches

- The breach was wilful
- The breach involved danger to the public
- It's in the public interest

Procedure

When a licence is revoked or suspended:

- The holder is notified
- The holder must deliver the licence to the Authority
- Seals are affixed to the vehicle

Breaking Seals

Breaking seals is an offence.

Key Takeaway: The NLTA can revoke or suspend licences for non-compliance or public interest reasons. Seals are affixed to the vehicle, and breaking them is an offence.

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Section 96A: Powers of NLTA

VERBATIM TEXT

96A. Powers of NLTA

[Amended 18/19 (cio 16/9/19).]

(1) In the exercise of its powers under sections 76(2) and (3), 96(1) and (1A), 107(3) and 108(3), NLTA may -

[Amended 18/19 (cio 16/9/19); 10/23 (cio 21/8/23).]

(a) summon witnesses and examine them on oath; and

(b) order any witness upon whom a summons is served to produce any document believed to contain any relevant matter for the determination of a case.

(2) NLTA may designate any of its officers to perform the duties of an usher in the service of a summons issued under subsection (1).

[Amended 18/19 (cio 16/9/19).]

(3) Any person who, after having been personally served with a summons issued under subsection (1) -

(a) fails to attend the hearing; or

(b) having attended the hearing -

(i) refuses to answer a question put to him;

(ii) fails to produce a document of which he has the control or custody and which he has been ordered to produce; or

(iii) knowingly gives false evidence, shall commit an offence.

EXPLANATORY COMMENTARY

This section gives the NLTA powers to summon witnesses and require documents.

Powers

The NLTA can:

- Summon witnesses and examine them on oath
- Order witnesses to produce documents
- Designate officers to serve summonses

Offences

Failing to attend, refusing to answer questions, failing to produce documents, or giving false evidence is an offence.

Key Takeaway: The NLTA has powers to summon witnesses and require documents in exercising its functions.

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Section 97: Duty of Licence Holder to Report

VERBATIM TEXT

97. Duty of licence holder to report

(1) The holder of a public service vehicle licence or of a carrier's licence shall, where there occurs to a vehicle in respect of which the licence was granted any failure or damage of a nature likely to affect the safety of the passengers or of persons using the road, report the matter as soon as possible to NLTA.

[Amended 18/19 (cio 16/9/19).]

(2) The holder of a public service vehicle licence or of a carrier's licence shall not, without the prior approval of NLTA, make any alteration, otherwise than by way of replacement of parts, in the structure or fixed equipment of the public service or of an authorised vehicle.

[Amended 18/19 (cio 16/9/19).]

(3) Any person who contravenes this section shall commit an offence.

EXPLANATORY COMMENTARY

This section requires licence holders to report vehicle failures and get approval for alterations.

Reporting Failures

If a vehicle develops a failure or damage that could affect safety, the licence holder must report it to the NLTA as soon as possible.

Alterations

Licence holders can't make structural alterations to vehicles without the NLTA's prior approval.

Penalty

Contravening this section is an offence.

Key Takeaway: Report safety-related failures to the NLTA and get approval before making structural alterations.

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For more resources, visit roadsafetymoris.org.in.

Section 98: When Authorised Vehicles May Be Changed

VERBATIM TEXT

98. When authorised vehicles may be changed

(1) Notwithstanding this Part, where an authorised vehicle breaks down or some other unforeseeable emergency occurs, the holder of a road service licence may temporarily substitute another vehicle for the authorised vehicle if -

(a) he is unable in any other way to provide the service authorised in his road service licence; and

(b) within 24 hours of making the substitution, he notifies the Commissioner of the substitution and he does not use for a period longer than 7 days, without the consent of the Commissioner, the substituted vehicle for the authorised vehicle.

(2) Any person who fails to comply with subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section allows temporary substitution of vehicles in emergencies.

Temporary Substitution

If a vehicle breaks down or there's an unforeseeable emergency, a road service licence holder can temporarily substitute another vehicle if:

- They can't otherwise provide the service
- They notify the Commissioner within 24 hours
- They don't use the substituted vehicle for more than 7 days without consent

Penalty

Failing to comply is an offence.

Key Takeaway: In emergencies, vehicles can be temporarily substituted, but the Commissioner must be notified within 24 hours and the substitution can't exceed 7 days without consent.

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Section 99: Appeal

VERBATIM TEXT

99. Appeal

(1) Any person who -

(a) being an applicant for the grant or variation of a licence under this Part, is aggrieved by -

(i) the decision of NLTA on the application; or

[Amended 18/19 (cio 16/9/19).]

(ii) any condition attached to the licence by NLTA;

[Amended 18/19 (cio 16/9/19).]

(b) - [Amended 18/19 (cio 16/9/19); Repealed 10/23 (cio 21/8/23).]

(c) being the holder of a licence under this Part, is aggrieved by -

(i) its revocation or suspension; or

(ii) any variation of the conditions attached to the licence, may appeal to the Appeal Committee by giving notice in writing to NLTA and lodging his appeal with the Secretary to the Appeal Committee within 21 days of the date on which the decision of NLTA has been communicated to him.

[Amended 18/19 (cio 16/9/19); 1/2020 (cio 16/5/2020).]

(2) Where a person, who has applied for a new licence under this Part in substitution for a licence held by him and in force at the date of his application, appeals to the Appeal Committee on the ground that his application

[Amended 18/19 (cio 16/9/19).]

(a) has been refused; or

(b) has not been granted, the existing licence shall, notwithstanding the provisions of this Part as to the duration of licences, continue in force until the appeal has been disposed of, without prejudice to the exercise in the meantime of the powers of suspension and revocation conferred by this Part.

EXPLANATORY COMMENTARY

This section provides for appeals to the Appeal Committee.

Right of Appeal

You can appeal to the Appeal Committee if you're aggrieved by:

- The NLTA's decision on your licence application
- Conditions attached to your licence
- Revocation or suspension of your licence
- Variation of licence conditions

Time Limit

Appeals must be lodged within **21 days** of the decision being communicated to you.

Existing Licence Continues

If you've applied for a new licence and your appeal is pending, your existing licence continues in force until the appeal is resolved.

Key Takeaway: Decisions of the NLTA can be appealed to the Appeal Committee within 21 days. Existing licences continue in force during appeals.

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For more resources, visit roadsafetymoris.org.in.

Section 100: Regulating Conduct of Passengers

VERBATIM TEXT

100. Regulating conduct of passengers

(1) (a) The Minister may make regulations generally as to the conduct of -

(i) passengers in public service vehicles; and

(ii) persons at bus stands and at bus stopping places.

(b) Without prejudice to the generality of the power under paragraph (a), the Minister may make regulations in particular in order to -

(i) authorise the removal from a public service vehicle by the driver or conductor of the vehicle or, at the request of the driver or conductor, by any police

officer, of any person infringing the regulations made under paragraph (a);

(ii) require a passenger in a public service vehicle who is reasonably suspected by the driver or conductor of contravening the regulations made under paragraph (a) to give his name and address to a police officer or to the driver or conductor on demand;

(iii) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare on demand for the whole of the journey and to accept any ticket provided for it;

(iv) require, on demand being made for the purpose by the driver, conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder of any ticket issued to him;

(v) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey for which he has paid the fare;

(vi) require the surrender by the holder of a ticket issued to him on the expiry of the period for which it is issued;

(vii) regulate the conduct of persons waiting to enter public service vehicles, and the priority of entry into those vehicles, and provide for queues or lines to be formed and kept by those persons; and

(viii) authorise the erection and maintenance of such barriers and posts as appear necessary for regulating the conduct of persons waiting to enter public service vehicles.

(2) Any person who contravenes any regulation made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,500 rupees.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations about passenger conduct.

Regulations

The Minister can make regulations about:

- Passenger conduct on public service vehicles
- Conduct at bus stands and stopping places
- Removing people who breach regulations
- Requiring passengers to give their name and address
- Requiring passengers to declare their journey and pay fares
- Ticket production and surrender
- Requiring passengers to leave at the end of their journey
- Queuing and priority of entry

- Barriers and posts at stops

Penalties

Contravening these regulations can result in a fine up to **Rs 2,500**.

Key Takeaway: The Minister can make regulations about passenger conduct. Passengers must follow these rules or face fines.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 101: Dispute as to Taxi Fares

VERBATIM TEXT

101. Dispute as to taxi fares

(1) (a) Where a dispute arises between the hirer and the driver of a taxi with regard to the sum payable in respect of the hiring, the hirer may require the driver to drive to the nearest police station and shall deposit the sum demanded by the driver with the officer in charge of the police station.

(b) The officer shall retain the sum until the matter in dispute is decided by a Magistrate or otherwise disposed of.

(2) A Magistrate to whom a dispute is referred under subsection (1) shall -

(a) proceed to examine, on oath, the parties to the dispute and such witnesses as they desire to be examined; and

(b) reduce the substance of the examination to writing.

(3) The Magistrate shall, after the examination under subsection (2) is completed, give his decision, which shall be final.

(4) A copy of the Magistrate's decision shall be forwarded to -

(a) the officer in charge of the police station referred to in subsection (1), who shall take action accordingly; and

(b) NLTA.

[Amended 18/19 (cio 16/9/19).]

(5) The driver of a taxi who refuses to drive to the nearest police station when required to do so under this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 250 rupees and the Court by which he is convicted shall send to NLTA particulars of the conviction.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section provides a procedure for resolving disputes about taxi fares.

The Procedure

If you and a taxi driver disagree about the fare:

1. You can require the driver to drive to the nearest police station
2. You deposit the amount demanded with the officer in charge
3. The officer retains the money until a Magistrate decides

Magistrate's Decision

The Magistrate examines both parties and witnesses and gives a decision, which is final.

Driver's Obligation

A taxi driver who refuses to drive to a police station when required commits an offence with a fine up to **Rs 250**.

> **Key Takeaway:** If you dispute a taxi fare, you can require the driver to go to a police station and deposit the fare. A Magistrate will decide the dispute.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 102: Disposal of Left Property

VERBATIM TEXT

102. Disposal of left property

(1) Any person who finds property left in a public service vehicle or goods vehicle shall immediately hand it, in the state in which he finds it -

(a) to the conductor; or

(b) where there is no conductor, to the driver, who shall deal with it in accordance with this section.

(2) Immediately before or on the termination of a journey of a public service vehicle or goods vehicle, the conductor or, where there is no conductor, the driver, shall -

(a) search the vehicle for any property left in it and return the property and any property handed to him under subsection (1), in the state in which it came into his possession, to the person who left the property in the vehicle; or

(b) where he is unable to return the property within 12 hours, deposit it at a police station.

(3) Any person who fails to comply with this section shall commit an offence.

EXPLANATORY COMMENTARY

This section deals with property left in public service vehicles or goods vehicles.

Finding Property

If you find property left in a vehicle, you must hand it to the conductor or driver.

Conductor's/Driver's Duties

The conductor or driver must:

- Search the vehicle for left property
- Return it to the owner if possible
- Deposit it at a police station if unable to return it within 12 hours

Penalty

Failing to comply is an offence.

Key Takeaway: Property left in vehicles must be handed to the conductor or driver, who must try to return it or deposit it at a police station.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 103: Stopping Places and Stands

VERBATIM TEXT

103. Stopping places and stands

(1) (a) NLTA may, with the approval of the Minister, by Order provide for -

[Amended 18/19 (cio 16/9/19).]

(i) appointing, in any town or village, stands for public service vehicles or goods vehicles;

(ii) fixing, on any road, stopping places for buses; and

(iii) specifying the manner of using the stands and stopping places under sub-paragraphs (i) and (ii).

(b) No stand shall, without the consent of the local authority concerned, be appointed in any town for taxis and goods vehicles.

(2) No driver or conductor of a bus shall ply for hire -

(a) in any town or village; or

(b) on any road, except at the stands or stopping places appointed or fixed by NLTA.

[Amended 18/19 (cio 16/9/19).]

(3) Subject to subsection (4), the driver or other person in charge of a goods vehicle or taxi shall not cause or permit the goods vehicle or taxi to wait upon a road, or a public or private place, for the purpose of plying for hire except

(a) at the place of business or residence -

(i) of the owner of the goods vehicle or taxi; or

(ii) where the owner is a company or body corporate, of such agent of the company or body corporate as is permitted by NLTA; or

[Amended 18/19 (cio 16/9/19).]

(b) in the case of -

(i) a taxi, at its base or stand; and

(ii) a goods vehicle, at a stand.

(4) (a) The driver or other person in charge of a taxi may ply for hire at separate fares -

(i) at its base or stand; or

(ii) subject to paragraph (b) -

(A) where the taxi is already carrying a passenger, at any place in the course of the journey undertaken by the passenger; or

(B) where it is on a return journey to its base or stand.

(b) Except where he does so at the base or stand of the taxi under paragraph (a) (i), the driver or other person in charge of a taxi shall not ply for hire at separate fares -

(i) at a base or stand; or

(ii) at or within 60 metres of -

(A) a stopping place appointed by NLTA for buses; or

[Amended 18/19 (cio 16/9/19).]

(B) any stand appointed by NLTA for any other class of public service vehicle or for goods vehicles.

[Amended 18/19 (cio 16/9/19).]

(5) For the purposes of subsections (3) and (4), the base or stand of a taxi shall be the base or stand specified under section 80(3)(a)(v) in respect of the taxi.

[Amended 10/23 (cio 21/8/23).]

(6) Any person who fails to comply with subsection (2), (3) or (4) shall commit an offence.

EXPLANATORY COMMENTARY

This section deals with stopping places and stands for public service vehicles and goods vehicles.

Stands and Stopping Places

The NLTA can appoint stands and fix stopping places for buses, taxis, and goods vehicles.

Plying for Hire

Bus drivers and conductors can only ply for hire at designated stands or stopping places.

Taxi and goods vehicle drivers can only wait for hire at:

- The owner's place of business or residence
- The taxi's base or stand
- A goods vehicle stand

Taxi Plying at Separate Fares

Taxis can ply for hire at separate fares:

- At their base or stand
- During a journey already undertaken
- On a return journey to base

But not within 60 metres of a bus stopping place or other stand.

Penalty

Failing to comply is an offence.

Key Takeaway: Public service vehicles and goods vehicles must use designated stands and stopping places. Taxis have specific rules about where they can ply for hire.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 104: Protection of Public Interest

VERBATIM TEXT

104. Protection of public interest

(1) Nothing in this Part shall be deemed to confer on the holder of a licence granted under this Part, a right to the continuance of any benefits arising from this Part or from any licence granted under this Part or from any conditions attached to the licence.

(2) NLTA may call in a licence of any category issued under this Act and vary its conditions.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section confirms that licences don't confer permanent rights.

No Vested Rights

A licence doesn't give the holder a right to continue receiving benefits indefinitely. The NLTA can change the rules.

Calling in Licences

The NLTA can call in any licence and vary its conditions.

Key Takeaway: Licences don't create permanent rights. The NLTA can call in licences and vary conditions.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 105: Regulations

VERBATIM TEXT

105. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Part.

(2) Without prejudice to the generality of the power under subsection (1), the Minister may make regulations with regard to -

(a) (i) the forms to be used; and

(ii) the particulars to be furnished, under this Part;

(b) (i) the procedure on application for; and

(ii) the determination of questions in connection with, the grant, renewal, surrender, suspension and revocation of licences under this Part;

(c) the issue of licences and, where licences are lost or destroyed, their copies;

(d) the fees payable under this Part, the manner of payment and the persons liable to pay them;

(e) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;

(f) the badges to be worn by drivers and conductors of public service vehicles;

(g) the means by which goods vehicles and public service vehicles are to be identified, whether by plates, marks or otherwise, as being authorised vehicles, and the provision of distinguishing words, letters, numbers, colours or marks being or not being placed on or affixed to vehicles;

(h) the custody of licences, production, return and cancellation of licences on expiry, suspension or revocation, and the custody, production, return and obliteration of documents, badges, plates and marks;

(i) the determination of the number of passengers which a public service vehicle is adapted to carry and the number which may be carried;

(j) the carriage of luggage and goods on public service vehicles;

(k) the safe custody and re-delivery or disposal of any property left in a public service vehicle or goods vehicles and the determination of the charges made in respect of the property;

(l) the equipment to be carried by public service vehicles or goods vehicles;

(m) the notification to NLTA of vehicles which have ceased to be used under a licence issued under this Part;

[Amended 18/19 (cio 16/9/19).]

(n) the records to be kept by licensees and by drivers of public service vehicles and goods vehicles and the returns to be made;

(o) the disposal of fines;

(p) the examination of vehicles under this Part;

(q) the control of advertisements on public service vehicles;

(r) the fares and rates chargeable under this Part in respect of buses and goods vehicles; and

(s) the fares chargeable under this Part in respect of taxis.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations under Part VI.

Regulation-Making Power

The Minister can make regulations about:

- Forms and particulars
- Application procedures
- Licence issuance and duplicates
- Fees
- Documents, plates, and marks
- Badges for drivers and conductors
- Vehicle identification
- Custody and production of licences
- Passenger capacity
- Luggage and goods carriage
- Property left in vehicles
- Equipment
- Records and returns
- Fines
- Vehicle examination
- Advertisements
- Fares and rates

Key Takeaway: The Minister has broad powers to make regulations covering all aspects of public service vehicles and goods vehicles.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 106: Avoidance of Contracts

VERBATIM TEXT

106. Avoidance of contracts

A contract for the conveyance of a passenger in a public service vehicle shall be void in so far as it purports to -

(a) negative or restrict the liability of any person in respect of any claim which might otherwise be lawfully made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from, the vehicle; or

(b) impose any conditions with respect to the enforcement of the liability.

EXPLANATORY COMMENTARY

This section voids contracts that try to limit liability for passenger injuries.

Void Contracts

Any contract that tries to:

- Limit or exclude liability for a passenger's death or injury
- Impose conditions on enforcing that liability

...is void.

> *Example:* A bus company can't put a notice on tickets saying "The company is not liable for any injuries." Such a notice would be void.

Key Takeaway: Contracts can't limit liability for passenger death or injury in public service vehicles.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

End of Part VI – Public Service Vehicles and Carriers

SUMMARY OF PART VI

Part VI regulates public service vehicles and goods vehicles:

- **Five categories of public service vehicles:** Buses, contract buses, taxis, contract cars, and shuttle buses.
- **Public service vehicle licence:** Required for all public service vehicles.
- **Road service licence:** Required for bus services.
- **Carrier's licence:** Required for goods vehicles used for hire or reward or in connection with a trade or business.
- **Conditions:** Licences come with conditions that must be complied with.
- **Records and returns:** Operators must keep records and make returns.
- **Revocation and suspension:** The NLTA can revoke or suspend licences for non-compliance.
- **Appeals:** Decisions can be appealed to the Appeal Committee.
- **Stopping places and stands:** Vehicles must use designated stands and stopping places.
- **Passenger conduct:** Regulations govern passenger behaviour.
- **Liability:** Contracts can't limit liability for passenger injuries.

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART VII – DRIVERS AND CONDUCTORS OF PUBLIC SERVICE VEHICLES AND GOODS VEHICLES

INTRODUCTION TO PART VII

Welcome to Part VII of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

In Part VI, we learned about licensing **vehicles** used for public transport and goods carriage. Now, in Part VII, we turn to the **people** who drive and operate those vehicles.

Driving a bus, taxi, or heavy goods vehicle requires more than just a standard driving licence. It requires specialist skills, greater responsibility, and a deeper understanding of safety requirements. That's why the law imposes additional licensing requirements on:

- **Drivers** of public service vehicles and heavy goods vehicles
- **Conductors** who assist passengers and collect fares on buses
- **Stand regulators** who manage bus services at stands and terminals

This part covers:

- The requirement to hold a special licence
- Age and character requirements
- Suspension and revocation of licences
- Appeals
- Rules about alcohol consumption while on duty
- Regulations about conduct

Whether you're a bus driver, taxi driver, conductor, stand regulator, or someone interested in working in the public transport industry, this part contains essential information about your obligations and responsibilities.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 107: Driving Without Licence

VERBATIM TEXT

107. Driving without licence

(1) (a) No person shall drive -

(i) a public service vehicle, other than a contract car; or

(ii) a heavy goods vehicle, on a road, unless he has, on payment of the prescribed fee, obtained a licence from NLTA, or the Commissioner of Police authorised in that behalf by NLTA, to drive the vehicle.

[Amended 18/19 (cio 16/9/19).]

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to drive a heavy goods vehicle or a public service vehicle on a road.

(2) A licence under subsection (1) shall not be issued unless the applicant satisfies NLTA that he -

[Amended 18/19 (cio 16/9/19).]

(a) is over the age of 18;

(b) is of good character; and

(c) fulfils such other conditions as NLTA may specify.

[Amended 18/19 (cio 16/9/19).]

(3) A licence granted under subsection (1) may be suspended or revoked by NLTA on the ground that by reason of

[Amended 18/19 (cio 16/9/19).]

(a) his conduct;

(b) physical disability; or

(c) record of convictions, the holder is not a fit person to hold the licence.

(4) Any person who contravenes subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section requires drivers of public service vehicles and heavy goods vehicles to hold a special licence.

Special Licence Required

You cannot drive a public service vehicle (other than a contract car) or a heavy goods vehicle unless you hold a special licence from the NLTA or an authorised police officer.

> *Example:* A standard car licence is not enough to drive a bus. You need a specific public service vehicle driver's licence. Similarly, driving a heavy lorry requires a heavy goods vehicle licence.

Who Can Get a Licence?

To get a licence, you must:

- Be over **18 years old**
- Be of **good character**
- Meet any other conditions the NLTA specifies

Employing or Permitting Unlicensed Drivers

You cannot employ or permit someone without the proper licence to drive a public service vehicle or heavy goods vehicle.

Suspension or Revocation

The NLTA can suspend or revoke a licence if the holder:

- Has engaged in poor conduct
- Has a physical disability
- Has a record of convictions

...that makes them unfit to hold the licence.

Key Takeaway: Driving a public service vehicle or heavy goods vehicle requires a special licence. You must be over 18, of good character, and meet other conditions. The NLTA can suspend or revoke the licence if you're not fit to hold it.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 108: Conductor's Licence

VERBATIM TEXT

108. Conductor's licence

(1) (a) No person shall act as conductor of a public service vehicle on a road unless he has, on payment of the prescribed fee, obtained a licence under this Part from NLTA.

[Amended 18/19 (cio 16/9/19).]

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to act as a conductor of a public service vehicle on a road.

(2) A person shall be disqualified from obtaining a licence to act as a conductor of a public service vehicle unless he satisfies NLTA that he -

[Amended 18/19 (cio 16/9/19).]

(a) is over the age of 18; and

(b) fulfils such other conditions as NLTA may specify.

[Amended 18/19 (cio 16/9/19).]

(3) A licence to act as a conductor of a public service vehicle may be suspended or revoked by NLTA on the ground that by reason of -

[Amended 18/19 (cio 16/9/19).]

(a) his conduct;

(b) physical disability; or

(c) record of convictions, the holder is not a fit person to hold the licence.

(4) Any person who contravenes subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section requires bus conductors to hold a licence.

Conductor's Licence Required

You cannot act as a conductor on a public service vehicle unless you hold a conductor's licence from the NLTA.

> *Example:* If you work on a bus collecting fares and assisting passengers, you need a conductor's licence. You can't just start working as a conductor without one.

Who Can Get a Licence?

To get a conductor's licence, you must:

- Be over **18 years old**
- Meet any other conditions the NLTA specifies

Suspension or Revocation

The NLTA can suspend or revoke a conductor's licence for:

- Poor conduct
- Physical disability
- Record of convictions

Employing Unlicensed Conductors

You cannot employ someone without a conductor's licence to act as a conductor.

Key Takeaway: Bus conductors must hold a conductor's licence. You must be over 18 and meet other conditions. The NLTA can suspend or revoke the licence if you're not fit to hold it.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 108A: Stand Regulator's Licence

VERBATIM TEXT

108A. Stand regulator's licence

(1) A stand regulator shall regulate and control bus services from bus stands, or terminals, or along bus routes.

(2) (a) No person shall act as a stand regulator unless he has, on payment of the prescribed fee, obtained a stand regulator's licence under this Part from NLTA.

[Amended 18/19 (cio 16/9/19).]

(b) No person shall employ, cause or permit any other person, who is not licensed under paragraph (a), to act as a stand regulator.

(3) A person shall be disqualified from obtaining a licence to act as a stand regulator unless he fulfils such conditions as NLTA may specify.

[Amended 18/19 (cio 16/9/19).]

(4) A licence to act as a stand regulator may be suspended or revoked by NLTA on the ground that by reason of -

[Amended 18/19 (cio 16/9/19).]

(a) his conduct;

(b) physical disability; or

(c) his record of convictions, the holder is not a fit person to hold the licence.

(5) Any person who contravenes subsection (2) shall commit an offence.

EXPLANATORY COMMENTARY

This section requires stand regulators to hold a licence.

Who Is a Stand Regulator?

A stand regulator regulates and controls bus services from bus stands, terminals, or along bus routes. They help manage the orderly operation of bus services.

Licence Required

You cannot act as a stand regulator unless you hold a stand regulator's licence from the NLTA.

Suspension or Revocation

The NLTA can suspend or revoke a stand regulator's licence for:

- Poor conduct
- Physical disability

- Record of convictions

Key Takeaway: Stand regulators must hold a licence. The NLTA can suspend or revoke the licence if the holder is not fit to hold it.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 109: Appeal

VERBATIM TEXT

109. Appeal

(1) Any person who, being the holder of, or an applicant for, a licence to act as driver of a public service vehicle or a heavy goods vehicle, conductor of a public service vehicle or stand regulator feels aggrieved by -

(a) the refusal or failure of NLTA to grant or renew the licence;

(b) the suspension or revocation of the licence; or

(c) any limitation imposed on the licence, may appeal to the Appeal Committee by giving written notice to NLTA and lodging his appeal with the Secretary to the Appeal Committee not later than 15 days after the decision of NLTA is communicated to him.

[RR 18/19 (cio 16/9/19).]

(2) Where a person appeals to the Appeal Committee under subsection (1), his licence shall be deemed to continue to be in force until such time as his appeal is determined.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section provides for appeals to the Appeal Committee.

Right of Appeal

You can appeal to the Appeal Committee if you're aggrieved by:

- Refusal or failure to grant or renew a licence
- Suspension or revocation of a licence
- Any limitation imposed on a licence

Time Limit

Appeals must be lodged within **15 days** of the NLTA's decision being communicated to you.

Licence Continues During Appeal

If you appeal, your licence continues in force until the appeal is determined.

> *Example:* If your conductor's licence is suspended and you appeal, you can continue working as a conductor until the Appeal Committee makes its decision.

Key Takeaway: Decisions about driver, conductor, and stand regulator licences can be appealed to the Appeal Committee within 15 days. Your licence continues in force during the appeal.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 110: Unlawfully Supplying Liquor

VERBATIM TEXT

110. Unlawfully supplying liquor

(1) Any -

(a) person who knowingly sells or supplies intoxicating liquor to a driver of a public service vehicle or goods vehicle while the driver is on duty; and

(b) driver who buys or consumes intoxicating liquor while he is on duty, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) For the purposes of this section, the driver of a public service vehicle or goods vehicle shall be deemed to be on duty during the time when he is in charge, or responsible for the driving, of the vehicle in the course of any journey, including the period of any halt during the journey other than a halt overnight.

EXPLANATORY COMMENTARY

This section prohibits supplying alcohol to drivers of public service vehicles and goods vehicles while on duty.

The Offences

Two offences are created:

1. **Selling or supplying** intoxicating liquor to a driver of a public service vehicle or goods vehicle while on duty
2. **Buying or consuming** intoxicating liquor by a driver while on duty

> *Example:* If a shopkeeper sells alcohol to a bus driver who is on duty, both the shopkeeper and the driver commit offences.

When Is a Driver "On Duty"?

A driver is on duty during the time they are in charge of the vehicle during a journey, including any halt during the journey—except an overnight halt.

> *Example:* If a bus driver stops for a lunch break during their route, they are still on duty and cannot consume alcohol. But if they finish their shift and are no longer responsible for the vehicle, they are not on duty.

Penalties

The penalty is a fine up to **Rs 5,000** and imprisonment up to **6 months**.

> **Key Takeaway:** Don't supply alcohol to drivers of public service or goods vehicles while they're on duty. Drivers shouldn't buy or consume alcohol while on duty. The penalties are serious.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 111: Regulating Conduct of Drivers, Conductors and Stand Regulators

VERBATIM TEXT

111. Regulating conduct of drivers, conductors and stand regulators

[Amended 21/11 (cio 1/11/11).]

(1) The Minister may make regulations as to the conduct of persons licensed to act as -

(a) drivers of public service vehicles or goods vehicles;

[Amended 21/11 (cio 1/11/11).]

(b) conductors of public service vehicles; or

[Amended 21/11 (cio 1/11/11).]

(c) stand regulators.

[Inserted 21/11 (cio 1/11/11).]

(2) Any person who contravenes any regulations made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,500 rupees and the Court which convicts him shall send particulars of the conviction to the Authority.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations about the conduct of drivers, conductors, and stand regulators.

Regulations

The Minister can make regulations about the conduct of:

- Drivers of public service vehicles or goods vehicles
- Conductors of public service vehicles
- Stand regulators

Penalties

Contravening these regulations can result in a fine up to **Rs 2,500**. The Court must notify the Authority of any conviction.

Key Takeaway: The Minister can make regulations about the conduct of drivers, conductors, and stand regulators. Breaching these regulations can result in fines.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

End of Part VII – Drivers and Conductors of Public Service Vehicles and Goods Vehicles

SUMMARY OF PART VII

Part VII regulates the people who drive and operate public service vehicles and goods vehicles:

- **Driver's licence:** Required for drivers of public service vehicles and heavy goods vehicles. Must be over 18 and of good character.
- **Conductor's licence:** Required for bus conductors. Must be over 18.
- **Stand regulator's licence:** Required for stand regulators who manage bus services.
- **Appeals:** Decisions can be appealed to the Appeal Committee within 15 days.
- **Alcohol:** Supplying alcohol to drivers on duty, or drivers consuming alcohol on duty, is an offence.
- **Conduct regulations:** The Minister can make regulations about the conduct of licensed persons.

This concludes Part VII of the Road Traffic Act of Mauritius, Annotated Edition. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART VIII – EXAMINATION OF MOTOR VEHICLES AND TRAILERS

INTRODUCTION TO PART VIII

Welcome to Part VIII of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This part of the law deals with **vehicle examinations**—the regular inspections that ensure vehicles on our roads are safe and roadworthy. If you own a vehicle, you're probably familiar with the annual (or more frequent) trip to an examination station to get your certificate of fitness.

Vehicle examinations are a critical part of road safety. They help identify:

- Worn-out brakes that could fail
- Faulty steering that could cause loss of control
- Defective lights that reduce visibility
- Excessive emissions that harm the environment
- Structural damage that weakens the vehicle

This part covers:

- Who can conduct examinations (authorised examiners)
- The certificate of fitness
- What happens when defects are found
- Re-examination requirements
- Inspection powers of police and examiners
- Offences related to certificates of fitness

Whether you're a private vehicle owner, a commercial operator, or someone interested in vehicle safety, this part explains how the examination system works.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 112: Application of This Part

VERBATIM TEXT

112. Application of this Part

(1) This Part shall apply to every motor vehicle and trailer.

(2) For the issue of a certificate of fitness in respect of a motor vehicle or trailer under this Part, that motor vehicle or trailer shall -

(a) for the Island of Mauritius, be examined by an authorised examiner; and

(b) for Rodrigues and Agaléga, be examined by a vehicle examiner.

EXPLANATORY COMMENTARY

This section explains which vehicles are covered by Part VIII and who examines them.

Which Vehicles Are Covered?

This Part applies to **every motor vehicle and trailer**. There are no exceptions based on vehicle type or use.

> *Example:* Whether you drive a private car, a taxi, a bus, or a lorry, your vehicle must be examined and have a valid certificate of fitness.

Who Conducts Examinations?

- **In Mauritius:** Authorised examiners (licensed private operators)
- **In Rodrigues and Agaléga:** Vehicle examiners (government officers)

Key Takeaway: All motor vehicles and trailers must be examined. In Mauritius, authorised examiners conduct examinations; in Rodrigues and Agaléga, vehicle examiners do.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 113: Authorised Examiners

VERBATIM TEXT

113. Authorised examiners

(1) No person shall act as an authorised examiner unless he is licensed as such by the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

(2) The Chief Commissioner shall, at all times, ensure that -

[Amended 18/19 (cio 16/9/19).]

(a) an examination station -

(i) is properly equipped for the testing of noise and smoke emissions, brakes efficiency, lights, suspension and degree of opacity of windows and windscreens;

(ii) is manned by an adequate number of vehicle testers;

(iii) is fully operational during opening hours;

(iv) is environmentally friendly and complies with any environmental law or any other enactment; and

(v) complies with such other requirements as may be prescribed;

(b) the equipment used to carry out the examination of motor vehicles and trailers are well maintained and calibrated;

(c) the examination of motor vehicles and trailers is carried out in an automated, transparent and objective manner and in accordance with such guidelines and standards as the Chief Commissioner may issue; and

[Amended 18/19 (cio 16/9/19).]

(d) an authorised examiner keeps proper records of all vehicles and trailers examined and the records are readily available for examination.

(3) (a) The licence of an authorised examiner may, by notice in writing, be suspended or revoked by the Chief Commissioner -

[Amended 18/19 (cio 16/9/19).]

(i) for non-compliance with any of the conditions attached to the licence or this Act; or

(ii) where the authorised examiner is no more a fit and proper person to hold the licence.

(b) The Chief Commissioner shall not suspend or revoke a licence without giving the authorised examiner an opportunity to make written representations against the suspension or revocation.

[Amended 18/19 (cio 16/9/19).]

(c) An authorised examiner who is aggrieved by the decision of the Chief Commissioner under paragraph (a) may, within 10 days of being notified of the suspension or revocation, appeal, on payment of such non-refundable fee as may be prescribed, to the Minister.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section deals with authorised examiners—the people licensed to conduct vehicle examinations.

Licensing Required

You cannot act as an authorised examiner unless you're licensed by the Chief Commissioner.

Chief Commissioner's Responsibilities

The Chief Commissioner must ensure that:

- Examination stations are properly equipped (for testing emissions, brakes, lights, suspension, etc.)
- Stations are adequately staffed
- Stations are fully operational during opening hours
- Stations are environmentally friendly
- Equipment is well maintained and calibrated
- Examinations are automated, transparent, and objective
- Records are properly kept

> *Example:* An examination station must have working equipment to test brake efficiency. If the equipment isn't calibrated properly, the Chief Commissioner must ensure it's fixed or the station's licence could be affected.

Suspension or Revocation

The Chief Commissioner can suspend or revoke an examiner's licence for:

- Non-compliance with licence conditions or the Act
- Not being a fit and proper person

Right to Make Representations

Before suspending or revoking a licence, the Chief Commissioner must give the examiner an opportunity to make written representations.

Appeal

An examiner can appeal to the Minister within **10 days** of being notified of suspension or revocation.

Key Takeaway: Authorised examiners must be licensed by the Chief Commissioner. The Chief Commissioner ensures examination stations meet standards. Licences can be suspended or revoked for non-compliance, but examiners have the right to make representations and appeal.

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Section 114: Certificate of Fitness

VERBATIM TEXT

114. Certificate of fitness

(1) Subject to subsection (2), no person shall drive, or cause or permit a person to drive, a motor vehicle or trailer on a road unless there is in force in respect of that motor vehicle

or trailer a certificate of fitness issued by an authorised examiner or a vehicle examiner, as the case may be.

(2) The Minister may, by regulations, exempt any motor vehicle or trailer from subsection (1) -

(a) for such time or purpose as may be prescribed; or

(b) in such area or on such road as may be prescribed.

(3) Where, on examination of a motor vehicle or trailer, an authorised examiner or a vehicle examiner is satisfied that -

(a) the particulars contained in the application form are correct;

(b) the particulars of the registration book conforms to the motor vehicle or trailer;

(c) the motor vehicle or trailer complies with such requirements as to design, construction, equipment, safety standards and vehicle emission as may be prescribed;

(d) the motor vehicle or trailer is fit to be used on a road, he shall issue a certificate of fitness to the owner of the motor vehicle or trailer.

(4) A certificate of fitness issued in respect of a motor vehicle or trailer shall -

(a) be in such form as the Chief Commissioner may approve;

[Amended 18/19 (cio 16/9/19).]

(b) certify that the motor vehicle or trailer is fit for the purpose for which it is to be used;

(c) specify the period during which the motor vehicle or trailer is fit for the purpose for which it is to be used;

(d) in the case of a public service vehicle, list the matters specified in section 79; and

(e) be displayed in a conspicuous place on the motor vehicle in respect of which it is issued and, in the case of a trailer, on the trailer or on the motor vehicle drawing it at the time.

EXPLANATORY COMMENTARY

This section requires vehicles to have a valid certificate of fitness.

Certificate of Fitness Required

You cannot drive—or let anyone else drive—a motor vehicle or trailer on a road unless it has a valid certificate of fitness.

> *Example:* If your car's certificate of fitness has expired, you cannot legally drive it on a public road. You must get it examined and obtain a new certificate first.

Exemptions

The Minister can exempt certain vehicles from this requirement by regulations.

When a Certificate Is Issued

An examiner will issue a certificate if satisfied that:

- The application form particulars are correct
- The registration book particulars match the vehicle
- The vehicle complies with design, construction, equipment, safety, and emission requirements
- The vehicle is fit to be used on a road

What the Certificate Contains

The certificate:

- Is in a form approved by the Chief Commissioner
- Certifies the vehicle is fit for its purpose
- Specifies the period of validity
- For public service vehicles, lists matters specified in section 79 (capacity, etc.)
- Must be displayed conspicuously on the vehicle (or trailer)

> *Example:* Your certificate of fitness should be displayed on your windscreen so it can be easily seen.

Key Takeaway: All motor vehicles and trailers must have a valid certificate of fitness. The certificate must be displayed conspicuously. Driving without a valid certificate is an offence.

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Section 115: Defects

VERBATIM TEXT

115. Defects

(1) Where, on examination of a motor vehicle or trailer, an authorised examiner or a vehicle examiner is satisfied that it is in such a state of disrepair as to constitute a danger to any person conveyed in it or to other users of the road, and it does not comply with section 114(3), he shall -

(a) issue to its owner a notice of refusal listing the defects which are to be remedied;

(b) notify its owner of the date on which it shall be re-examined;

(c) suspend, for safety reasons, the certificate of fitness, if any, to prevent its use until all the defects are remedied; and

(d) notify the Chief Commissioner of the suspension of the certificate of fitness under paragraph (c).

[Amended 18/19 (cio 16/9/19).]

(2) Where all the defects under subsection (1)(a) are remedied to the satisfaction of the authorised examiner or vehicle examiner, he shall, on re-examination, issue a certificate of fitness in respect of that motor vehicle or trailer and inform the Chief Commissioner accordingly.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section deals with what happens when a vehicle has defects.

When Defects Are Found

If an examiner finds that a vehicle is in such a state of disrepair that it's dangerous, they will:

1. **Issue a notice of refusal** listing the defects that need to be fixed
2. **Notify the owner** of the re-examination date
3. **Suspend the certificate of fitness** (if one exists) to prevent the vehicle being used
4. **Notify the Chief Commissioner** of the suspension

> *Example:* If your car's brakes are dangerously worn, the examiner will issue a notice listing this defect, suspend your certificate, and tell you when to bring the vehicle back for re-examination.

After Repairs

Once all defects are fixed to the examiner's satisfaction, they will:

- Issue a certificate of fitness
- Inform the Chief Commissioner

Key Takeaway: If your vehicle has dangerous defects, your certificate of fitness will be suspended and you'll be told what needs fixing. Once fixed, you'll get a new certificate.

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Section 116: New Certificate of Fitness

VERBATIM TEXT

116. New certificate of fitness

(1) The owner of a motor vehicle or trailer shall, prior to the expiry of the current certificate of fitness in respect of his motor vehicle or trailer, have the motor vehicle or trailer examined by an authorised examiner or a vehicle examiner, as the case may be.

(2) An authorised examiner or a vehicle examiner shall issue a new certificate of fitness in respect of a motor vehicle or trailer where, after examination, he is satisfied that it complies with section 114(3).

(3) Where, in respect of a motor vehicle or trailer, a new certificate of fitness is issued within 30 days before the expiry of the current certificate of fitness, the new certificate shall be treated, for the purpose of this section, as if it were issued at the end of the expiry of the current certificate.

EXPLANATORY COMMENTARY

This section deals with renewing your certificate of fitness.

Renewal Required

Before your current certificate expires, you must have your vehicle examined and obtain a new certificate.

> *Example:* If your certificate expires on 31 December, you should have your vehicle examined in December (or earlier) to get a new certificate before the old one expires.

Early Renewal

If you get a new certificate within **30 days before** your current certificate expires, the new certificate is treated as if it started at the end of the old one. This means you don't lose any validity by renewing early.

> *Example:* If your certificate expires on 31 December and you get a new one on 15 December, the new certificate is treated as starting on 1 January. You get a full new period.

Key Takeaway: Renew your certificate of fitness before it expires. If you renew within 30 days before expiry, your new certificate starts when the old one ends—so you don't lose any time.

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Section 117: Examination of Motor Vehicles and Trailers Before Registration

VERBATIM TEXT

117. Examination of motor vehicles and trailers before registration

(1) Where an application for the registration of a motor vehicle or trailer is made pursuant to section 5(2), the Chief Commissioner shall require its owner to have the motor vehicle or trailer examined by an authorised examiner or a vehicle examiner, as the case may be, to ensure that it complies with section 114(3).

[Amended 18/19 (cio 16/9/19).]

(2) Where, on examination of the motor vehicle or trailer, the authorised examiner or vehicle examiner is satisfied that it complies with section 114(3), he shall issue a certificate of examination in respect of that motor vehicle or trailer.

EXPLANATORY COMMENTARY

This section requires vehicles to be examined before registration.

Examination Before Registration

When you apply to register a vehicle, the Chief Commissioner will require you to have it examined to ensure it complies with section 114(3)—that is, that it's fit to be used on a road.

> *Example:* If you import a vehicle and want to register it in Mauritius, you'll need to have it examined first.

Certificate of Examination

If the vehicle passes examination, the examiner will issue a certificate of examination.

Key Takeaway: Vehicles must be examined before registration. If they pass, a certificate of examination is issued.

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Section 118: Examination on Order of Chief Commissioner

VERBATIM TEXT

118. Examination on order of Chief Commissioner

[Amended 18/19 (cio 16/9/19).]

(1) Where the Chief Commissioner has reason to believe that a motor vehicle or trailer is in such a state of disrepair as to constitute a danger to any person conveyed in it or to other users of the road and it does not comply with section 114(3), he may order the person in charge of the motor vehicle or trailer to have the motor vehicle or trailer examined by an authorised examiner or a vehicle examiner, as the case may be.

(2) Where the order under subsection (1) is not complied with, the Chief Commissioner shall -

[Amended 18/19 (cio 16/9/19).]

(a) prohibit the use of the motor vehicle or trailer; and

(b) cause seals to be affixed to the motor vehicle or trailer, until such time as its owner satisfies the Chief Commissioner that he has taken necessary steps to cause it to be examined by an authorised examiner or a vehicle examiner, as the case may be.

[Amended 18/19 (cio 16/9/19).]

(3) Where a motor vehicle or trailer is examined pursuant to this section, an authorised examiner or a vehicle examiner shall, on being satisfied that it complies with section 114(3), validate the current certificate of fitness in respect of that motor vehicle or trailer.

EXPLANATORY COMMENTARY

This section allows the Chief Commissioner to order an examination of a vehicle suspected of being in disrepair.

Order for Examination

If the Chief Commissioner believes a vehicle is in dangerous disrepair, they can order the person in charge to have it examined.

If the Order Isn't Complied With

If you don't comply with the order, the Chief Commissioner will:

- Prohibit the vehicle's use
- Affix seals to the vehicle

The seals remain until you satisfy the Chief Commissioner that you've taken steps to have the vehicle examined.

> *Example:* If the Chief Commissioner orders you to have your car examined because of suspected brake problems, and you don't do it, your car will be prohibited from use and sealed until you comply.

Validation of Certificate

If the vehicle passes examination, the examiner will validate the current certificate of fitness.

Key Takeaway: The Chief Commissioner can order an examination of a vehicle suspected of being dangerous. If you don't comply, the vehicle will be prohibited and sealed.

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Section 119: Inspection by Police Officer, Vehicle Examiner and Road Transport Inspector

VERBATIM TEXT

119. Inspection by police officer, vehicle examiner and road transport inspector

(1) A police officer, vehicle examiner or road transport inspector in uniform, or a police officer, vehicle examiner or road transport inspector not in uniform who produces his identification card may -

(a) stop and inspect a motor vehicle or trailer;

(b) request the person in charge of a motor vehicle or trailer to produce the certificate of fitness or other documents in respect of the motor vehicle or trailer;

(c) detain a motor vehicle or trailer for such time as is reasonably required for the inspection of the certificate of fitness or other documents in respect of that motor vehicle or trailer;

(d) to ascertain whether the requirements imposed by law are complied with, test the brakes, silencers, steering gear, tyres, lighting equipment, reflectors or any other equipment of a motor vehicle or trailer;

(e) where he holds the appropriate driving licence, drive a motor vehicle or trailer on a road to ascertain whether the motor vehicle or trailer is fit to be used on a road;

(f) for the inspection of a motor vehicle or trailer, enter, at any reasonable time, any premises, other than private premises, where he has reason to believe the motor vehicle or trailer is kept; and

(g) for the inspection of a motor vehicle or trailer, enter, pursuant to a warrant issued by a Magistrate, any private premises where he has reason to believe the motor vehicle or trailer is kept.

(2) (a) Where, pursuant to subsection (1), a police officer, vehicle examiner or road transport inspector has reason to believe that the motor vehicle or trailer is emitting smoke, visible vapour, fuel, oil or lubricant which is avoidable, or is otherwise not fit to be used on the road, he may prohibit its use until such time as it is examined by an authorised examiner or a vehicle examiner, as the case may be.

(b) The police officer, vehicle examiner or road transport inspector, as the case may be, shall notify the Chief Commissioner of the prohibition made under paragraph (a).

[Amended 18/19 (cio 16/9/19).]

(3) Where a prohibition made under subsection (2)(a) is not complied with, the Chief Commissioner shall cause seals to be affixed to the motor vehicle or trailer until such time as its owner satisfies the Chief Commissioner that he has taken necessary steps to cause it to be examined by an authorised examiner or a vehicle examiner.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section gives police officers, vehicle examiners, and road transport inspectors powers to inspect vehicles.

Inspection Powers

These officers can:

- **Stop and inspect** vehicles
- **Request documents** (certificate of fitness, etc.)

- **Detain vehicles** for inspection
- **Test equipment** (brakes, lights, steering, etc.)
- **Drive vehicles** (if properly licensed) to assess fitness
- **Enter premises** (other than private premises) to inspect vehicles
- **Enter private premises** with a warrant

> *Example:* A police officer can stop your car and check your certificate of fitness. They can also test your brakes and lights to ensure they work properly.

Prohibition for Emissions

If an officer believes a vehicle is emitting avoidable smoke, vapour, fuel, oil, or lubricant—or is otherwise unfit—they can prohibit its use until it's examined.

Non-Compliance

If a prohibition isn't complied with, the Chief Commissioner will affix seals to the vehicle until the owner takes steps to have it examined.

Key Takeaway: Police officers, vehicle examiners, and road transport inspectors have broad powers to inspect vehicles. If a vehicle is emitting excessive pollutants or is otherwise unfit, its use can be prohibited.

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Section 120: Motor Vehicle and Trailer Licence

VERBATIM TEXT

120. Motor vehicle and trailer licence

(1) The Chief Commissioner shall not issue a motor vehicle or trailer licence in respect of a motor vehicle or trailer unless a certificate of fitness covering the whole or part of the period for which the licence is to be issued is produced to him.

[Amended 18/19 (cio 16/9/19).]

(2) Where, on examination of a motor vehicle or trailer, an authorised examiner or a vehicle examiner is satisfied that -

(a) it is in such a state of disrepair as to constitute a danger to any person conveyed in that motor vehicle or trailer or to other users of the road;

(b) it does not comply with section 114(3); or

(c) its defects have not been remedied to the satisfaction of the authorised examiner or vehicle examiner, the Chief Commissioner may suspend or refuse the renewal of the motor vehicle or trailer licence in respect of that motor vehicle or trailer.

[Amended 18/19 (cio 16/9/19).]

(3) (a) Where the owner of a motor vehicle or trailer is aggrieved by a suspension or refusal under subsection (2), he may, within 10 days of the suspension or refusal, appeal to the Appeal Committee on payment of such nonrefundable fee as may be prescribed.

[Amended 18/19 (cio 16/9/19).]

(b) The Appeal Committee may, on appeal, confirm or reverse the decision of the Chief Commissioner.

EXPLANATORY COMMENTARY

This section links the certificate of fitness to the vehicle licence.

Certificate Required for Licence

The Chief Commissioner won't issue a vehicle licence unless a certificate of fitness is produced covering the licence period.

> *Example:* You can't get a vehicle licence for your car without first getting a certificate of fitness.

Suspension or Refusal of Licence

The Chief Commissioner can suspend or refuse to renew a vehicle licence if:

- The vehicle is in dangerous disrepair
- It doesn't comply with section 114(3)
- Defects haven't been remedied

Appeal

If your licence is suspended or refused, you can appeal to the Appeal Committee within **10 days**.

Key Takeaway: A valid certificate of fitness is required to get or renew a vehicle licence. The Chief Commissioner can suspend or refuse a licence if the vehicle has dangerous defects.

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Section 121: Appeal Under Section 115 or 119

VERBATIM TEXT

121. Appeal under section 115 or 119

(1) Where the owner of a motor vehicle or trailer is aggrieved by -

(a) a notice of refusal issued under section 115(1)(a);

(b) the suspension of a certificate of fitness under section 115(1)(c);

(c) a prohibition made by a police officer, vehicle examiner or road transport inspector under section 119(2), in relation to his motor vehicle or trailer, he may, within 10 days of his receiving notice of the refusal, suspension or prohibition, appeal to the Chief Commissioner on payment of such non-refundable fee as may be prescribed.

[Amended 18/19 (cio 16/9/19).]

(2) (a) The Chief Commissioner shall, on an appeal under subsection (1), cause an examination to be carried out by a designated authorised examiner or vehicle examiner, as the case may be, in the presence of an authorised officer.

[Amended 18/19 (cio 16/9/19).]

(b) The authorised officer shall, after examination of the motor vehicle or trailer, forward his report to the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

(c) The Chief Commissioner shall, on consideration of the report -

[Amended 18/19 (cio 16/9/19).]

(i) cause the registration of the motor vehicle or trailer if he is satisfied that it complies with section 114(3);

(ii) require the authorised examiner to issue a certificate of fitness in respect of that motor vehicle or trailer; or

(iii) confirm the refusal, suspension or prohibition.

(3) The decision of the Chief Commissioner under subsection (2) shall be final.

(4) Where, pursuant to subsection (2), a motor vehicle or trailer is examined, no fee shall be paid by the owner of the motor vehicle or trailer.

EXPLANATORY COMMENTARY

This section provides for appeals against defect notices, suspensions, and prohibitions.

Right of Appeal

You can appeal to the Chief Commissioner within **10 days** if you're aggrieved by:

- A notice of refusal under section 115(1)(a)
- Suspension of a certificate of fitness under section 115(1)(c)
- A prohibition under section 119(2)

Appeal Process

The Chief Commissioner will:

1. Arrange an examination by a designated examiner in the presence of an authorised officer
2. Receive a report from the authorised officer
3. Decide whether to register the vehicle, require a certificate of fitness, or confirm the refusal/suspension/prohibition

Final Decision

The Chief Commissioner's decision is final.

No Fee

No fee is payable for the examination on appeal.

Key Takeaway: You can appeal against defect notices, suspensions, and prohibitions to the Chief Commissioner within 10 days. The Chief Commissioner's decision is final.

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Section 122: Offences

VERBATIM TEXT

122. Offences

Any person who -

(a) drives, or causes or permits a person to drive, a motor vehicle or trailer on a road without a certificate of fitness being in force in respect of that motor vehicle or trailer;

(b) drives, or causes or permits a person to drive, a motor vehicle or trailer on a road where the certificate of fitness in respect of that motor vehicle or trailer is suspended;

(c) drives, or causes or permits a person to drive, a motor vehicle or trailer where the use of that motor vehicle or trailer is prohibited;

(d) fails to display in a conspicuous place on a motor vehicle, the certificate of fitness issued in respect of that motor vehicle;

(e) fails to display in a conspicuous place on a trailer or on the motor vehicle drawing the trailer, the certificate of fitness issued in respect of that trailer;

(f) obstructs a police officer, vehicle examiner or road transport inspector in the discharge of his duties;

(g) when requested by a police officer, vehicle examiner or road transport inspector, fails to produce the certificate of fitness in respect of the motor vehicle or trailer of which he is in charge;

(h) fails to permit a police officer, vehicle examiner or road transport inspector to inspect his motor vehicle or trailer;

(i) fails to permit a police officer, vehicle examiner or road transport inspector to inspect the certificate of fitness in respect of the motor vehicle or trailer of which he is in charge;

(j) otherwise fails to comply with this Part, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

EXPLANATORY COMMENTARY

This section lists offences related to vehicle examinations.

Offences

You commit an offence if you:

- **Drive without a certificate of fitness** or let someone else drive without one
- **Drive with a suspended certificate** or let someone else do so
- **Drive a prohibited vehicle** or let someone else do so
- **Fail to display** the certificate of fitness conspicuously
- **Obstruct** a police officer, vehicle examiner, or road transport inspector
- **Fail to produce** the certificate of fitness when requested
- **Fail to permit inspection** of your vehicle or certificate
- **Otherwise fail to comply** with Part VIII

Penalties

The penalty is a fine up to **Rs 25,000** and imprisonment up to **one year**.

Key Takeaway: There are many offences related to certificates of fitness and vehicle inspections. The penalties are significant—up to Rs 25,000 and one year in prison.

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Section 123: Regulations

VERBATIM TEXT

123. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Part and, in particular, for -

(a) the establishment and maintenance of examination stations where examination of any motor vehicle or trailer under this Part may be carried out;

(b) the requirements relating to the design, construction, equipment and vehicle emission of that motor vehicle or trailer, for the issue of a certificate of fitness;

(c) authorising a person to act as an authorised examiner;

(d) conditions to be complied with by an authorised examiner;

(e) the levying of fees in respect of the gains of an authorised examiner;

(f) the conditions under which and the equipment with which the examination of a motor vehicle or trailer is to be carried out, and the maintenance of that equipment in an efficient state;

(g) the manner in which any visual examination of a motor vehicle or trailer is to be carried out by an authorised examiner so that the outcome from the visual examination and any equipment used for examination, together with the complete examination of a motor vehicle or trailer for the issue of a certificate of fitness;

(h) the inspection of examination stations at which and the equipment with which the examination of a motor vehicle or trailer is to be carried out;

(i) the manner in which an application may be made for the examination of a motor vehicle or trailer;

(j) the fee to be paid for the examination of motor vehicles and trailers;

(k) the fee to be paid for any further examination of motor vehicles and trailers which have been found not to comply with this Act;

(l) the manner in which an appeal may be brought under this Part;

(m) the form of, and the particulars to be contained in, a certificate of fitness, its display and production on demand to any police officer or any officer authorised by the Chief Commissioner;

[Amended 18/19 (cio 16/9/19).]

(n) the form of a notice of refusal to issue a certificate of fitness;

(o) the conditions for the issue of a duplicate of a certificate of fitness lost or defaced and the fee payable therefore;

(p) the custody by an authorised examiner of a register of certificates of fitness in a form to be approved by the Chief Commissioner and the inspection of such register by such persons as the Chief Commissioner may authorise;

[Amended 18/19 (cio 16/9/19).]

(q) the custody by an authorised examiner of such records as may be prescribed and the furnishing of returns and information, including any other documentation as the Chief Commissioner may require.

[Amended 18/19 (cio 16/9/19).]

(2) Regulations made under this section may -

(a) make different provisions in respect of different motor vehicles or trailers or classes of motor vehicles or trailers; and

(b) provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding one year.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations about vehicle examinations.

Regulation-Making Power

The Minister can make regulations about:

- Examination stations
- Design, construction, equipment, and emission requirements
- Authorised examiners
- Fees
- Examination procedures
- Appeals
- Certificate of fitness forms
- Records and returns

Penalties

Regulations can provide for fines up to **Rs 25,000** and imprisonment up to **one year**.

> **Key Takeaway:** The Minister has broad powers to make regulations about vehicle examinations, including standards, fees, and procedures.

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End of Part VIII – Examination of Motor Vehicles and Trailers

SUMMARY OF PART VIII

Part VIII establishes the vehicle examination system:

- **Certificate of fitness required:** All motor vehicles and trailers must have a valid certificate of fitness.
- **Authorised examiners:** Licensed by the Chief Commissioner to conduct examinations.
- **Examination:** Vehicles are examined for safety, emissions, and compliance with standards.
- **Defects:** If dangerous defects are found, the certificate is suspended and the vehicle must be repaired and re-examined.
- **Inspection powers:** Police, vehicle examiners, and road transport inspectors can inspect vehicles.
- **Offences:** Driving without a certificate, obstructing inspectors, and other offences carry fines up to Rs 25,000 and imprisonment up to one year.

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PART VIIIA – ROAD SAFETY

INTRODUCTION TO PART VIIIA

Welcome to Part VIIIA of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This is perhaps the most important part of the Act for everyday drivers. Part VIIIA deals with **road safety**—the rules designed to prevent accidents, save lives, and protect everyone who uses our roads.

Every time you get behind the wheel, you're making decisions that affect not just your own safety but the safety of everyone around you. This part of the law sets out the consequences of making poor decisions:

- Driving dangerously or carelessly
- Driving under the influence of alcohol or drugs
- Using a mobile phone while driving
- Not wearing a seat belt or helmet
- Ignoring traffic signs and signals
- Driving without due care

The penalties in this part are severe—and for good reason. Road accidents cause immeasurable suffering: loss of life, permanent injury, and devastation for families. The law takes these offences seriously because the consequences are so serious.

This part also introduces the **penalty points system**, which tracks driving offences and can lead to disqualification if you accumulate too many points.

Whether you're a new driver or have decades of experience, this part contains the rules you must follow to keep yourself and others safe on Mauritius roads.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 123A: Dangerous Driving

VERBATIM TEXT

123A. Dangerous driving

(1) (a) Any person who drives a motor vehicle dangerously on a road or other public place, or at a speed, or in a manner, which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the road or public place, and the amount of traffic which is actually, or which might reasonably be expected to be, on the road or public place, shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees nor more than 20,000 rupees and to imprisonment for a term not exceeding 6 months.

[Amended 23/16 (cio 18/12/16).]

(b) In the case of a second or subsequent conviction, the offender under paragraph (a) shall be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

[Amended 23/16 (cio 18/12/16).]

(2) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

EXPLANATORY COMMENTARY

This section deals with **dangerous driving**—driving that falls far below the standard expected of a competent and careful driver.

What Is Dangerous Driving?

The law defines dangerous driving as:

- Driving in a way that falls far below what is expected of a competent and careful driver
- Driving a motor vehicle in a dangerous state (such that there's a danger of injury or serious damage)

The Court considers all the circumstances, including:

- The nature and condition of the road
- How the road is being used
- The amount of traffic (actual or expected)

> *Example:* If you're driving at 100 km/h in a 40 km/h zone, weaving in and out of traffic, and running red lights, that's dangerous driving. Your speed and manner of driving fall far below what a competent and careful driver would do.

Penalties

- **First conviction:** Fine of Rs 10,000 to Rs 20,000 and imprisonment up to 6 months
- **Second or subsequent conviction:** Fine of Rs 25,000 to Rs 50,000 and imprisonment up to 12 months

Key Takeaway: Dangerous driving is a serious offence with severe penalties. If your driving falls far below the expected standard and creates danger, you can be prosecuted—even if no accident occurs.

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Section 123B: Causing Death by Dangerous Driving

VERBATIM TEXT

123B. Causing death by dangerous driving

(1) Any person who causes the death of another person by driving a motor vehicle dangerously on a road or other public place, or at a speed, or in a manner, which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road or other public place, and the amount of traffic which is actually, or which might reasonably be expected to be, on the road or public place, shall commit an offence and shall, on conviction, be liable to a fine of not less than 100,000 rupees nor more than 250,000 rupees and to imprisonment for a term not exceeding 5 years.

[Amended 23/16 (cio 18/12/16); 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(1A) In the case of a second or subsequent conviction, the offender under subsection (1) shall be liable to a fine of not less than 400,000 rupees nor more than 800,000 rupees and to imprisonment for a term of not less than 12 months nor more than 8 years.

[Inserted 23/16 (cio 18/12/16); 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(2) If, upon the trial of a person for an offence under this section, the Court is satisfied that his driving was not the cause of the death, but is satisfied that he is guilty of driving as specified in section 123A(1), the Court may substitute the charge under section 123A for the charge under this section and convict him of an offence under section 123A.

(3) Notwithstanding -

(a) section 114 of the Courts Act; and

(b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act, a District Court or the Intermediate Court shall have jurisdiction to try an offence under subsection (1) and may impose any penalty provided for that offence.

[Added 15/26 (cio 4/9/26).]

(4) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

EXPLANATORY COMMENTARY

This section deals with the most serious driving offence: causing death by dangerous driving.

The Offence

If you drive dangerously and cause someone's death, you commit this offence. The driving must be dangerous—falling far below the expected standard—and it must cause the death.

> *Example:* If you're racing another car at high speed, run a red light, and hit a pedestrian who dies, you could be charged with causing death by dangerous driving.

Penalties

- **First conviction:** Fine of Rs 100,000 to Rs 250,000 and imprisonment up to 5 years
- **Second or subsequent conviction:** Fine of Rs 400,000 to Rs 800,000 and imprisonment of 12 months to 8 years

Alternative Conviction

If the Court finds that your driving wasn't the cause of death but was still dangerous, you can be convicted of dangerous driving (section 123A) instead.

Jurisdiction

A District Court or the Intermediate Court can try this offence and impose the full penalty.

Key Takeaway: Causing death by dangerous driving carries severe penalties—up to 8 years in prison and fines up to Rs 800,000 for repeat offenders. This reflects the devastating consequences of dangerous driving.

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For more resources, visit roadsafetymoris.org.in.

Section 123BA: Causing Death Whilst Driving Without Driving Licence, Provisional Driving Licence or International Driving Permit

VERBATIM TEXT

123BA. Causing death whilst driving without driving licence, provisional driving licence or international driving permit

[Inserted 15/26 (cio 4/9/26).]

(1) Where any person causes the death of another person by driving a motor vehicle on a road or any public place without being the holder of a driving licence, a provisional driving licence or an international driving permit, he shall commit an offence and shall -

(a) on a first conviction, be liable to a fine of not less than 200,000 rupees nor more than 500,000 rupees and to imprisonment for a term not exceeding 5 years;

(b) on a second or subsequent conviction, be liable to a fine of not less than 500,000 rupees nor more than one million rupees and to imprisonment for a term of not less than 12 months nor more than 8 years.

(2) Any person who is convicted of an offence under subsection (1) shall, in addition to any penalty provided for under subsection (1), be disqualified from holding or obtaining a driving licence in Mauritius for a minimum period of 5 years.

(3) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (1).

EXPLANATORY COMMENTARY

This section deals with causing death while driving without a licence.

The Offence

If you cause someone's death while driving without a valid licence (or provisional licence or international permit), you commit this offence.

> *Example:* If you've never obtained a driving licence and you cause a fatal accident, you'll be charged under this section—not just for driving without a licence, but for causing death while unlicensed.

Penalties

- **First conviction:** Fine of Rs 200,000 to Rs 500,000 and imprisonment up to 5 years
- **Second or subsequent conviction:** Fine of Rs 500,000 to Rs 1 million and imprisonment of 12 months to 8 years

Disqualification

In addition to the fine and imprisonment, you'll be disqualified from driving for at least **5 years**.

No Leniency

The Probation of Offenders Act and Community Service Order Act don't apply—meaning the Court can't give you a probationary or community service sentence instead of imprisonment.

Key Takeaway: Causing death while driving without a licence is treated very seriously. The penalties are severe, including mandatory disqualification for at least 5 years.

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For more resources, visit roadsafetymoris.org.in.

Section 123C: Driving Without Due Care or Reasonable Consideration

VERBATIM TEXT

123C. Driving without due care or reasonable consideration

(1) Any person who drives a motor vehicle on a road or other public place -

(a) without due care and attention; or

(b) without reasonable consideration for other persons using the road or public place, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 15,000 rupees and to imprisonment for a term not exceeding 6 months.

[Amended 23/16 (cio 18/12/16).]

(2) In the case of a second or subsequent conviction, the offender under subsection (1) shall be liable to a fine of not less than 10,000 rupees nor more than 20,000 rupees and to imprisonment for a term not exceeding 6 months.

[Amended 23/16 (cio 18/12/16).]

(3) Section 153 of the Criminal Procedure Act shall not apply to a fine imposed under this section.

EXPLANATORY COMMENTARY

This section deals with **careless driving**—driving that falls below the standard of a competent driver but isn't as serious as dangerous driving.

The Offence

You commit this offence if you drive:

- **Without due care and attention** —e.g., not paying proper attention to the road
- **Without reasonable consideration** —e.g., driving in a way that inconveniences or endangers others

> *Example:* If you're distracted by your radio and rear-end the car in front, that's driving without due care and attention. If you splash a pedestrian by driving through a puddle, that could be driving without reasonable consideration.

Penalties

- **First conviction:** Fine of Rs 5,000 to Rs 15,000 and imprisonment up to 6 months
- **Second or subsequent conviction:** Fine of Rs 10,000 to Rs 20,000 and imprisonment up to 6 months

Key Takeaway: Careless driving—failing to exercise proper care or consideration—is an offence. Even if no accident occurs, you can be prosecuted if your driving falls below the expected standard.

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For more resources, visit roadsafetymoris.org.in.

Section 123D: Causing Death by Careless Driving When Under Influence of Alcohol, Drug or Intoxicating Substance

VERBATIM TEXT

123D. Causing death by careless driving when under influence of alcohol, drug or intoxicating substance

[Amended 6/19 (cio 1/6/22).]

(1) Where a person causes the death of another person by driving a motor vehicle on a road or any other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and -

(a) at the time of driving, he is under the influence of alcohol and the proportion of the alcohol in his breath, blood or urine exceeds the prescribed limit;

(b) at the time of driving, he is under the influence of a drug specified in Part I of the Thirteenth Schedule;

(c) at the time of driving, he is under the influence of a drug specified in Part II of the Thirteenth Schedule and the proportion of the drug in his blood exceeds the specified limit;

[Amended 29/25 (cio 1/1/26).]

(d) at the time of driving, he is under the influence of an intoxicating substance in breach of section 123E; or

[RR 29/25 (cio 1/1/26).]

(e) at the time of driving, he is not holder of a valid driving licence, valid provisional driving licence or valid international driving permit,

[Added 29/25 (cio 1/1/26).]

he shall commit an offence and shall, on conviction, be liable to a fine of not less than 200,000 rupees nor more than 500,000 rupees and to imprisonment for a term not exceeding 5 years.

[Amended 23/16 (cio 18/12/16); RR 6/19 (cio 1/6/22); Amended 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(1A) In the case of a second or subsequent conviction, the offender under subsection (1) shall be liable to a fine of not less than 500,000 rupees nor more than one million rupees and to imprisonment for a term of not less than 12 months nor more than 8 years.

[Inserted 23/16 (cio 18/12/16); Amended 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(2) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (1).

(3) Notwithstanding -

(a) section 114 of the Courts Act; and

(b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act, a District Court or the Intermediate Court shall have jurisdiction to try an offence under subsection (1) and may impose any penalty provided for that offence.

[Added 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section deals with causing death by careless driving while under the influence of alcohol, drugs, or other substances.

The Offence

You commit this offence if you:

1. Cause someone's death by driving carelessly (without due care and attention)
2. AND at the time, you were under the influence of alcohol, drugs, or an intoxicating substance (or driving without a licence)

> *Example:* If you've been drinking, drive carelessly, and cause a fatal accident, you'll be charged under this section—not just for careless driving, but for causing death while under the influence.

Penalties

- **First conviction:** Fine of Rs 200,000 to Rs 500,000 and imprisonment up to 5 years
- **Second or subsequent conviction:** Fine of Rs 500,000 to Rs 1 million and imprisonment of 12 months to 8 years

No Leniency

The Probation of Offenders Act and Community Service Order Act don't apply—meaning no probationary or community service sentence can be given.

Key Takeaway: Causing death by careless driving while under the influence is one of the most serious offences in the Act. The penalties are severe, reflecting the devastating consequences of driving under the influence.

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Section 123E: Driving or Cycling When Under the Influence of Alcohol, Drug or Intoxicating Substance

VERBATIM TEXT

123E. Driving or cycling when under the influence of alcohol, drug or intoxicating substance

(1) No person shall -

(a) ride a cycle on a road or any other public place;

(b) drive, or attempt to drive, a motor vehicle on a road or any other public place;

(c) drive, or attempt to drive, a vehicle which is involved in a road accident;

(d) be in charge of a motor vehicle on a road or any other public place; or

(e) occupy the front seat of a motor vehicle as a competent driver supervising a learner driver who is driving the motor vehicle on a road or any other public place, where he is under the influence of alcohol and the proportion of the alcohol in his breath, blood or urine exceeds the prescribed limit, or he is under the influence of a drug specified in Part I of the Thirteenth Schedule, or he is under the influence of a drug specified in Part II of the Thirteenth Schedule and the proportion of the drug in his blood exceeds the specified limit, or he is under the influence of an intoxicating substance.

(2) (a) A person who commits an offence under subsection (1)(a) shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 25,000 rupees.

(b) The offender under paragraph (a) shall, in the case of a second or subsequent conviction, be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) (a) A person who commits an offence under subsection (1)(b), (c), (d) or (e) shall, on conviction, be liable to a fine of not less than 20,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(b) The offender under paragraph (a) shall, in the case of a second or subsequent conviction, be liable to a fine of not less than 50,000 rupees nor more than 75,000 rupees together with imprisonment for a term of not less than 12 months nor more than 8 years.

(4) For the purpose of subsection (1)(d), the person shall not be deemed to have been in charge of the motor vehicle where he shows that, at the material time, the circumstances were such that there was no likelihood of him driving the motor vehicle so long as he remained so unfit to drive.

(5) Sections 152 and 153 and Part X of the Criminal Procedure Act, the Community Service Order Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under this section.

EXPLANATORY COMMENTARY

This section makes it an offence to drive, attempt to drive, be in charge of a vehicle, or ride a cycle while under the influence of alcohol or drugs.

Who Does This Apply To?

This section applies to:

- **Cyclists** riding on a road
- **Drivers** (or those attempting to drive) a motor vehicle
- **Drivers** of vehicles involved in an accident
- **Persons in charge** of a motor vehicle (even if not driving)
- **Supervising drivers** sitting in the front seat with a learner driver

> *Example:* If you've been drinking and you're sitting in your car with the keys in the ignition, you could be "in charge" of the vehicle and commit an offence—even if you weren't driving.

Defence for Being "In Charge"

You have a defence if you can show that there was no likelihood of you driving while still unfit.

> *Example:* If you're sleeping in your car with the keys in your pocket and there's no realistic chance you'll drive, you might have a defence.

Penalties

- **Cyclists:** Fine of Rs 5,000 to Rs 25,000 (first offence); Rs 25,000 to Rs 50,000 and imprisonment up to 12 months (repeat offence)
- **Motor vehicle drivers/persons in charge:** Fine of Rs 20,000 to Rs 50,000 and imprisonment up to 5 years (first offence); Rs 50,000 to Rs 75,000 and imprisonment of 12 months to 8 years (repeat offence)

No Leniency

The Probation of Offenders Act and Community Service Order Act don't apply.

Key Takeaway: Never drive, attempt to drive, or be in charge of a vehicle after drinking or taking drugs. Even sitting in your car after drinking can lead to an offence. The penalties are severe.

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Section 123F: Reasonable Suspicion of Person Being Under Influence of Alcohol

VERBATIM TEXT

123F. Reasonable suspicion of person being under influence of alcohol

(1) Subject to section 123K, where a police officer in uniform has reasonable ground to suspect that a person is under the influence of alcohol pursuant to an offence under section 123D or 123E -

(a) (i) he shall require that person to provide a specimen of breath for a breath test, either at or near the place where the requirement is made or at the nearest police station where the test may be carried out; and

(ii) where the breath test carried out pursuant to subparagraph (i) indicates that the proportion of alcohol in the person's breath, blood or urine is likely to exceed the prescribed limit, he shall require that person to -

(A) provide 2 specimens of breath for analysis by means of a device of a type approved by the Minister; or

(B) provide, at a hospital, a specimen of blood or 2 specimens of urine, or both, for a laboratory test;

(b) he shall require that person to provide 2 specimens of breath for analysis by means of a device of a type approved by the Minister; or

(c) he shall require that person to provide, at a hospital, a specimen of blood or 2 specimens of urine, or both, for a laboratory test.

(2) Where the provision of a specimen of blood or 2 specimens of urine is required pursuant to subsection (1)(a)(ii)(B) or (1)(c), the question as to whether it is to be a specimen of blood or 2 specimens of urine shall be decided by the police officer making the requirement, but where a medical practitioner is of the opinion that, for medical reasons, a specimen of blood cannot or should not be taken, 2 specimens of urine shall be taken.

(3) (a) Where a person is required to provide 2 specimens of breath for analysis or a specimen of blood for a laboratory test under this section, he shall provide the 2 specimens of breath or the specimen of blood within 12 hours of the offence committed under section 123D or 123E.

(b) Where a person is required to provide 2 specimens of urine for a laboratory test under this section, he shall provide the 2 specimens of urine within 12 hours of the offence committed under section 123D or 123E, subject to the second specimen of urine being provided not later than one hour after the provision of the first specimen of urine.

(4) (a) Subject to paragraph (b), where 2 specimens of breath are provided for analysis by any person under this section, the specimen with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

(b) Where the specimen of breath with the lower proportion of alcohol contains no more than 11 micrograms of alcohol in 100 millilitres of breath, the person who provided it may claim that it should be replaced by a specimen of blood or 2 specimens of urine and, where he provides such a specimen, neither specimen of breath shall be used.

(5) (a) A police officer shall, on requiring any person to provide a specimen of breath for a breath test, a specimen of breath for analysis or a specimen of blood or urine for a laboratory test under this section, warn him that a failure, without reasonable excuse, to provide the specimen may render him liable to prosecution and may be used against him as evidence.

(b) In a prosecution under section 123D or 123E, a failure, without reasonable excuse, by a person to provide a specimen of breath for a breath test, a specimen of breath for analysis or a specimen of blood or urine for a laboratory test where required to do so under this section shall be held against him as prima facie evidence that at the material time the proportion of alcohol in his breath, blood or urine exceeded the prescribed limit.

(c) Paragraph (b) shall not apply where the person has not been warned by a police officer in accordance with paragraph (a).

EXPLANATORY COMMENTARY

This section gives police officers the power to require breath, blood, or urine specimens from drivers suspected of being under the influence of alcohol.

The Procedure

If a police officer has reasonable grounds to suspect you're under the influence:

1. They'll require a **breath test** at the scene or at a police station
2. If the breath test indicates alcohol above the limit, they'll require **2 specimens of breath** for analysis, or a **blood or urine specimen** at a hospital
3. You must provide the specimen(s) within **12 hours** of the offence

> *Example:* If you're stopped at a checkpoint and the officer smells alcohol on your breath, they'll ask you to blow into a breathalyser. If it shows alcohol above the limit, you'll be asked to provide further specimens for analysis.

Choosing Blood or Urine

If a blood or urine specimen is required, the police officer decides which. However, if a doctor says blood can't or shouldn't be taken for medical reasons, urine will be taken instead.

Lower Specimen Used

If you provide two breath specimens, the one with the lower alcohol reading is used.

Replacing Breath with Blood/Urine

If the lower breath specimen contains no more than 11 microgrammes of alcohol per 100 millilitres, you can ask for it to be replaced by a blood or urine specimen. If you provide that specimen, neither breath specimen is used.

Warning Required

The police officer must warn you that failing to provide a specimen without reasonable excuse may lead to prosecution and may be used as evidence against you.

Failure to Provide

If you fail to provide a specimen without reasonable excuse, this is prima facie evidence that your alcohol level exceeded the limit—unless you weren't warned.

Key Takeaway: If suspected of drink driving, you must provide breath, blood, or urine specimens when required. Failing to do so without reasonable excuse can be used as evidence against you.

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Section 123G: Reasonable Suspicion of Person Being Under Influence of Drug

VERBATIM TEXT

123G. Reasonable suspicion of person being under influence of drug

(1) (a) Subject to section 123K, where a police officer has reasonable ground to suspect that a person is under the influence of a drug pursuant to an offence under section 123D or 123E, he shall require that person to undergo a field impairment test, either at or near the place where the requirement is made or at the nearest police station where the test may be carried out.

(b) The police officer shall, while conducting the field impairment test, fill in the field impairment questionnaire set out in the Fourteenth Schedule.

(2) Where a field impairment test is carried out pursuant to subsection (1) and the police officer has reasonable ground to suspect that the person's physical state is impaired, he shall require the person to provide a specimen of saliva for a preliminary drug test either at or near the place where the requirement is made or at the nearest police station where the test may be carried out, or to provide a specimen of urine for a preliminary drug test at a hospital.

(3) (a) Where a preliminary drug test indicates that a person is under the influence of a drug, a police officer shall require that person to provide, at a hospital, a specimen of blood for a laboratory test.

(b) Notwithstanding paragraph (a), where a medical practitioner is of the opinion that, for medical reasons, a specimen of blood cannot or should not be taken, the police officer shall require that person to provide a specimen of urine for a laboratory test.

(4) (a) A police officer shall, on requiring any person to undergo a field impairment test, or to provide a specimen of saliva or urine for a preliminary drug test, or to provide a specimen of blood or urine for a laboratory test, under this section, warn him that a failure, without reasonable excuse, to provide the specimen may render him liable to prosecution and may be used against him as evidence.

(b) In a prosecution under section 123D or 123E, a failure, without reasonable excuse, by a person to undergo a field impairment test, or to provide a specimen of saliva or urine for a preliminary drug test, or to provide a specimen of blood or urine for a laboratory test, where required to do so under this section shall be held against him as prima facie evidence that at the material time he was under the influence of a drug.

(c) Paragraph (b) shall not apply where the person has not been warned by a police officer in accordance with paragraph (a).

EXPLANATORY COMMENTARY

This section gives police officers the power to test drivers suspected of being under the influence of drugs.

The Procedure

If a police officer suspects you're under the influence of drugs:

1. They'll require you to undergo a **field impairment test** (physical coordination tests)
2. If the test indicates impairment, they'll require a **saliva or urine specimen** for a preliminary drug test
3. If the preliminary test indicates drugs, they'll require a **blood or urine specimen** for laboratory testing

> *Example:* If you're stopped and the officer notices slurred speech and difficulty with balance, they'll ask you to perform physical tests (like walking in a straight line). If you show impairment, they'll ask for a saliva or urine sample.

Field Impairment Test

The officer will fill in a field impairment questionnaire (set out in the Fourteenth Schedule) during the test.

Warning Required

The officer must warn you that failing to provide a specimen without reasonable excuse may lead to prosecution.

Failure to Provide

If you fail to provide a specimen without reasonable excuse, this is prima facie evidence that you were under the influence of drugs—unless you weren't warned.

Key Takeaway: If suspected of drug driving, you must undergo a field impairment test and provide specimens when required. Failing to do so without reasonable excuse can be used as evidence against you.

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Section 123H: Reasonable Suspicion of Person Being Under Influence of Intoxicating Substance

VERBATIM TEXT

123H. Reasonable suspicion of person being under influence of intoxicating substance

(1) (a) Where, pursuant to section 123G(1), a preliminary drug test does not indicate that the person is under the influence of a drug but the police officer has reasonable ground to suspect that the person's physical state is impaired, he shall require that person to provide, at a hospital, a specimen of blood for a laboratory test.

(b) Notwithstanding paragraph (a), where a medical practitioner is of the opinion that, for medical reasons, a specimen of blood cannot or should not be taken, the police officer shall require that person to provide a specimen of urine for a laboratory test.

(2) (a) A police officer shall, on requiring any person to provide a specimen of blood or urine for a laboratory test under this section, warn him that a failure, without reasonable excuse, to provide the specimen may render him liable to prosecution and may be used against him as evidence.

(b) In a prosecution under section 123D or 123E, a failure, without reasonable excuse, by a person to provide a specimen of blood or urine where required to do so under this section shall be held against him as prima facie evidence that at the material time he was under the influence of an intoxicating substance.

(c) Paragraph (b) shall not apply where the person has not been warned by a police officer in accordance with paragraph (a).

EXPLANATORY COMMENTARY

This section deals with testing for intoxicating substances (other than drugs specified in the Thirteenth Schedule).

The Procedure

If a preliminary drug test doesn't indicate drugs but the officer still suspects impairment:

1. They'll require a **blood specimen** at a hospital for laboratory testing
2. If blood can't be taken for medical reasons, a **urine specimen** will be required

> *Example:* If you're showing signs of impairment but the drug test is negative, the officer may suspect you've taken an intoxicating substance not covered by the standard drug test. They'll require a blood or urine sample for further analysis.

Warning Required

The officer must warn you that failing to provide a specimen without reasonable excuse may lead to prosecution.

Failure to Provide

Failure to provide a specimen without reasonable excuse is prima facie evidence that you were under the influence of an intoxicating substance—unless you weren't warned.

Key Takeaway: If suspected of being under the influence of an intoxicating substance, you must provide a blood or urine specimen when required. Failing to do so without reasonable excuse can be used as evidence against you.

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Section 123J: Arrest for Failure to Provide Specimen of Breath, Blood, Urine or Saliva, or Failure to Undergo Field Impairment Test

VERBATIM TEXT

123J. Arrest for failure to provide specimen of breath, blood, urine or saliva, or failure to undergo field impairment test

(1) Subject to subsection (2), a police officer may arrest a person without warrant where that person refuses to -

(a) provide a specimen of breath for a breath test, a specimen of breath for analysis or a specimen of blood or urine for a laboratory test following a requirement under section 123F and the police officer has reasonable ground to suspect that the person is under the influence of alcohol;

(b) undergo a field impairment test following a requirement under section 123G and the police officer has reasonable ground to suspect that the person is under the influence of a drug;

(c) provide a specimen of saliva or urine for a preliminary drug test following a requirement under section 123G and the police officer has reasonable ground to suspect that the person is under the influence of a drug;

(d) provide a specimen of blood or urine for a laboratory test following a requirement under section 123G and the police officer has reasonable ground to suspect that the person is under the influence of a drug;

(e) provide a specimen of blood or urine for a laboratory test following a requirement under section 123H and the police officer has reasonable ground to suspect that the person is under the influence of an intoxicating substance.

(2) Notwithstanding subsection (1), a person shall not be arrested where he is at a hospital as a patient.

EXPLANATORY COMMENTARY

This section allows police officers to arrest without warrant someone who refuses to provide a specimen or undergo a field impairment test.

Arrest Without Warrant

A police officer can arrest you without a warrant if you refuse to:

- Provide a breath specimen (for alcohol testing)
- Undergo a field impairment test (for drug testing)
- Provide a saliva or urine specimen (for drug testing)
- Provide a blood or urine specimen (for laboratory testing)

> *Example:* If you refuse to blow into a breathalyser when required, the officer can arrest you without a warrant.

Exception for Hospital Patients

You can't be arrested if you're at a hospital as a patient.

Key Takeaway: Refusing to provide a specimen or undergo testing can lead to arrest without warrant. This is a serious matter—comply with police requirements to avoid arrest.

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For more resources, visit roadsafetymoris.org.in.

Section 123JA: Penalties for Failure to Provide Specimen of Breath, Blood, Urine or Saliva, or to Undergo Field Impairment Test

VERBATIM TEXT

123JA. Penalties for failure to provide specimen of breath, blood, urine or saliva, or to undergo field impairment test

(1) (a) A person, other than a person who rides a cycle on a road or any other public place, who, without reasonable excuse, fails to -

(i) provide a specimen of breath for a breath test following a requirement under section 123F;

(ii) undergo a field impairment test following a requirement under section 123G; or

(iii) provide a specimen of saliva or urine for a preliminary drug test following a requirement under section 123G, shall commit an offence and shall, on conviction, be liable to a fine of not less than 20,000 rupees nor more than 25,000 rupees.

(b) A person who rides a cycle on a road or any other public place who, without reasonable excuse, fails to provide a specimen of -

(i) breath for a breath test following a requirement under section 123F;

(ii) undergo a field impairment test following a requirement under section 123G; or

(iii) saliva or urine for a preliminary drug test following a requirement under section 123G, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 25,000 rupees.

(c) In the case of a second or subsequent conviction, the offender under paragraph (a) or (b) shall be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) (a) A person, other than a person who rides a cycle on a road or any other public place, who, without reasonable excuse, fails to provide a specimen of -

(i) breath for analysis or a specimen of blood or urine for a laboratory test following a requirement under section 123F; or

(ii) blood or urine for a laboratory test following a requirement under section 123G or 123H, shall commit an offence and shall, on conviction, be liable to a fine of not less than 20,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 5 years.

(b) The offender under paragraph (a) shall, in the case of a second or subsequent conviction, be liable to a fine of not less than 50,000 rupees nor more than 75,000 rupees together with imprisonment for a term of not less than 12 months nor more than 8 years.

(3) (a) A person who rides a cycle on a road or any other public place who, without reasonable excuse, fails to provide a specimen of -

(i) breath for analysis or a specimen of blood or urine for a laboratory test following a requirement under section 123F; or

(ii) blood or urine for a laboratory test following a requirement under section 123G or 123H, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 25,000 rupees.

(b) The offender under paragraph (a) shall, in the case of a second or subsequent conviction, be liable to a fine of not less than 25,000 rupees nor more than 50,000 rupees and to imprisonment for a term not exceeding 12 months.

EXPLANATORY COMMENTARY

This section sets out the penalties for failing to provide specimens or undergo tests.

Penalties for Drivers

- **Failing to provide preliminary specimens (breath, saliva, urine for initial test):** Fine of Rs 20,000 to Rs 25,000 (first offence); Rs 25,000 to Rs 50,000 and imprisonment up to 12 months (repeat offence)
- **Failing to provide evidential specimens (breath for analysis, blood/urine for lab test):** Fine of Rs 20,000 to Rs 50,000 and imprisonment up to 5 years (first offence); Rs 50,000 to Rs 75,000 and imprisonment of 12 months to 8 years (repeat offence)

Penalties for Cyclists

- **Failing to provide preliminary specimens:** Fine of Rs 5,000 to Rs 25,000 (first offence); Rs 25,000 to Rs 50,000 and imprisonment up to 12 months (repeat offence)
- **Failing to provide evidential specimens:** Fine of Rs 5,000 to Rs 25,000 (first offence); Rs 25,000 to Rs 50,000 and imprisonment up to 12 months (repeat offence)

Key Takeaway: Failing to provide specimens when required carries severe penalties—up to 8 years in prison for repeat offenders. Always comply with police requirements.

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For more resources, visit roadsafetymoris.org.in.

Section 123K: Duties of Doctors Regarding Patients

VERBATIM TEXT

123K. Duties of doctors regarding patients

(1) A person who has been admitted as a patient at a hospital shall not be required to provide a specimen of breath for a breath test, or to provide a specimen of blood or specimens of urine for a laboratory test, unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement and -

(a) if the requirement is then made, it shall be for the provision of a specimen at the hospital; but

(b) if the medical practitioner objects on the ground specified in subsection (2) below, the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement or the provision of a specimen or, in the case of a specimen of blood or urine, the warning required under section 123F(5)(a), 123G(4)(a) or 123H(2)(a), would be prejudicial to the proper care and treatment of the patient.

[Amended 6/19 (cio 1/6/22).]

(3) Any objection and the grounds thereof raised under this section shall be set out in a certificate under the hand of the medical practitioner in charge of the case.

(4) Where a medical practitioner specified in this section issues a certificate containing any statement which is false or misleading in a material particular, he shall commit an

offence and shall, on conviction, be liable to imprisonment for a term of not less than 6 months.

(5) Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a conviction under this section.

EXPLANATORY COMMENTARY

This section protects hospital patients from being required to provide specimens if it would be prejudicial to their care.

Protection for Patients

If you're admitted to hospital as a patient, you can't be required to provide a breath, blood, or urine specimen unless:

1. The doctor in charge of your case has been notified
2. The doctor doesn't object on medical grounds

Doctor's Objection

A doctor can object if providing a specimen (or the warning) would be prejudicial to your proper care and treatment.

Certificate Required

Any objection must be set out in a certificate signed by the doctor.

False Certificate

A doctor who issues a false or misleading certificate commits an offence with a minimum penalty of **6 months imprisonment**.

Key Takeaway: Hospital patients are protected from specimen requirements if a doctor certifies that it would be prejudicial to their care. Doctors who issue false certificates face imprisonment.

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For more resources, visit roadsafetymoris.org.in.

Section 123L: Detention of Persons Under Influence of Alcohol, Drug or Intoxicating Substance

VERBATIM TEXT

123L. Detention of persons under influence of alcohol, drug or intoxicating substance

[Amended 6/19 (cio 1/6/22).]

(1) A person required to provide a specimen of breath shall, upon the breath test showing alcohol in excess of the prescribed limit, or upon a refusal to submit to such a test, be

detained at a police station until it appears to the police officer that, were that person then driving or attempting to drive a motor vehicle on a road or other public place, he would not be committing an offence under section 123D or 123E.

[RR 23/16 (cio 18/12/16); amended 6/19 (cio 1/6/22).]

(2) A person required to provide a specimen of saliva or urine shall -

(a) if the preliminary drug test indicates that the person is under the influence of a drug; or

(b) upon a refusal to submit to a preliminary drug test, be detained at a police station until it appears to the police officer that the physical state of the person is no longer impaired.

[RR 23/16 (cio 18/12/16); added 6/19 (cio 1/6/22); amended 15/26 (cio 4/9/26).]

(3) Where, pursuant to subsection (2), it appears to the police officer that the physical state of the person is no longer impaired, that person shall be dealt with in accordance with section 123LA.

[Added 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section allows police to detain persons who are under the influence until they're fit to drive.

Detention for Alcohol

If your breath test shows alcohol above the limit—or you refuse to take the test—you'll be detained at a police station until the officer believes you're no longer under the influence.

> *Example:* If you're stopped at 2 AM with a high alcohol reading, you'll be detained until you're sober enough that driving wouldn't be an offence.

Detention for Drugs

If a preliminary drug test indicates you're under the influence—or you refuse the test—you'll be detained until the officer believes your physical state is no longer impaired.

Key Takeaway: If you're found to be under the influence, you'll be detained until you're fit to drive. This protects public safety.

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Section 123LA: Order Made Against Persons Under the Influence of Alcohol, Drug or Intoxicating Substance

VERBATIM TEXT

123LA. Order made against persons under the influence of alcohol, drug or intoxicating substance

[Amended 6/19 (cio 1/6/22).]

(1) Where a person -

(a) is reasonably suspected by the Police of having committed an offence under section 123D or 123E; or

[Amended 6/19 (cio 1/6/22).]

(b) fails, without reasonable excuse, to provide a specimen of his breath for a breath test or specimens of breath for analysis, or a specimen of blood or urine, or both, for a laboratory test when required to do so pursuant to section 123F, 123G or 123H,

[Amended 6/19 (cio 1/6/22).]

he shall, at the earliest opportunity after his physical state appears to be no longer impaired, be brought before a Magistrate.

[Amended 15/26 (cio 4/9/26).]

(2) Where a person is brought before a Magistrate pursuant to subsection (1), a police officer shall make an application, in such form as may be prescribed, for an order under subsection (4).

[Repealed and replaced 15/26 (cio 4/9/26).]

(3) The Magistrate shall -

(a) where a test carried out pursuant to section 123F on a person referred to in subsection (1)(a) shows that -

[Amended 6/19 (cio 1/6/22).]

(i) the proportion of alcohol in 100 millilitres of his breath is 46 micrograms or more;

(ii) the proportion of alcohol in 100 millilitres of his blood is 100 milligrammes or more; or

(iii) the proportion of alcohol in 100 millilitres of his urine is 134 milligrammes or more; or

(aa) where a test carried out pursuant to section 123G on a person referred to in subsection (1)(a) indicates that he is under the influence of a drug specified in Part I of the Thirteenth Schedule;

[Inserted 6/19 (cio 1/6/22).]

(ab) where a test carried out pursuant to section 123G on a person referred to in subsection (1)(a) indicates that he is under the influence of a drug specified in

Part II of the Thirteenth Schedule and the proportion of the drug in his urine or blood exceeds the specified limit;

[Inserted 6/19 (cio 1/6/22).]

(ac) where a test carried out pursuant to section 123H on a person referred to in subsection (1)(a) indicates that he is under the influence of an intoxicating substance; or

[Inserted 6/19 (cio 1/6/22).]

(b) in the case of a person referred to in subsection (1)(b), after hearing evidence on oath, make an order pursuant to subsection (4) in the interest of public safety.

[Amended 15/26 (cio 4/9/26).]

(3A) Where any person is brought before a Magistrate under subsection (1) and the Magistrate is, for any reason, unable to reach a decision on the same day, he shall direct that person to surrender his driving licence, provisional driving licence or international driving permit until the Magistrate reaches a decision in the case.

[Inserted 15/26 (cio 4/9/26).]

(4) Where the person referred to in subsection (1) -

(a) holds a driving licence, a provisional driving licence or an international driving permit, the Magistrate shall, unless he thinks fit to do otherwise, order that the person be disqualified from driving a motor vehicle for a period not exceeding 6 months from the date of the order;

[Amended 15/26 (cio 4/9/26).]

(b) does not hold a driving licence, a provisional driving licence or an international driving permit, the Magistrate shall unless he thinks fit to do otherwise, order that the person be disqualified from holding or obtaining a licence in Mauritius for a period not exceeding 12 months from the date of the order.

[Amended 15/26 (cio 4/9/26).]

(5) (a) Where a person is disqualified from driving a motor vehicle under subsection (4)(a), the Magistrate shall order that person to surrender his driving licence, provisional driving licence or international driving permit, as the case may be, to the Court on the date of the order.

[Amended 15/26 (cio 4/9/26).]

(b) Any person who fails to surrender his licence or permit within the period specified in paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(6) The Magistrate may hear and determine an application made under subsection (1) as though it were a civil matter.

(7) An appeal from the order of the Magistrate made under subsection (4) shall not operate as a stay of execution of that order.

EXPLANATORY COMMENTARY

This section provides for immediate disqualification by a Magistrate for drink or drug driving offences.

Bringing Before a Magistrate

If you're suspected of a drink or drug driving offence—or you failed to provide a specimen—you'll be brought before a Magistrate as soon as you're no longer impaired.

Magistrate's Order

The Magistrate can order:

- **If you hold a licence:** Disqualification from driving for up to **6 months**
- **If you don't hold a licence:** Disqualification from obtaining a licence for up to **12 months**

> *Example:* If you're caught drink driving, you'll be brought before a Magistrate who can immediately disqualify you from driving for up to 6 months—even before your trial for the offence itself.

Surrender of Licence

If disqualified, you must surrender your licence to the Court. Failing to do so is an offence with a fine up to **Rs 10,000** and imprisonment up to **12 months**.

Appeal Doesn't Stay Order

If you appeal, the disqualification order remains in effect—it's not suspended while the appeal is heard.

Key Takeaway: Drink or drug driving can lead to immediate disqualification by a Magistrate. If disqualified, surrender your licence immediately. An appeal doesn't suspend the order.

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For more resources, visit roadsafetymoris.org.in.

Section 123M: Provision of Specimens

VERBATIM TEXT

123M. Provision of specimens

(1) Where a specimen of breath for a breath test or for analysis a specimen of urine or saliva for a preliminary drug test -

[Amended 6/19 (cio 1/6/22).]

(a) is not sufficient to enable the test or the analysis to be carried out; and

(b) is not provided in such a way, including administration or intake of a thing which will affect the result of a breath test or preliminary drug test, as to enable the objective of the test or analysis to be satisfactorily achieved,

[Amended 6/19 (cio 1/6/22).]

the specimen shall be deemed not to have been provided for the purpose of this Act.

(2) A person shall provide a specimen of blood only if he consents to it being taken by a medical practitioner or a nursing officer and it is so taken by a disposable syringe.

EXPLANATORY COMMENTARY

This section deals with the adequacy of specimens and consent for blood tests.

Insufficient Specimens

If a specimen isn't sufficient for testing—or if it's provided in a way that defeats the purpose (e.g., after taking something that affects the result)—it's deemed not to have been provided.

> *Example:* If you provide a breath specimen that's too weak for analysis, it's as if you didn't provide one at all.

Blood Specimens

A blood specimen can only be taken if you consent and it's taken by a medical practitioner or nursing officer using a disposable syringe.

Key Takeaway: Specimens must be adequate for testing. Blood can only be taken with your consent by a qualified medical professional.

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Section 123N: Protective Helmets

VERBATIM TEXT

123N. Protective helmets

(1) The Minister may make regulations prescribing the types, including shape and construction, of helmets to be worn by persons riding motorcycles and auto cycles so as to afford protection to such persons from injury in the event of accident.

(2) No person shall import, sell, or offer for sale or have in his possession for sale a protective helmet which is not of a type prescribed under this section.

(3) No person shall -

(a) ride a motorcycle or an auto cycle; or

(b) ride a motorcycle or auto cycle as a pillion rider, unless he wears securely on his head a protective helmet of a type prescribed under this section.

(4) No person shall wear a full face protective helmet unless he -

(a) riding a motorcycle or an auto cycle; or

(b) riding a motorcycle or an auto cycle as a pillion rider.

(5) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

[Amended 12/18 (cio 1/10/18).]

EXPLANATORY COMMENTARY

This section requires motorcycle and auto cycle riders to wear protective helmets.

Helmet Requirement

You must wear a securely fitted protective helmet when:

- Riding a motorcycle or auto cycle
- Riding as a pillion passenger

> *Example:* If you're riding a motorcycle, you must wear an approved helmet. Your passenger must also wear one.

Prescribed Types

The Minister can prescribe the types of helmets that must be worn. Helmets must provide protection from injury in an accident.

Sale of Non-Compliant Helmets

You cannot import, sell, or offer for sale helmets that don't meet the prescribed standards.

Full-Face Helmets

You can only wear a full-face helmet when riding a motorcycle or auto cycle (or as a pillion). You can't wear one for other activities.

Penalties

The penalty is a fine up to **Rs 10,000** and imprisonment up to **6 months**.

Key Takeaway: Always wear an approved protective helmet when riding a motorcycle or auto cycle—whether as a rider or pillion passenger. Non-compliant helmets can't be sold. Penalties for non-compliance include fines and imprisonment.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 123P: Regulation of Motoring Events on Roads

VERBATIM TEXT

123P. Regulation of motoring events on roads

(1) No person shall promote or take part in a competition or trial of speed involving the use of motor vehicles on a road unless the competition or trial of speed is authorised, and is conducted in accordance with, any conditions imposed under this Act and regulations prescribed under this Act.

(2) The Minister may make regulations authorising the holding of competitions or trials of speed involving the use of motor vehicles on roads subject to such conditions, including conditions requiring the payment of fees.

EXPLANATORY COMMENTARY

This section regulates motoring events on public roads.

Authorisation Required

You can't promote or take part in a motoring competition or speed trial on a public road unless it's authorised and conducted according to conditions.

> *Example:* If you want to organise a car rally on public roads, you need authorisation and must comply with any conditions imposed.

Regulations

The Minister can make regulations authorising motoring events, including conditions and fees.

Key Takeaway: Motoring events on public roads require authorisation. Unauthorised events are prohibited.

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Section 123Q: Exception for Authorised Motoring Events

VERBATIM TEXT

123Q. Exception for authorised motoring events

(1) A person shall not commit an offence under sections 123A, 123B or 123C by virtue of driving a vehicle in a public place or on a road if he shows that he was driving in accordance with an authorisation for a motoring event given under regulations made by the Minister.

(2) Regulations under this section may in particular -

(a) prescribe the persons by whom, and limit the circumstances in which and the places in respect of which, authorisations may be given under the regulations;

(b) give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic;

(c) include a direction that any road or part of a road specified in the direction will be closed during the period to vehicles or to vehicles of a class so specified;

(d) specify conditions which must be included among those incorporated in authorisations;

(e) provide for authorisations to cease to have effect in prescribed circumstances;

(f) provide for the procedure to be followed, the particulars to be given, and the amount of any fees to be paid, in connection with applications for authorisations;

(g) make different provisions for different cases.

EXPLANATORY COMMENTARY

This section provides an exception for authorised motoring events.

Exception for Authorised Events

If you're driving in accordance with an authorisation for a motoring event, you won't be prosecuted for dangerous driving or careless driving under sections 123A, 123B, or 123C.

> *Example:* If you're participating in an authorised car rally that involves high-speed driving on closed public roads, you won't be prosecuted for dangerous driving as long as you comply with the authorisation conditions.

Regulations

The Minister can make regulations about motoring events, including:

- Who can authorise events
- Traffic directions
- Road closures
- Conditions
- Fees

Key Takeaway: Authorised motoring events have an exception from dangerous and careless driving offences. The Minister can make detailed regulations about these events.

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Section 123R: Seat Belts

VERBATIM TEXT

123R. Seat belts

(1) The Minister may make regulations requiring a person who is driving or riding a motor vehicle on a road to wear a seat belt of such description as may be prescribed.

(2) Regulations under this section -

(a) may make different provision in relation to different classes of vehicles, different descriptions of persons and different circumstances; and

(b) may provide for any exceptions subject to such conditions as may be prescribed.

(3) Regulations made for the purposes of this section shall, subject to such conditions as may be prescribed, include an exemption for any person holding a certificate signed by a medical practitioner to the effect that it is undesirable on medical grounds for him to wear a seat belt.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations about seat belt use.

Seat Belt Regulations

The Minister can require drivers and passengers to wear seat belts of prescribed descriptions.

Different Rules for Different Situations

Regulations can make different rules for:

- Different classes of vehicles
- Different types of people
- Different circumstances

Medical Exemptions

The regulations must include an exemption for people who have a medical certificate stating that wearing a seat belt is undesirable on medical grounds.

> *Example:* If you have a medical condition that makes wearing a seat belt dangerous or uncomfortable, you can get a certificate from your doctor and be exempt.

Key Takeaway: Seat belt regulations are made by the Minister and can vary by vehicle type and circumstance. Medical exemptions are available with a doctor's certificate.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 123S: Sale of Seat Belts

VERBATIM TEXT

123S. Sale of seat belts

(1) No person shall import, sell, or offer for sale or have in his possession for sale any seat belt which is not of a type approved by the Minister.

(2) Any person who contravenes subsection (1) shall commit an offence.

EXPLANATORY COMMENTARY

This section regulates the sale of seat belts.

Approved Types Only

You cannot import, sell, or offer for sale seat belts that aren't of a type approved by the Minister.

> *Example:* If you're a car accessories retailer, you can only sell seat belts that meet the Minister's approval standards.

Penalty

Contravening this section is an offence.

Key Takeaway: Only approved types of seat belts can be sold in Mauritius.

Guidance provided by roadsafetymoris.org.in.
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Section 123T: Leaving Vehicles in Dangerous Position

VERBATIM TEXT

123T. Leaving vehicles in dangerous position

Any person in charge of a vehicle and who causes, or permits, the vehicle or a trailer drawn by it or any appliance of the vehicle to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road shall commit an offence.

EXPLANATORY COMMENTARY

This section makes it an offence to leave a vehicle in a dangerous position.

The Offence

If you leave your vehicle (or a trailer or appliance) on a road in a position, condition, or circumstances likely to cause danger to other road users, you commit an offence.

> *Example:* If you break down on a blind corner and leave your car there without warning triangles or hazard lights, you could be prosecuted. If you park on a dark road without lights, you could be prosecuted.

Key Takeaway: Never leave your vehicle in a position that could endanger other road users. Use warning devices and move your vehicle to a safe location if possible.

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Section 123U: Causing Danger to Road Users

VERBATIM TEXT

123U. Causing danger to road users

(1) A person shall commit an offence if he intentionally and without lawful authority or reasonable cause -

(a) causes anything to be on or over a road;

(b) interferes with a motor vehicle, trailer or cycle;

(c) interferes, removes, damages or tampers with -

(i) any fence, barrier, light or anything else placed on or near a road by a highway authority or the police;

(ii) a traffic sign placed on or near a road, in such circumstances that there is risk of danger of injury to a person, or serious damage to property.

(2) For the purposes of subsection (1)(c), anything placed on or near a road shall, unless the contrary is proved, be deemed to have been lawfully placed there.

EXPLANATORY COMMENTARY

This section makes it an offence to intentionally cause danger to road users.

The Offence

You commit an offence if you intentionally and without lawful authority:

- **Cause anything to be on or over a road** —e.g., placing obstacles on the road
- **Interfere with a vehicle, trailer, or cycle** —e.g., tampering with someone's brakes
- **Interfere with, remove, damage, or tamper with** safety equipment (fences, barriers, lights, traffic signs)

> *Example:* If you deliberately place a log across a road, or loosen someone's wheel nuts, or remove a warning sign, you commit this offence.

Presumption

Anything placed on or near a road is presumed to have been lawfully placed there unless proven otherwise.

> **Key Takeaway:** Intentionally causing danger to road users is a serious offence. Never tamper with vehicles or road safety equipment.

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Section 123V: Loads to be Secured

VERBATIM TEXT

123V. Loads to be secured

(1) No person shall drive on a road any vehicle which causes, or is liable to cause, danger to a person by reason of the load or part of it being insecurely fastened and falling, or liable to fall, from the vehicle, or projecting from the vehicle.

(2) The Minister may make such regulations as he thinks fit for the purpose of securing loads on vehicles.

(3) Any person who contravenes subsection (1) or any regulations made under subsection (2) shall commit an offence.

EXPLANATORY COMMENTARY

This section requires loads on vehicles to be properly secured.

The Requirement

You cannot drive a vehicle with a load that:

- Is insecurely fastened and could fall
- Projects from the vehicle in a way that could cause danger

> *Example:* If you're carrying building materials on a lorry and they're not properly tied down, you commit an offence. If you're carrying long pipes that stick out dangerously, you commit an offence.

Regulations

The Minister can make regulations about securing loads.

Penalty

Contravening this section or the regulations is an offence.

> **Key Takeaway:** Always secure loads properly before driving. Unsecured or projecting loads can cause accidents and are illegal.

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Section 123W: Tampering with Motor Vehicles

VERBATIM TEXT

123W. Tampering with motor vehicles

Any person who -

(a) gets on to a motor vehicle;

(b) tampers with any part of the mechanism of a motor vehicle; or

(c) interferes with or damages a motor vehicle, without lawful authority or reasonable cause, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 12 months.

EXPLANATORY COMMENTARY

This section makes it an offence to tamper with motor vehicles without authority.

The Offence

You commit an offence if, without lawful authority or reasonable cause, you:

- **Get on to** a motor vehicle
- **Tamper with** any part of a vehicle's mechanism
- **Interfere with or damage** a motor vehicle

> *Example:* If you climb onto someone's car without permission, or loosen their wheel nuts, or scratch their paintwork, you commit this offence.

Penalties

The penalty is a fine up to **Rs 5,000** and imprisonment up to **12 months**.

> **Key Takeaway:** Never tamper with or interfere with someone else's vehicle without authority. The penalties include fines and imprisonment.

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Section 123X: Holding or Getting on to Vehicle in Order to be Towed or Carried

VERBATIM TEXT

123X. Holding or getting on to vehicle in order to be towed or carried

(1) Any person who, for the purpose of being carried, takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road shall commit an offence.

(2) Any person who, for the purpose of being drawn, takes or retains hold of a motor vehicle or trailer while in motion on a road shall commit an offence.

EXPLANATORY COMMENTARY

This section prohibits holding onto or getting onto moving vehicles.

The Offence

You commit an offence if, for the purpose of being carried or drawn, you:

- Take or keep hold of a moving vehicle or trailer
- Get onto a moving vehicle or trailer

> *Example:* If you grab onto the back of a moving bus to get a free ride, you commit this offence. If you hold onto a moving car to be towed on a skateboard, you commit this offence.

Key Takeaway: Never hold onto or get onto a moving vehicle for the purpose of being carried or towed. This is dangerous and illegal.

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Section 123Y: Restriction of Carriage of Persons on Motorcycles and Auto Cycles

VERBATIM TEXT

123Y. Restriction of carriage of persons on motorcycles and auto cycles

(1) No driver of a motorcycle or an auto cycle shall carry more than one person as pillion rider on his vehicle.

(2) No person in addition to the driver shall be carried on a two-wheeled motorcycle or an auto cycle otherwise than sitting astride the motorcycle or autocycle and on a proper seat securely fixed behind the driver’s seat.

(3) Where any person is carried on a motorcycle or an auto cycle in contravention of this section, the driver of the motorcycle or auto cycle shall commit an offence.

EXPLANATORY COMMENTARY

This section restricts how many people can be carried on motorcycles and auto cycles.

One Pillion Passenger Only

A motorcycle or auto cycle can carry only **one pillion passenger** in addition to the driver.

> *Example:* If you're riding a motorcycle with two friends, and one sits behind you while the other sits in front, you commit an offence because you're carrying more than one pillion passenger.

Proper Seating

Any passenger must sit astride the motorcycle on a proper seat securely fixed behind the driver's seat.

Driver's Liability

If a passenger is carried in contravention of this section, the **driver** commits an offence.

Key Takeaway: Motorcycles and auto cycles can carry only one pillion passenger, who must sit properly on a fixed seat behind the driver.

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Section 123Z: Dangerous Cycling

VERBATIM TEXT

123Z. Dangerous cycling

(1) Any person who rides a cycle on a road dangerously shall commit an offence.

(2) For the purpose of subsection (1), a person is to be regarded as riding dangerously if -

(a) the way he rides falls far below what would be expected of a competent and careful cyclist; or

(b) he is riding a cycle in a dangerous state, such that there is a danger of injury to a person or of serious damage to property.

EXPLANATORY COMMENTARY

This section makes dangerous cycling an offence.

The Offence

You commit an offence if you ride a cycle dangerously. This means:

- Your riding falls far below what a competent and careful cyclist would do
- Your cycle is in a dangerous state

> *Example:* If you're cycling at high speed through red lights, weaving through traffic, or riding a cycle with no brakes, you're committing this offence.

Key Takeaway: Cyclists must ride safely and ensure their cycles are in good condition. Dangerous cycling is an offence.

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Section 123AA: Careless and Inconsiderate Cycling

VERBATIM TEXT

123AA. Careless and inconsiderate cycling

Any person who rides a cycle on a road without due care and attention, or without reasonable consideration for other persons using the road, shall commit an offence.

EXPLANATORY COMMENTARY

This section makes careless and inconsiderate cycling an offence.

The Offence

You commit an offence if you ride a cycle:

- Without due care and attention
- Without reasonable consideration for others

> *Example:* If you're cycling while distracted and cause another road user to swerve, you commit this offence. If you ride on the pavement and force pedestrians to jump out of the way, you commit this offence.

Key Takeaway: Cyclists must exercise care and consideration for other road users. Careless cycling is an offence.

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Section 123AC: Regulation of Cycle Racing on Public Ways

VERBATIM TEXT

123AC. Regulation of cycle racing on public ways

(1) No person shall promote or take part in a competition or trial of speed on a road between cycles unless the competition or trial of speed is authorised and is conducted in accordance with any conditions imposed under this Act or regulations prescribed under this Act.

(2) The Minister may make regulations authorising the holding of competitions or trials of speed involving the use of cycles on a road subject to such conditions, including conditions requiring the payment of fees.

(3) Without prejudice to any other powers exercisable in that behalf, the Commissioner of Police may give directions with respect to the movement of, or the route to be followed by, vehicular traffic during any period, being directions which it is necessary or expedient to give in relation to that period to prevent or mitigate -

(a) congestion or obstruction of traffic; or

(b) danger to or from traffic, in consequence of the holding of a competition or trial of speed authorised by or under regulations under this section.

(4) Directions under subsection (3) above may include a direction that any road or part of a road specified in the direction will be closed during the period to vehicles or to vehicles of a class so specified.

EXPLANATORY COMMENTARY

This section regulates cycle racing on public roads.

Authorisation Required

You cannot promote or take part in a cycle race on a public road unless it's authorised and conducted according to conditions.

> *Example:* If you want to organise a cycle race on public roads, you need authorisation. Unauthorised races are prohibited.

Police Directions

The Commissioner of Police can give directions about traffic movement during authorised cycle races, including closing roads.

> **Key Takeaway:** Cycle racing on public roads requires authorisation. The police can direct traffic and close roads during authorised events.

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Section 123AD: Drivers to Comply with Traffic Directions and Signs

VERBATIM TEXT

123AD. Drivers to comply with traffic directions and signs

(1) Any person driving a vehicle who neglects or refuses to -

(a) stop the vehicle; or

(b) make it proceed in, or keep to, a particular line of traffic, when directed to do so by the police officer or a traffic warden in uniform in the execution of his duty, shall commit an offence.

(2) Where a traffic sign, being a sign of the prescribed size, colour and type authorised under section 184 or 185 has been placed on or near a road, a person driving a vehicle who fails to comply with the indication given by the sign shall commit an offence.

(3) Where -

(a) a traffic survey of any description is being carried out on, or in the vicinity of a road; and

(b) a police officer or a traffic warden in uniform gives to a person driving a vehicle a direction to -

[Amended 10/23 (cio 21/8/23).]

(i) stop the vehicle;

(ii) make it proceed in, or keep to, a particular line of traffic; or

(iii) proceed to a particular point on, or near the road on which the vehicle is being driven, being a direction given for the purpose of the survey, the person shall commit an offence if he neglects or refuses to comply with the direction.

(4) Any direction given by a police officer shall override a traffic sign.

(5) Any traffic sign placed on or near a road shall be presumed to have been lawfully placed.

EXPLANATORY COMMENTARY

This section requires drivers to comply with police directions and traffic signs.

Complying with Police

You must obey directions from police officers and traffic wardens in uniform, including directions to:

- Stop your vehicle
- Proceed in or keep to a particular line of traffic

> *Example:* If a police officer signals you to stop, you must stop. If they direct you to move to a different lane, you must comply.

Complying with Traffic Signs

You must comply with traffic signs of the prescribed size, colour, and type.

> *Example:* If a sign says “No Entry,” you must not enter. If a sign says “Stop,” you must stop.

Traffic Surveys

You must comply with directions given for traffic surveys.

Police Directions Override Signs

If a police officer gives a direction that conflicts with a traffic sign, you must follow the police officer’s direction.

Presumption

Traffic signs are presumed to have been lawfully placed unless proven otherwise.

Key Takeaway: Always comply with police directions and traffic signs. Police directions override traffic signs.

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Section 123AE: Using Handheld Mobile Phone or Handheld Interactive Communication Device

VERBATIM TEXT

123AE. Using handheld mobile phone or handheld interactive communication device

[Amended 15/26 (cio 4/9/26).]

(1) No person shall, whilst driving a motor vehicle or riding a cycle on a road or public place, use -

(a) a handheld mobile phone; or

(b) a handheld interactive communication device.

[Repealed and replaced 15/26 (cio 4/9/26).]

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

[Amended 12/18 (cio 1/10/18).]

(3) Subsection (1) shall not apply to a vehicle when it is being used for police, fire or ambulance purposes.

(4) In this section -

“interactive communication device” includes -

(a) any device used for -

(i) providing access to the Internet;

(ii) sending or receiving oral or written messages;

(iii) sending or receiving facsimile or electronic documents; or

(iv) sending or receiving still or moving images;

(b) a personal digital assistant, a laptop computer, a portable computing device, a pager or an electronic game.

[Added 15/26 (cio 4/9/26).]

(5) (a) Any offence committed under the repealed subsection (1) prior to the commencement of this subsection shall be so investigated as if subsection (1) had not been repealed.

(b) Any FPN served on a person in respect of an offence committed under the repealed subsection (1) shall, on the commencement of this subsection, be valid and sections 191, 192 and 193 shall continue to apply as if subsection (1) had not been repealed.

(c) A prosecution in respect of an offence committed under the repealed subsection (1) may, on the commencement of this subsection, be instituted under that repealed subsection as if subsection (1) had not been repealed.

(d) The Court shall, in respect of any prosecution under this subsection, have all the powers that it could exercise pursuant to the repealed subsection (1) as if subsection (1) had not been repealed.

[Added 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section prohibits using handheld mobile phones and interactive communication devices while driving or cycling.

The Prohibition

You cannot use a handheld mobile phone or handheld interactive communication device while:

- Driving a motor vehicle
- Riding a cycle

> *Example:* If you're driving and you pick up your phone to make a call or send a text, you commit an offence. If you're cycling and using your phone, you also commit an offence.

What Is an Interactive Communication Device?

This includes:

- Devices for Internet access
- Devices for sending/receiving messages, documents, or images
- Personal digital assistants, laptops, pagers, electronic games

Exception for Emergency Vehicles

The prohibition doesn't apply to police, fire, or ambulance vehicles.

Penalties

The penalty is a fine up to **Rs 10,000**.

> **Key Takeaway:** Never use a handheld phone or interactive communication device while driving or cycling. The penalty is up to Rs 10,000.

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Section 123AF: Directions to Pedestrians

VERBATIM TEXT

123AF. Directions to pedestrians

(1) Where a police officer in uniform is for the time being engaged in the regulation of vehicular traffic on a road, a pedestrian who proceeds across, or along, the road in contravention of a direction to stop given by the police officer, in the execution of his duty, shall commit an offence.

(2) (a) A police officer may require a pedestrian committing an offence under subsection (1) to give his name and address.

(b) A pedestrian who fails to comply with paragraph (a) shall commit an offence and may be arrested without warrant.

EXPLANATORY COMMENTARY

This section deals with pedestrians disobeying police directions.

The Offence

If a police officer is regulating traffic and tells a pedestrian to stop, the pedestrian must comply. Proceeding in contravention of that direction is an offence.

> *Example:* If a police officer signals you to stop before crossing the road, and you cross anyway, you commit an offence.

Giving Name and Address

A police officer can require a pedestrian who commits this offence to give their name and address. Failing to do so is an offence, and the pedestrian can be arrested without a warrant.

> **Key Takeaway:** Pedestrians must obey police directions when officers are regulating traffic. Failing to give name and address can lead to arrest.

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Section 123AG: Allocation and Effectiveness of Penalty Points

VERBATIM TEXT

123AG. Allocation and effectiveness of penalty points

[Repealed and replaced 29/25 (cio 31/1/26).]

(1) Penalty points shall be allocated to the holder of a driving licence, a provisional driving licence or an international driving permit in accordance with this section, and section 192, 193, 195 or 196, as the case may be.

(2) Subject to subsection (3), every penalty point allocated to the holder of a driving licence, a provisional driving licence or an international driving permit shall remain effective -

(a) for a period not exceeding 36 months from the date on which the penalty point is allocated; or

(b) until it has been taken into account for the purpose of a disqualification order under section 123AH, whichever occurs earlier, and shall, as from that date, no longer be effective.

(3) Notwithstanding subsection (2), where an application for disqualification is made to the Court by the licensing officer or any officer deputed by him, the penalty points already allocated to that person shall remain effective until the determination of the Court.

(4) Where a person is convicted of an offence specified in the second column of the Third Schedule, the Court shall, in case the person is the holder of a driving licence, a provisional driving licence or an international driving permit -

(a) require the licensing officer or any officer deputed by him to produce a Penalty Points Certificate in relation to the convicted person;

(b) in addition to any other sentence, including a monetary or custodial sentence which it deems fit to pass, allocate, subject to subsection (5), penalty points within the range specified in the third column of the Schedule;

(c) disqualify, where appropriate, the convicted person in accordance with section 123AH; and

(d) within 14 days from the date the penalty points are allocated to the convicted person under paragraph (b), or disqualifying the convicted person in accordance with section 123AH, inform the licensing officer of the fact by means of an Endorsement Certificate.

(5) (a) Where the holder of a driving licence, a provisional driving licence or an international driving permit has, on a single occasion, committed more than one offence specified in the second column of the Third Schedule, the Court shall, subject to paragraph (b), allocate the largest number of penalty points in respect of the offence carrying the highest range of penalty points.

(b) Where the same range of penalty points is provided for 2 or more offences, the Court shall allocate the largest number of penalty points in respect of any offence.

(6) (a) Any person to whom penalty points have been allocated pursuant to subsection (4)(b) may appeal against such decision in the same manner as against a sentence and the Court shall, pending the outcome of the appeal, suspend its decision.

(b) A Court from whose decision an appeal is made pursuant to paragraph (a) shall inform the licensing officer of the fact within 14 days of the date on which the appeal is made.

(c) A Court to which an appeal is made pursuant to paragraph (a) shall, within 14 days of its decision, inform the licensing officer in writing of the outcome of the appeal.

(7) The licensing officer shall keep an up to date record of penalty points allocated to every holder of a driving licence, a provisional driving licence or an international driving permit.

(8) On an application made by the holder of a driving licence, provisional driving licence or international driving permit, the licensing officer shall, on payment of such fee as may be prescribed, issue a Penalty Points Certificate, certifying the number of effective penalty points that have been allocated to him.

EXPLANATORY COMMENTARY

This section establishes the penalty points system.

How Penalty Points Work

- Points are allocated when you're convicted of certain offences (listed in the Third Schedule)
- Points remain effective for **36 months** or until used for disqualification
- If you accumulate too many points, you can be disqualified

Points for Multiple Offences

If you commit more than one offence on a single occasion, you get the points for the offence with the highest range—not the sum of all points.

> *Example:* If you commit two offences on one occasion, one carrying 2-4 points and another carrying 4-6 points, you get 4-6 points (the higher range), not 6-10 points.

Appeals

You can appeal against the allocation of penalty points.

Penalty Points Certificate

You can apply to the licensing officer for a certificate showing your effective penalty points.

Key Takeaway: Penalty points are allocated for certain offences and remain effective for 36 months. Accumulating too many points can lead to disqualification. You can check your points by requesting a certificate.

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Section 123AH: Exceeding Permitted Maximum Number of Penalty Points

VERBATIM TEXT

123AH. Exceeding permitted maximum number of penalty points

[Inserted 29/25 (cio 31/1/26).]

(1) Where, following an allocation of penalty points to a convicted person, the Court is satisfied that the convicted person has exceeded the permitted maximum number of penalty points, it shall at the same sitting and in accordance with section 52, disqualify the convicted person in the following manner -

(a) where the person is the holder of a driving licence, he shall be disqualified from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(b) where the person is the holder of a provisional driving licence, his provisional driving licence shall be cancelled and he shall be disqualified from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(c) where the person is the holder of a driving licence for one type or class of vehicle and a provisional driving licence for another type or class of vehicle, he shall be disqualified from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(d) where the person is the holder of an international driving permit, he shall be disqualified from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(e) where the person is the holder of a driving licence and an international driving permit, he shall be disqualified from holding or obtaining a driving licence for all classes of motor vehicles and from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months;

(f) where the person is the holder of a provisional driving licence and an international driving permit, he shall be disqualified from holding or obtaining a driving licence for all classes of motor vehicles and from driving in Mauritius all classes of motor vehicles for a period of not less than 6 months nor more than 12 months; or

(g) where the person is not the holder of a driving licence, provisional driving licence or an international driving permit, he shall be disqualified from holding or obtaining a driving licence for all classes of motor vehicles for a period of not less than 12 months nor more than 24 months.

(2) (a) Where, further to penalty points that have been allocated to a person, the licensing officer finds that the person has exceeded the permitted maximum number of penalty points, the licensing officer or any person deputed by him shall make an application in writing to the Court where the person was last allocated penalty points for the issue of a summons to the person to show cause why the person should not be disqualified in accordance with subsection (1).

(b) Where, pursuant to an application made under paragraph (a), the Court is satisfied that a person has exceeded the permitted maximum number of penalty points, it shall, at the same sitting and in accordance with section 52, disqualify the convicted person in accordance with subsection (1).

(3) (a) Where a person is disqualified under subsection (1) or (2), the Court shall -

(i) order that person to surrender his driving licence, provisional driving licence or international driving permit, as the case may be, to the Court as soon as possible but not later than 5 days of the date of the order;

(ii) order that person to follow a rehabilitation course -

(A) in the case of a person referred to in subsection (1)(a), before restoration of his licence pursuant to section 123AI(3);

(B) in the case of a person referred to in subsection (1)(b), before holding or obtaining a driving licence pursuant to section 123AI(5);

(C) in the case of a person referred to in subsection (1)(c), before restoration of his licence pursuant to section 123AI(3);

(D) in the case of a person referred to in subsection (1)(d), before restoration of his permit pursuant to section 123AI(4);

(E) in the case of a person referred to in subsection (1)(e), before restoration of his licence and permit pursuant to section 123AI(3) and (4);

(F) in the case of a person referred to in subsection (1)(f), before restoration of his licence and permit pursuant to section 123AI(3) and (4); or

(G) in the case of a person referred to in subsection (1)(g), before holding or obtaining a driving licence pursuant to section 123AI(6); and

(iii) where there is no appeal, forward the surrendered licence or permit, after endorsement, if any, to the licensing officer within 30 days from the date on which the licence or permit is surrendered; or

(iv) where there is an appeal, return the surrendered licence or permit to the holder on production of his National Identity Card or, where he is the holder of an international driving permit, his passport.

(b) Where a person against whom an order is made pursuant to paragraph (a)(i) is the holder of both -

(i) a driving licence and an international driving permit; or

(ii) a provisional driving licence and an international driving permit, he shall surrender both the licence and permit to the Court.

(4) (a) Where a person who is the holder of a driving licence is disqualified by virtue of this section, the licence shall be retained by the licensing officer as long as the disqualification is in force and shall be suspended as from the date of disqualification until the restoration of the licence to its holder under section 123AI(3).

(b) Where a person who is the holder of an international driving permit is disqualified by virtue of this section, the permit shall be retained by the licensing officer as long as the disqualification is in force and until its restoration to the holder under section 123AI(4).

(c) Where a person who is the holder of an instructor's licence is disqualified under this section or Part IV from holding or obtaining a driving licence, the Court shall order that person to surrender his instructor's licence as soon as possible but not later than 5 days of the date of the order.

(d) An instructor's licence surrendered pursuant to paragraph (c) shall be retained by the licensing officer as long as the disqualification is in force and shall be suspended as from the date of disqualification until the restoration of the driving licence to its holder under section 123AI(3).

(e) A driving licence or an instructor's licence suspended by virtue of this section shall, during the time of suspension, be of no effect in Mauritius.

(5) Where a person is disqualified on a second occasion under subsection (1) or (2) and the offences leading to his second disqualification have been committed within a period of 36 months from the date of expiry of his first disqualification, the Court shall, at the same sitting, cancel his driving licence.

(6) (a) A person who, by virtue of an order of a Court under this section -

(i) is disqualified from holding or obtaining a driving licence;

(ii) is disqualified from driving in Mauritius;

(iii) has had his driving licence or provisional driving licence cancelled, may appeal against the order in the same manner as against a conviction and the Court shall, pending the outcome of the appeal, suspend the operation of the order.

(b) (i) A Court from whose decision an appeal is made pursuant to paragraph (a) shall inform the licensing officer of the fact within 14 days of the date on which the appeal is made.

(ii) A Court to which an appeal is made pursuant to paragraph (a) shall, within 14 days of its decision, inform the licensing officer in writing of the outcome of the appeal.

(7) A person who fails to surrender -

(a) his driving licence, provisional driving licence or international driving permit within the period specified in subsection (3)(a)(i); or

(b) his instructor's licence within the period specified in subsection (4)(c), shall commit an offence and shall, on conviction, be liable to a fine of not less than 10,000 rupees but not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(8) For the purpose of this section and section 123AG(1) -

(a) a person who is the holder of a driving licence for one type or class of vehicle and is also the holder of a provisional driving licence for another type or class of vehicle, shall be deemed to be the holder of a driving licence;

(b) a conviction shall not be taken into account more than once by a Court for the purpose of a disqualification order.

EXPLANATORY COMMENTARY

This section deals with exceeding the permitted maximum number of penalty points.

Permitted Maximums

- **Provisional licence holders:** 10 points in 36 months
- **Full licence holders:** 15 points in 36 months
- **International permit holders:** 15 points in 36 months

Consequences of Exceeding

If you exceed the permitted maximum, the Court will disqualify you:

- **Driving licence holders:** 6 to 12 months disqualification
- **Provisional licence holders:** Licence cancelled and 6 to 12 months disqualification
- **International permit holders:** 6 to 12 months disqualification from driving in Mauritius
- **Unlicensed persons:** 12 to 24 months disqualification from obtaining a licence

Surrender of Licence

You must surrender your licence within **5 days** of the disqualification order. Failure to do so is an offence with a fine of Rs 10,000 to Rs 50,000 and imprisonment up to 12 months.

Rehabilitation Course

You must complete a rehabilitation course before your licence can be restored.

Second Disqualification

If you're disqualified a second time within 36 months of your first disqualification ending, the Court will cancel your driving licence.

Key Takeaway: Accumulating too many penalty points leads to disqualification. The more points you accumulate, the longer the disqualification. Second disqualifications within 36 months result in licence cancellation.

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Section 123AI: Rehabilitation Course

VERBATIM TEXT

123AI. Rehabilitation course

(1) A rehabilitation course shall be a course -

(a) which is aimed at improving the driving behaviour of a person disqualified under this Act;

(b) the contents of which are approved by the Commissioner of Police; and

(c) which shall be conducted by the Commissioner of Police or such other person as he may authorise in writing.

(2) Where a person completes a rehabilitation course, he shall be issued with a rehabilitation certificate in such form as the Commissioner of Police may approve.

(3) The licensing officer shall not restore a driving licence surrendered under this Act or a provisional driving licence surrendered under Part IV to its holder, unless -

(a) the disqualification period has elapsed;

(b) the holder makes an application in writing to the licensing officer for the restoration of his licence; and

(c) the licensing officer is satisfied that the holder has completed a rehabilitation course.

(4) (a) The licensing officer shall not restore a surrendered international driving permit to its holder unless -

(i) (A) the disqualification period has elapsed;

(B) the holder makes an application in writing to the licensing officer for the restoration of his permit; and

(C) the licensing officer is satisfied that the holder has completed a rehabilitation course; or

(ii) on an application made to the Court which disqualified the holder, that Court is satisfied that the holder is about to leave Mauritius and makes an order for such restoration, whichever is the earlier.

(b) Where a person to whom his permit has been restored under paragraph (a)(ii) returns to Mauritius within the disqualification period, he shall surrender his permit to the licensing officer within 5 days of his return.

(5) A person whose driving licence or provisional driving licence has been cancelled shall not obtain a driving licence unless -

(a) the disqualification period has elapsed;

(b) the licensing officer is satisfied that that person has completed a rehabilitation course; and

(c) the person passes the prescribed test of competence to drive under section 44.

(6) Where a person who does not hold a driving licence, a provisional driving licence or an international driving permit is disqualified from holding or obtaining a driving licence under this Act, he shall not obtain a driving licence unless -

(a) the disqualification period has elapsed;

(b) the licensing officer is satisfied that the holder has completed a rehabilitation course; and

(c) he passes the prescribed test of competence to drive under section 44.

(7) The licensing officer shall not restore a surrendered instructor's licence to its holder unless -

(a) the holder makes an application in writing to the licensing officer for the restoration of his instructor's licence; and

(b) the driving licence of that holder is restored under subsection (3).

EXPLANATORY COMMENTARY

This section establishes the rehabilitation course requirement.

What Is a Rehabilitation Course?

A rehabilitation course is designed to improve driving behaviour. It's approved by the Commissioner of Police and conducted by the Commissioner or an authorised person.

Certificate of Completion

When you complete the course, you get a rehabilitation certificate.

Restoration of Licence

Your licence won't be restored unless:

1. Your disqualification period has ended
2. You apply in writing for restoration
3. You've completed a rehabilitation course

Cancelled Licences

If your licence was cancelled, you must also pass the driving test again before getting a new licence.

International Permits

An international permit can be restored early if you're leaving Mauritius and the Court orders restoration. But if you return during the disqualification period, you must surrender it within 5 days.

Key Takeaway: Completing a rehabilitation course is required before your licence can be restored after disqualification. If your licence was cancelled, you must also retake the driving test.

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Section 123AJ: Redemption of Penalty Points

VERBATIM TEXT

123AJ. Redemption of penalty points

[Inserted 29/25 (cio 31/1/26).]

(1) Subject to subsection (6), the holder of a driving licence or an international driving permit who has accumulated at least 10 penalty points but not more than 14 penalty points may make an application to the Court for redemption of a maximum of 3 penalty points.

(2) An application made under subsection (1) shall be made -

(a) in the redemption application form; and

(b) after the holder of the driving licence or international driving permit has completed a rehabilitation course.

(3) Where the Court is satisfied that the holder of the driving licence or international driving permit has completed a rehabilitation course for the purpose of subsection (1), it may, subject to subsection (4), redeem a maximum of 3 penalty points from the penalty points allocated for his last offence.

(4) Where the Court makes a determination under subsection (3) or rejects an application made under subsection (1), it shall, not later than 14 days after the decision of the Court, inform the licensing officer of such decision.

(5) No penalty points shall be redeemed where the total penalty points of the holder of the driving licence or international driving permit exceeds 15 before the Court determines the application.

(6) No subsequent application for redemption of penalty points shall be made by the holder of the driving licence or international driving permit unless a period of 36 months has lapsed from the date of his last application for redemption of penalty points.

(7) In this section -

"Court" means the Court that allocated the holder of the driving licence or international driving permit with penalty points for his last offence;

"driving licence" does not include a provisional driving licence.

EXPLANATORY COMMENTARY

This section allows drivers to redeem penalty points by completing a rehabilitation course.

Who Can Apply?

You can apply for redemption if you've accumulated:

- At least **10 penalty points**
- But not more than **14 penalty points**

How Many Points Can Be Redeemed?

You can redeem a maximum of **3 penalty points**.

Requirements

To apply:

1. Complete a rehabilitation course
2. Submit the redemption application form

When Points Can't Be Redeemed

If your total points exceed 15 before the Court decides, no points can be redeemed.

Frequency

You can't apply again for **36 months** after your last application.

> *Example:* If you have 12 penalty points, you can apply to have up to 3 points redeemed, bringing you down to 9 points. But you must complete a rehabilitation course first.

Key Takeaway: If you have 10-14 penalty points, you can apply to redeem up to 3 points by completing a rehabilitation course. This can only be done once every 36 months.

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Section 123AK: The Highway Code

VERBATIM TEXT

123AK. The Highway Code

(1) The Minister may -

(a) prepare a Highway Code comprising such directions as appear to him to be proper for the guidance of any person using a road;

(b) from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions of the Code in such manner as he may determine.

(2) The Minister may -

(a) cause the Highway Code and every revised edition of the Code to be printed and to be issued to the public without charge or at such price as he may determine;

(b) take such other steps as he may determine for securing that the provisions of the Code shall be brought to the notice of the public.

(3) (a) A failure on the part of any person to observe any provisions of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind.

(b) Any failure under paragraph (a) may, in any proceedings whether civil or criminal, be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

EXPLANATORY COMMENTARY

This section provides for the Highway Code.

What Is the Highway Code?

The Highway Code is a set of directions for guidance of road users. It's prepared and revised by the Minister.

Publication

The Minister can print and issue the Highway Code, either free or at a price, and take steps to bring it to public notice.

Legal Effect

Failing to observe the Highway Code isn't a criminal offence by itself. However, in any proceedings (civil or criminal), failure to observe the Code can be used as evidence to establish or negate liability.

> *Example:* If you're involved in an accident and it's shown you didn't follow the Highway Code, this can be used as evidence that you were at fault. But you can't be prosecuted just for not following the Code.

Key Takeaway: The Highway Code provides guidance for road users. While not following it isn't a criminal offence by itself, it can be used as evidence in legal proceedings.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 123AL: Power of Minister as to Giving Road Safety Information and Training

VERBATIM TEXT

123AL. Power of Minister as to giving road safety information and training

(1) The Minister, on the advice of the National Road Safety Council -

(a) may disseminate information or advice relating to road safety;

(b) shall prepare and carry out a programme of measures designed to promote road safety.

(2) The Minister shall -

(a) after causing such studies into accidents arising out of the use of vehicles on roads, as he considers desirable, to be carried out, take such measures as appear to the Minister to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users, the construction, improvement, maintenance or repair of roads and other measures taken in the exercise of his powers for controlling, protecting or assisting the movement of traffic on roads; and

(b) in the construction of new roads, traffic centres and in the implementation of new traffic schemes, carry out road safety audits and take such measures as appear to the Minister to be appropriate to reduce the possibilities of such accidents when the roads, traffic centres or schemes come into operation.

EXPLANATORY COMMENTARY

This section gives the Minister power to promote road safety.

Dissemination of Information

The Minister, advised by the National Road Safety Council, can disseminate information about road safety.

Programme of Measures

The Minister must prepare and carry out a programme to promote road safety.

Studies and Measures

The Minister can:

- Carry out studies into accidents
- Take measures to prevent accidents
- Provide information and training

- Improve roads
- Conduct road safety audits for new roads and schemes

Key Takeaway: The Minister has a duty to promote road safety through information, training, and road improvements.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 123AM: Lane Discipline on Dual Carriageway

VERBATIM TEXT

123AM. Lane discipline on dual carriageway

(1) Every lane of a dual carriageway shall be numbered in such a manner that the lane contiguous to and to the left of the central reservation shall be numbered the first lane of that carriageway, and the lane to the left of the first lane of that carriageway shall be numbered the second lane, and so forth.

(2) No person shall drive a vehicle other than an emergency vehicle, a bicycle, an electric cycle, auto cycle or a motorcycle, or allow a vehicle to remain at rest on a hard shoulder except in case of mechanical breakdown, accident, illness, or to permit any person to attend to an emergency.

(3) A person shall drive his vehicle on the left lane of a dual carriageway, except where -

(a) he is turning right at a junction;

(b) he is overtaking;

(c) directed by a police officer or traffic signs;

(d) he has to select another lane at a junction to reach his destination;

(e) he is avoiding an obstruction; or

(f) the traffic is congested on the left lane.

(4) No person driving a vehicle shall overtake another moving vehicle on the left except where -

(a) a signal to turn right is being displayed on the person's vehicle in front and there is room for it to be safely overtaken on the left; or

(b) traffic is moving slowly in queues and the vehicle is in a queue which is moving faster than the queue on the right.

(5) No person shall drive a -

(a) vehicle drawing a trailer;

(b) goods vehicle with a maximum gross weight exceeding 3.5 tonnes; or

(c) passenger vehicle constructed or adapted to carry 14 or more persons, including the driver, on the first lane of a dual carriageway with 3 or more lanes except when turning right at a junction.

(6) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 2,000 rupees.

(7) In this section -

"lane" means a longitudinal division of a carriageway intended to accommodate a single line of vehicles moving in the same direction;

"left lane" means a lane contiguous to a hard shoulder or where there is no hard shoulder, the lane found to the outermost left side of the carriageway.

EXPLANATORY COMMENTARY

This section sets out lane discipline rules for dual carriageways.

Lane Numbering

Lanes are numbered from the central reservation outward: the lane closest to the central reservation is the first lane, the next is the second lane, and so on.

Hard Shoulder

Only emergency vehicles, bicycles, electric cycles, auto cycles, and motorcycles can use the hard shoulder—and only in cases of breakdown, accident, illness, or emergency.

Keep Left

You must drive on the left lane except when:

- Turning right at a junction
- Overtaking
- Directed by police or signs
- Selecting another lane at a junction
- Avoiding an obstruction
- Traffic is congested on the left lane

Overtaking on the Left

You can only overtake on the left when:

- The vehicle in front is signalling to turn right and can be safely overtaken on the left
- Traffic is moving slowly in queues and your queue is moving faster than the right queue

Large Vehicles

Vehicles drawing trailers, goods vehicles over 3.5 tonnes, and passenger vehicles carrying 14 or more people can't use the first lane of a dual carriageway with 3 or more lanes—except when turning right at a junction.

Penalty

The penalty is a fine up to **Rs 2,000**.

Key Takeaway: Keep left on dual carriageways. Only overtake on the left in specific circumstances. Large vehicles have restrictions on which lanes they can use.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 123AN: Road Rage

VERBATIM TEXT

123AN. Road rage

[Inserted 15/26 (cio 4/9/26).]

(1) Any person who, whilst being a road user -

(a) assaults or threatens to assault another road user;

(b) uses aggressive, threatening, violent, abusive or insulting words, or engages in aggressive, threatening, violent, abusive or insulting behaviour, towards another road user;

(c) uses an offensive weapon with the intention to cause harm to another road user;

(d) climbs or jumps on another road user's moving or stationary vehicle without having been authorised to do so;

(e) forcibly opens or attempts to open another road user's moving or stationary vehicle;

(f) damages another road user's property or moving or stationary vehicle;

(g) blocks, obstructs, hinders or restricts the free passage of another road user or vehicle on any road by any means, including through an illegal gathering, demonstration, sit-in, barricade or the placing of a vehicle or an object;

(h) causes public fear or commits an act likely to trigger an offence of public order or a breach of the peace, shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees nor more than 100,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) Where an act under subsection (1) starts on a road or public place and continues or ends in a private place, such act shall not cease to be an offence for the purpose of subsection (1).

(3) In this section -

"offensive weapon" means any article made, or adapted for use, or suitable for causing injury to a person, or intended by a person having it in his possession or under his control for that use by him or by some other person;

"road user" means a driver, a rider, a cyclist, a passenger, a pedestrian or any other person using a road or any other public place.

EXPLANATORY COMMENTARY

This section creates the offence of road rage.

What Is Road Rage?

Road rage includes:

- **Assaulting or threatening** another road user
- **Using aggressive, threatening, violent, abusive, or insulting words or behaviour**
- **Using an offensive weapon** to cause harm
- **Climbing or jumping on** someone else's vehicle without authorisation
- **Forcibly opening** someone else's vehicle
- **Damaging** someone else's property or vehicle
- **Blocking or obstructing** another road user
- **Causing public fear** or behaviour likely to breach the peace

> *Example:* If you get out of your car and shout abuse at another driver, or bang on their window, or block their path, you commit road rage.

Continues into Private Place

If the act starts on a road and continues or ends in a private place, it's still an offence.

Who Is a Road User?

A road user is any driver, rider, cyclist, passenger, pedestrian, or anyone using a road or public place.

Penalties

The penalty is a fine of **Rs 50,000 to Rs 100,000** and imprisonment up to **12 months**.

Key Takeaway: Road rage is a serious offence with severe penalties. Never let your emotions get the better of you on the road. Stay calm and courteous.

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End of Part VIIIA – Road Safety

SUMMARY OF PART VIIIA

Part VIIIA covers the most important road safety provisions:

- **Dangerous driving:** Driving far below the expected standard. Penalties up to Rs 50,000 and 12 months imprisonment.
- **Causing death by dangerous driving:** Penalties up to Rs 800,000 and 8 years imprisonment.

- **Causing death while unlicensed:** Penalties up to Rs 1 million and 8 years imprisonment, plus 5-year disqualification.
- **Careless driving:** Driving without due care or consideration. Penalties up to Rs 20,000 and 6 months imprisonment.
- **Drink and drug driving:** Penalties up to Rs 75,000 and 8 years imprisonment. Immediate disqualification possible.
- **Specimens:** Police can require breath, blood, urine, or saliva specimens. Refusal is an offence.
- **Helmets:** Required for motorcycle and auto cycle riders and pillion passengers.
- **Seat belts:** Required as prescribed by regulations.
- **Mobile phones:** Handheld use while driving or cycling is prohibited.
- **Penalty points:** Accumulating too many points leads to disqualification.
- **Rehabilitation course:** Required after disqualification.
- **Redemption of penalty points:** Up to 3 points can be redeemed after 10-14 points.
- **Highway Code:** Provides guidance for road users.
- **Lane discipline:** Keep left on dual carriageways; rules for overtaking.
- **Road rage:** Serious offence with penalties up to Rs 100,000 and 12 months imprisonment.

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART VIIIB – SEIZURE OF MOTOR VEHICLES WHEN DRIVING OR CYCLING UNDER THE INFLUENCE OF ALCOHOL, DRUG OR INTOXICATING SUBSTANCE

INTRODUCTION TO PART VIIIB

Welcome to Part VIIIB of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This is a newer part of the law, inserted in 2026, that gives police officers the power to **seize motor vehicles** when drivers are caught driving under the influence of alcohol, drugs, or intoxicating substances.

Why was this part added? Because disqualification alone wasn't enough. A disqualified driver might still have access to their vehicle and could continue to drive illegally. By allowing police to seize and hold the vehicle, the law provides a stronger deterrent and protects the public from repeat offenders.

This part covers:

- When a vehicle can be seized
- The seizure notice that must be served
- How to get a seized vehicle released
- What happens if the vehicle isn't claimed
- Fees for seizure and release

If your vehicle is seized under this Part, you'll need to understand the process for getting it back—and the costs involved. This part explains everything you need to know.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 123AO: Non-Application of Part VIIIB

VERBATIM TEXT

123AO. Non-application of Part VIIIB

This Part shall not apply to -

(a) State-owned motor vehicles, including vehicles of Government companies and statutory bodies; and

(b) emergency vehicles.

EXPLANATORY COMMENTARY

This section explains which vehicles are exempt from seizure under this Part.

Exempt Vehicles

The seizure powers in this Part don't apply to:

1. **State-owned vehicles** —including vehicles of Government companies and statutory bodies
2. **Emergency vehicles** —such as ambulances, fire engines, and police vehicles

> *Example:* If a government-owned vehicle is involved in a drink-driving incident, the vehicle can't be seized under this Part. Similarly, an ambulance can't be seized, even if the driver is suspected of driving under the influence (though the driver would still face prosecution).

Why These Exemptions?

State-owned and emergency vehicles are essential for public services. Seizing them could disrupt critical operations. However, the drivers of these vehicles are still subject to the law and can be prosecuted for driving under the influence.

Key Takeaway: State-owned and emergency vehicles are exempt from seizure under this Part, but their drivers can still be prosecuted.

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For more resources, visit roadsafetymoris.org.in.

Section 123AP: Seizure of Motor Vehicle for Offence Under Section 123E

VERBATIM TEXT

123AP. Seizure of motor vehicle for offence under section 123E

(1) Notwithstanding sections 173 and 173A, where, pursuant to section 123E -

(a) a breath test carried out pursuant to section 123F(1)(a)(i) or (c) indicates that the proportion of alcohol in a person's breath, blood or urine exceeds the prescribed limit;

(b) a drug test carried out pursuant to section 123G(2) indicates that the person is under the influence of a drug;

(c) a person fails to provide a specimen of his breath for a breath test or specimens of breath for analysis, or a specimen of blood or urine, or both, for a laboratory test following a requirement under section 123F, 123G or 123H, but the police officer has, irrespective of whether or not a field impairment test is carried out, reasonable ground to suspect that the person's physical state is impaired; or

(d) a person fails to undergo a field impairment test following a requirement under section 123G, but the police officer has reasonable ground to suspect that the person's physical state is impaired, the police officer shall, in the interest and safety of the public, take custody of the motor vehicle and take or cause to be taken the motor vehicle to a place of safety.

(2) Where a motor vehicle is brought to a place of safety, the police officer shall affix seals to the motor vehicle, unless the physical state of the motor vehicle does not allow such seals to be affixed or is impracticable to do so.

(3) Where a motor vehicle is seized under this section, it shall remain under the control of the Police until -

(a) it is released by order of the Commissioner of Police under section 123AR(3) or (4)(a); or

(b) it has been disposed of under section 123AS.

(4) Any person who -

(a) breaks or removes the seals affixed to a motor vehicle pending the order of the Commissioner of Police under section 123AR(3) or (4)(a);

(b) removes a motor vehicle from the place of safety pending the order of the Commissioner of Police under section 123AR(3) or (4)(a); or

(c) otherwise damages a motor vehicle whilst being in the place of safety, shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees nor more than 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(5) Where a person is convicted for an offence under subsection (4), any expense incurred by, or on behalf of, the Commissioner of Police in relation to the offence shall be recoverable as a civil debt from that person.

EXPLANATORY COMMENTARY

This section gives police officers the power to seize and take custody of a motor vehicle when a driver is suspected of driving under the influence.

When Can a Vehicle Be Seized?

A police officer **shall** take custody of the vehicle when:

1. A breath test indicates alcohol above the prescribed limit
2. A drug test indicates the person is under the influence of a drug
3. A person fails to provide a specimen and the officer has reasonable grounds to suspect impairment
4. A person fails to undergo a field impairment test and the officer has reasonable grounds to suspect impairment

> *Example:* If you're stopped at a checkpoint, fail a breath test, and your vehicle is at the scene, the officer will take custody of your vehicle and take it to a place of safety. You won't be allowed to drive it away.

Seals Affixed

Once the vehicle is at a place of safety, the officer will affix seals to it. This prevents anyone from using the vehicle until it's officially released.

Vehicle Remains Under Police Control

The vehicle remains under police control until:

- It's released by order of the Commissioner of Police
- It's disposed of under section 123AS

Offences

It's a serious offence to:

- Break or remove the seals
- Remove the vehicle from the place of safety
- Damage the vehicle while it's in the place of safety

Penalties

The penalty is a fine of **Rs 50,000 to Rs 100,000** and imprisonment up to **2 years**.

> *Example:* If you try to break the seals and take your vehicle from the place of safety, you commit an offence. You could face up to 2 years in prison and a fine of up to Rs 100,000.

Recoverable Expenses

If you're convicted of an offence under this section, any expenses incurred by the police in relation to the offence can be recovered from you as a civil debt.

Key Takeaway: If you're caught driving under the influence, your vehicle can be seized and taken to a place of safety. Don't try to break the seals or remove the vehicle—this is a serious offence with severe penalties.

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For more resources, visit roadsafetymoris.org.in.

Section 123AQ: Seizure Notice

VERBATIM TEXT

123AQ. Seizure notice

(1) Where seals are affixed to a motor vehicle pursuant to section 123AP(2), the police officer shall, as soon as is reasonably practicable but not later than 2 days after seals are affixed, serve a seizure notice on the registered owner of the motor vehicle.

(2) A seizure notice shall, in respect of the motor vehicle to which it relates, be in such form as may be prescribed and shall contain, inter alia, the following information -

(a) the name of the driver and the owner;

(b) the registration number of the motor vehicle;

(c) the place where, and the offence for which, the motor vehicle was seized;

(d) the date on which the motor vehicle was seized;

(e) the place and address where the motor vehicle is being kept;

(f) the physical condition of the motor vehicle, with details of any dents or damage to the motor vehicle;

(g) the list of items and belongings in the motor vehicle at the time of seizure;

(h) the fees payable for the seizure, and release, of the motor vehicle;

(i) that the motor vehicle will remain seized until such fees are paid;

(j) the date by which, the place where, and the operating times during which, an application may be made to the Commissioner of Police for the release of the motor vehicle;

(k) the documents to be produced when applying for the release of the motor vehicle;

(l) that unless the motor vehicle is released on or before a given date, the motor vehicle may be disposed of by the Police; and

(m) such other information as the police officer may, in the circumstances, deem necessary.

(3) A seizure notice shall be served -

(a) in the case of an individual who is the owner of the motor vehicle -

(i) by delivering it to the owner; or

(ii) by sending it to the owner by registered post to his usual or last known place of address; and

(b) in the case of a company or any other entity which is the owner -

(i) by delivering it to the company's or other entity's usual or last known place of address; or

(ii) by sending it by registered post to the company's or other entity's usual or last known place of address.

EXPLANATORY COMMENTARY

This section requires the police to serve a seizure notice on the registered owner of a seized vehicle.

When Is the Notice Served?

The police officer must serve a seizure notice on the registered owner as soon as reasonably practicable—and no later than **2 days** after the seals are affixed.

What Does the Notice Contain?

The seizure notice must include:

- The name of the driver and owner
- The vehicle's registration number
- Where and why the vehicle was seized
- When it was seized
- Where it's being kept
- Its physical condition (including any damage)
- A list of items in the vehicle
- The fees for seizure and release
- That the vehicle will remain seized until fees are paid
- How and when to apply for release
- What documents are needed
- That the vehicle may be disposed of if not released by a certain date

> *Example:* If your vehicle is seized, you'll receive a notice telling you exactly where it is, how much it will cost to get it back, and what you need to do to apply for release.

How Is the Notice Served?

For individuals:

- Delivered in person, or
- Sent by registered post to the last known address

For companies:

- Delivered to the company's address, or
- Sent by registered post

Key Takeaway: If your vehicle is seized, you'll receive a seizure notice within 2 days. The notice contains all the information you need to get your vehicle back.

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For more resources, visit roadsafetymoris.org.in.

Section 123AR: Release of Seized Motor Vehicle

VERBATIM TEXT

123AR. Release of seized motor vehicle

(1) Where a motor vehicle is seized pursuant to this Part, the owner of the motor vehicle, or any other person authorised in writing by him, may apply to the Commissioner of Police, in such form as may be prescribed, for the release of the motor vehicle.

(2) An application under subsection (1) shall be accompanied by the non-refundable application fee as specified in the Fifteenth Schedule, together with the following documents -

(a) the National Identity Card or passport of the owner or, where applicable, that of the person authorised to make the application;

(b) the written authorisation to make the application on behalf of the owner, where applicable;

(c) the original horsepower of the motor vehicle;

(d) a valid certificate of insurance in respect of the motor vehicle; and

(e) a valid certificate of fitness, where applicable, in respect of the motor vehicle.

(3) On receipt of an application under subsection (1), the Commissioner of Police shall cause the documents submitted by the applicant to be verified and subject to subsection (4), on being satisfied that the documents are in order, he may, on payment of the seizure fees and release fee as specified in the Fifteenth Schedule, together with towing fee, if any, issue a certificate of release ordering the release of the motor vehicle.

(4) (a) Where an applicant does not submit the original horsepower, a valid certificate of insurance or a valid certificate of fitness in respect of the motor vehicle, and the Commissioner of Police is satisfied that there is no such document in respect of that motor vehicle, the Commissioner of Police may, on payment of the seizure fees and release fee as specified in the Fifteenth Schedule, issue a certificate of release ordering the release of the motor vehicle.

(b) Where the Commissioner of Police orders the release of a motor vehicle pursuant to paragraph (a), the motor vehicle shall be towed at the cost of the applicant to such place as he may determine.

EXPLANATORY COMMENTARY

This section explains how to get a seized vehicle released.

Who Can Apply?

The owner of the vehicle—or someone authorised in writing by the owner—can apply for release.

What You Need to Apply

Your application must include:

1. **Non-refundable application fee** (as specified in the Fifteenth Schedule)
2. **National Identity Card or passport** of the owner (or authorised person)
3. **Written authorisation** (if someone else is applying on behalf of the owner)
4. **Original horsepower** of the vehicle
5. **Valid certificate of insurance**
6. **Valid certificate of fitness** (where applicable)

Fees to Pay

If your documents are in order, you must pay:

- **Seizure fees** (as specified in the Fifteenth Schedule)
- **Release fee** (as specified in the Fifteenth Schedule)
- **Towing fee** (if applicable)

Once paid, the Commissioner of Police will issue a certificate of release.

If You Don't Have All Documents

If you can't provide the horsepower, insurance, or fitness certificate—and the Commissioner is satisfied that no such document exists for the vehicle—you can still get the vehicle released. However, the vehicle must be towed at your cost to a place determined by the Commissioner.

> *Example:* If your vehicle was uninsured and you can't provide an insurance certificate, you can still get it released, but you'll have to pay for it to be towed to a location of the Commissioner's choosing—not driven.

Key Takeaway: To get your seized vehicle back, you need to pay the required fees and provide the necessary documents. If you can't provide all documents, the vehicle can still be released but must be towed at your cost.

Guidance provided by roadsafetymoris.org.in.
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Section 123AS: Disposal of Motor Vehicle

VERBATIM TEXT

123AS. Disposal of motor vehicle

(1) Where a motor vehicle is not claimed by its owner within 3 months of being seized, the Commissioner of Police may, after giving one month's notice in 2 daily newspapers of his intention to do so, sell by public auction, or otherwise dispose of, the motor vehicle.

(2) Any proceeds from the sale or disposal of the motor vehicle shall be applied in payment of any fees or charges incurred in implementing this section.

(3) Any surplus shall be -

(a) paid to the owner of the motor vehicle; or

(b) where it is not claimed by the owner of the motor vehicle within 12 months after the date of its sale or disposal, forfeited to the Government.

EXPLANATORY COMMENTARY

This section deals with what happens if a seized vehicle isn't claimed.

Unclaimed Vehicles

If your vehicle isn't claimed within **3 months** of being seized, the Commissioner of Police can:

1. Give one month's notice in two daily newspapers
2. Sell the vehicle by public auction or otherwise dispose of it

> *Example:* If your vehicle is seized and you don't apply for its release within 3 months, the police can sell it. You'll lose your vehicle and any money you could have received from its sale (after fees).

Proceeds from Sale

The money from the sale is used to pay:

- Any fees or charges incurred in implementing this section

Surplus

If there's any money left after paying the fees:

- It's paid to the owner, if claimed within 12 months
- If not claimed within 12 months, it's forfeited to the Government

Key Takeaway: If your vehicle is seized and you don't claim it within 3 months, it can be sold. Any surplus after fees is paid to you if you claim it within 12 months; otherwise, it goes to the Government.

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Section 123AT: Regulations Under Part VIIIB

VERBATIM TEXT

123AT. Regulations under Part VIIIB

(1) The Minister may, for the purpose of this Part, make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) may provide -

(a) for the levying of fees and taking of charges;

(b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees; and

(c) for matters connected, consequential and related thereto.

EXPLANATORY COMMENTARY

This section allows the Minister to make regulations under Part VIIIB.

Regulation-Making Power

The Minister can make regulations for the purposes of this Part, including:

- Levying fees and charges
- Creating offences with fines up to **Rs 100,000**
- Matters connected to or related to this Part

Key Takeaway: The Minister has broad powers to make regulations to implement Part VIIIB.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

End of Part VIIIB – Seizure of Motor Vehicles

SUMMARY OF PART VIIIB

Part VIIIB gives police powers to seize motor vehicles when drivers are caught driving under the influence:

- **Seizure:** Police can seize and take custody of vehicles when drivers are suspected of driving under the influence.
- **Seals:** Seals are affixed to seized vehicles to prevent their use.
- **Seizure notice:** Served on the registered owner within 2 days.
- **Release:** Apply to the Commissioner of Police, pay fees, provide documents.
- **Unclaimed vehicles:** Sold after 3 months if not claimed.
- **Fees:** Specified in the Fifteenth Schedule.
- **Offences:** Breaking seals, removing the vehicle, or damaging it carries fines up to Rs 100,000 and imprisonment up to 2 years.

This concludes Part VIIIB of the Road Traffic Act of Mauritius, Annotated Edition. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART IX – OFFENCES

INTRODUCTION TO PART IX

Welcome to Part IX of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This part of the law deals with a wide range of **offences**—from speeding and road racing to failing to stop after an accident and obstructing traffic.

Some of these offences are among the most commonly enforced. Speeding, for example, is one of the most frequent traffic violations. But this part also covers serious offences like:

- Road racing
- Failing to stop after an accident
- Driving for more hours than authorised
- Making false statements
- Forging documents

Whether you're a driver, a vehicle owner, or someone involved in the transport industry, understanding these offences helps you avoid breaking the law—and helps you know your rights if you're accused of an offence.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 124: Exceeding Speed Limit

VERBATIM TEXT

124. Exceeding speed limit

(1) Except as otherwise provided by this Act, no person shall drive a motor vehicle of any class or description on a road at a speed exceeding that which may be prescribed as the maximum speed in relation to a vehicle of that class or description.

(2) The Minister may, by causing a traffic sign to be erected over any specified road, or part of a specified road, prohibit the driving of -

(a) motor vehicles generally; or

(b) particular classes of motor vehicles, above a specified speed, either generally or for a specified period, on that road or part of a road.

[Repealed and replaced 7/15 (cio 27/7/15).]

(3) (a) Where a prohibition under subsection (2) remains in force, the Commissioner of Police shall cause to be maintained such traffic signs.

[Amended 7/15 (cio 27/7/15).]

(b) The traffic signs shall -

(i) state the substance of the prohibition; and

[Amended 7/15 (cio 27/7/15).]

(ii) be placed in such position as to give adequate notice to drivers of motor vehicles.

(4) (a) Any person who drives a motor vehicle on a road at a speed exceeding a prescribed speed limit, or the speed limit indicated on a traffic sign erected under subsection (2), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees or, in the case of a second or subsequent conviction, to a fine not exceeding 75,000 rupees.

(b) An offender under paragraph (a) shall not be liable to be convicted solely on the evidence of one witness to the effect that, in the opinion of that witness, the offender was driving the motor vehicle at any particular speed.

EXPLANATORY COMMENTARY

This section makes it an offence to exceed speed limits.

Speed Limits

You must not drive faster than the maximum speed prescribed for your class of vehicle. The Minister can also erect signs on specific roads to set speed limits.

> *Example:* If the speed limit on a road is 60 km/h and you drive at 80 km/h, you commit an offence.

Signs Must Be Clear

Where speed limits are set by signs, the signs must:

- State the substance of the prohibition (e.g., “60 km/h”)
- Be placed where drivers can see them in time

Evidence of Speed

You can’t be convicted solely on the opinion of one witness about your speed. This means the prosecution needs more than one person’s guess about how fast you were going—usually, they need evidence from a speed-measuring device.

> *Example:* If a police officer says “you were going about 80 km/h” but has no radar or other evidence, and no other witness, you might not be convicted based solely on that one opinion.

Penalties

- **First conviction:** Fine up to **Rs 50,000**
- **Second or subsequent conviction:** Fine up to **Rs 75,000**

Key Takeaway: Obey speed limits. If accused of speeding, remember that you can’t be convicted solely on one witness’s opinion of your speed—proper evidence is needed.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 125: Road Racing

VERBATIM TEXT

125. Road racing

Any person who, except with the consent of, and in accordance with any conditions imposed by, the Commissioner of Police -

(a) promotes; or

(b) takes part in, any race or trial of speed between motor vehicles on a road shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees nor more than 100,000 rupees.

[Amended 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section prohibits unauthorised road racing.

The Offence

You commit an offence if you promote or take part in a race or speed trial on a road without the consent of the Commissioner of Police.

> *Example:* If you organise an illegal street race, or participate in one, you commit an offence.

Exception

The offence doesn’t apply if you have the Commissioner of Police’s consent and follow any conditions imposed.

Penalty

The penalty is a fine of **Rs 50,000 to Rs 100,000**.

Key Takeaway: Road racing is illegal unless authorised by the Commissioner of Police. The penalties are severe.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 126: Exemptions

VERBATIM TEXT

126. Exemptions

Section 124 and any other enactment imposing a speed limit on motor vehicles shall not apply to a vehicle which is used -

(a) for fire brigade, ambulance or police purposes; or

(b) by a road transport inspector in the exercise of his duties, where its enforcement would be likely to hinder the use of the vehicle for the purpose for which it is being used.

EXPLANATORY COMMENTARY

This section provides exemptions from speed limits for certain vehicles.

Who Is Exempt?

Speed limits don't apply to vehicles used:

- For fire brigade, ambulance, or police purposes
- By a road transport inspector in the exercise of their duties, where enforcing the limit would hinder their work

> *Example:* An ambulance rushing to an emergency can exceed the speed limit. A police car in pursuit of a suspect can exceed the limit. A fire engine responding to a fire can exceed the limit.

Key Takeaway: Emergency vehicles and road transport inspectors in the course of their duties are exempt from speed limits when necessary.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 129: Court May Substitute Charge

VERBATIM TEXT

129. Court may substitute charge

(1) (a) Where a person is charged with an offence under section 123A(1) and the Court is of the opinion that the offence is not proved, it may, at any time during or immediately after the hearing, without prejudice to any other power it may possess, direct or allow a charge for an offence under section 123C to be preferred against the accused and proceed with that charge.

(b) The accused shall be -

(i) informed of the new charge; and

(ii) given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against him or otherwise, of answering the new charge.

(c) Where the Court considers that the accused is prejudiced in his defence by reason of the new charge being preferred against him, it shall adjourn the hearing.

(2) An accused in whose case the requirements of section 130 have been satisfied, or do not apply, with regard to the alleged offence under section 123A(1), may, notwithstanding that those requirements have not been satisfied with regard to the alleged offence under section 123C, be convicted on a charge being preferred under subsection (1).

EXPLANATORY COMMENTARY

This section allows the Court to substitute a lesser charge if the original charge isn't proved.

Substituting Dangerous Driving with Careless Driving

If you're charged with dangerous driving (section 123A) but the Court finds the offence isn't proved, it can substitute a charge of careless driving (section 123C) instead.

> *Example:* If you're charged with dangerous driving, but the evidence only shows careless driving, the Court can convict you of careless driving.

Rights of the Accused

If the charge is substituted:

- You must be informed of the new charge
- You must be given an opportunity to answer it
- If you're prejudiced, the Court must adjourn the hearing

Key Takeaway: If you're charged with dangerous driving and the evidence doesn't support it, the Court can convict you of careless driving instead. You have the right to be informed and to answer the new charge.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 130: Prosecution Under Sections 123A and 123C

VERBATIM TEXT

130. Prosecution under sections 123A and 123C

(1) Where a person is prosecuted for an offence under -

(a) section 123A or 123C; or

(b) this Part relating to the maximum speed at which motor vehicles may be driven, he shall not, except in the case of an offence which is the subject of an FPN or a PEDN, be convicted unless, within 14 days of the commission of the offence, a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on, or sent by registered post to, him or to the person registered as the owner of the motor vehicle at the time of the commission of the offence.

[Amended 17/12 (cio 10/5/13).]

(2) Failure to comply with subsection (1) shall not be a bar to the conviction of the accused in any case where the Court is satisfied that -

(a) the name and address of -

(i) the accused; or

(ii) the registered owner of the motor vehicle, could not, with reasonable diligence, have been ascertained in time for a notice to be served or sent under subsection (1); or

(b) the accused, by his own conduct, contributed to the failure.

(3) This section shall, unless and until the contrary is proved, be deemed to have been complied with.

EXPLANATORY COMMENTARY

This section requires a notice of intended prosecution for certain offences.

Notice Required

For offences under sections 123A (dangerous driving), 123C (careless driving), or speeding, you can't be convicted unless you received a **notice of intended prosecution** within **14 days** of the offence. The notice must specify:

- The nature of the alleged offence
- The time and place of the alleged offence

> *Example:* If you're accused of careless driving, the prosecution must send you (or the registered owner) a notice within 14 days of the alleged offence, telling you what you're accused of and when and where it happened.

Exceptions

The notice isn't required if:

- The offence is subject to a Fixed Penalty Notice (FPN) or Photographic Enforcement Device Notice (PEDN)
- The name and address couldn't be ascertained in time
- The accused's own conduct contributed to the failure

Presumption

The section is presumed to have been complied with unless proven otherwise.

Key Takeaway: For dangerous driving, careless driving, and speeding offences, a notice of intended prosecution must be served within 14 days unless an exception applies.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 133: Involuntary Homicide and Wounds and Blows

VERBATIM TEXT

133. Involuntary homicide and wounds and blows

(1) Where a person is convicted of an offence under section 239 of the Criminal Code in connection with the driving of a motor vehicle, the offence of which he is convicted shall, for the purpose of sections 52 and 134, be deemed to be an offence under this Act.

(2) Where, on the trial of a person for an offence under subsection (1), the Court is -

(a) not satisfied that his driving was the cause of the death or of the wounds and blows, as the case may be; but

(b) is satisfied that he has committed an offence under section 123A, 123C, 123D or 123E,

[Amended 6/19 (cio 1/6/22).]

it may convict him of that offence, whether or not section 130 has been complied with in relation to that offence.

(3) A police officer may, without warrant, arrest a person committing, or reasonably suspected of committing, an offence under this section.

EXPLANATORY COMMENTARY

This section deals with involuntary homicide and wounds and blows in connection with driving.

Involuntary Homicide

If you're convicted of involuntary homicide under the Criminal Code in connection with driving, that conviction is treated as an offence under this Act for the purposes of disqualification and arrest.

Substituting Charges

If you're tried for involuntary homicide but the Court isn't satisfied your driving caused the death, it can convict you of:

- Dangerous driving (section 123A)
- Careless driving (section 123C)
- Causing death by careless driving under the influence (section 123D)
- Driving under the influence (section 123E)

Arrest Without Warrant

A police officer can arrest you without a warrant if you're committing or suspected of committing an offence under this section.

Key Takeaway: Involuntary homicide in connection with driving is treated seriously. Courts can convict on lesser driving offences if the homicide charge isn't proved.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 134: Powers of Arrest

VERBATIM TEXT

134. Powers of arrest

(1) A police officer may, without warrant, arrest -

(a) the driver of a motor vehicle found, or reasonably suspected of, committing an offence under sections 123A, 123B, 123BA, 123C, 123D or 123E; or

[Amended 6/19 (cio 1/6/22); 15/26 (cio 4/9/26).]

(b) a person who, on being required under this Act to give his name and address -

(i) refuses to do so; or

(ii) gives a name and address which the police officer has reason to believe is false.

(2) (a) A person driving a motor vehicle on a road shall, on being required by a police officer in uniform or a traffic warden in uniform -

(i) stop the vehicle; and

(ii) keep the vehicle stationary until authorised by the police officer or traffic warden to drive it away.

[RR 10/23 (cio 21/8/23).]

(b) Any person who fails to comply with paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine of not less than 25,000 rupees and nor more than 100,000 rupees.

[Amended 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section gives police officers powers of arrest.

Arrest Without Warrant

A police officer can arrest you without a warrant if you're:

- Found committing or reasonably suspected of committing dangerous driving, causing death by dangerous driving, causing death while unlicensed, careless driving, causing death by careless driving under the influence, or driving under the influence
- Refusing to give your name and address
- Giving a false name and address

Stopping Your Vehicle

If a police officer or traffic warden in uniform requires you to stop, you must:

1. Stop your vehicle
2. Keep it stationary until authorised to drive away

Penalty for Failing to Stop

Failing to stop or keep your vehicle stationary is an offence with a fine of **Rs 25,000 to Rs 100,000**.

> *Example:* If a police officer signals you to stop and you drive away, you commit an offence and face a substantial fine.

Key Takeaway: Police can arrest without warrant for serious driving offences. If required to stop, you must stop and remain stationary until authorised to leave.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 137: Liability of Driver and Owner for Offences

VERBATIM TEXT

137. Liability of driver and owner for offences

(1) Where -

(a) a motor vehicle or trailer which contravenes this Act is used;

(b) a motor vehicle or trailer is used in such a state or condition or in such manner as to contravene this Act; or

(c) anything is done or omitted in connection with a motor vehicle or trailer in contravention of this Act, the driver of the motor vehicle or trailer at the time of the commission of the offence shall commit an offence, unless -

(i) it is expressly otherwise provided in this Act; or

(ii) the offence was not due to any act, omission, neglect or default on his part.

(2) The owner of the motor vehicle or trailer under subsection (1) shall also commit an offence unless -

(a) it is expressly otherwise provided in this Act; or

(b) the offence was -

(i) committed in his absence and without his consent; and

(ii) not due to any act or omission on his part and he had taken all reasonable precautions to prevent it.

EXPLANATORY COMMENTARY

This section makes both drivers and owners liable for offences.

Driver's Liability

If a vehicle contravenes the Act, the driver commits an offence unless:

- The Act expressly provides otherwise
- The offence wasn't due to any act, omission, neglect, or default on their part

Owner's Liability

The owner also commits an offence unless:

- The Act expressly provides otherwise
- The offence was committed in their absence and without their consent, and wasn't due to any act or omission on their part, and they took all reasonable precautions to prevent it

> *Example:* If your vehicle has defective brakes and you lend it to a friend who is stopped by police, both you and your friend could be prosecuted. Your friend might have a defence if they didn't know about the defect. You might have a defence if you took reasonable precautions (e.g., regular maintenance) and didn't know about the defect.

Key Takeaway: Both drivers and owners can be liable for offences. Owners can be liable even if they weren't driving, unless they can show they took reasonable precautions.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 139: Damaging Traffic Signs

VERBATIM TEXT

139. Damaging traffic signs

(1) Any person who wilfully damages a traffic sign shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 3 months.

(2) A police officer may, without warrant, arrest a person found committing an offence under subsection (1).

EXPLANATORY COMMENTARY

This section makes it an offence to damage traffic signs.

The Offence

You commit an offence if you wilfully damage a traffic sign.

> *Example:* If you knock down a stop sign or deface a speed limit sign, you commit an offence.

Penalty

The penalty is imprisonment up to **3 months**.

Arrest Without Warrant

A police officer can arrest you without a warrant if you're found committing this offence.

Key Takeaway: Don't damage traffic signs. It's an offence with a penalty of up to 3 months imprisonment.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 140: Duty of Driver in Case of Accident

VERBATIM TEXT

140. Duty of driver in case of accident

(1) Where owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle, structure or animal, the driver of the motor vehicle shall -

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, stop his vehicle and remain at the scene of the accident until he has complied with paragraphs (b) and (c);

(b) take all reasonable steps to render reasonable assistance to any person injured in the accident and, if necessary, arrange for the conveyance of the person to the nearest hospital for medical treatment, unless the injured person or his guardian, in case he is a minor, desires otherwise;

(c) if required to do so by any person having reasonable grounds for so requiring, give -

(i) his name and address;

(ii) the name and address of the owner of the vehicle driven by him; and

(iii) the registration mark of the motor vehicle;

(d) if he has not already furnished the information referred to in paragraph (c) to a police officer at the scene of the accident, and unless he is incapable of doing so by reason of injuries sustained by him in the accident, report the accident at the nearest police station or to a police officer, as soon as is reasonably practicable, and in any case within one hour after the occurrence of such accident and there produce his driving licence and furnish such other information as may be required of him;

[Amended 23/16 (cio 18/12/16).]

(e) report the accident to his insurer as soon as is reasonably practicable, and in any case not later than 24 hours of the start of the insurer's next working day.

(2) Subject to subsections (3) and (4), where, owing to the presence of a motor vehicle on a road, an accident occurs in consequence of which any person is killed or injured or damage is caused to any vehicle or structure, no person shall, except under the authority of a police officer, move or otherwise interfere with any vehicle involved in the accident or do any other act so as to destroy any evidence of the accident.

(3) Where an accident causes complete obstruction of a road, any vehicle involved may, without the authority specified in subsection (2) and after its position has been clearly marked on the surface of the road by any person moving it, be moved sufficiently to allow the passage of traffic.

(4) Where a person is seriously injured in an accident and there is no suitable means of transport other than the one involved in the accident, such vehicle may, after its position has been clearly marked on the surface of the road by any person moving it, be used to convey the injured person to a hospital.

(5) If any person fails to comply with any of the provisions of this section, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 3 years.

[Amended 23/16 (cio 18/12/16).]

(6) Where a person willfully and fraudulently marks a position other than the true position of a vehicle involved in an accident under subsection (3) or (4), he shall commit an offence and shall, on conviction, be liable to imprisonment for a term of not less than 3 months nor more than 2 years.

(7) In any prosecution for a contravention of any provision of this section, it shall be presumed, until the contrary is proved, that the accused was aware of the fact that the accident had occurred, and that he did not report the accident or furnish the information as required by subsection (1)(d) or (e).

(8) Where any person, at the time he is required to produce his licence under subsection (1)(d), undertakes in writing to produce, and produces in person, his driving licence within 5 days at the police station specified in subsection (1) (d), he shall not commit an offence.

EXPLANATORY COMMENTARY

This section sets out the duties of a driver involved in an accident.

Duties After an Accident

If you're involved in an accident that causes damage or injury to any person, vehicle, structure, or animal, you must:

1. **Stop** and remain at the scene (unless mob fury or other reasons beyond your control make it impracticable)
2. **Render assistance** to injured persons and arrange transport to hospital if necessary
3. **Give your name, address, owner's name and address, and registration mark** if required by someone with reasonable grounds
4. **Report to police** within **one hour** if you haven't already given information to a police officer at the scene
5. **Report to your insurer** within **24 hours** of the start of the next working day

> *Example:* If you're in an accident, you must stop. If someone is injured, you must help them and call for medical assistance if needed. You must provide your details to anyone with reasonable grounds to ask. If you don't give your details at the scene, you must report to the nearest police station within one hour.

Don't Move Vehicles

After an accident involving death, injury, or damage, you shouldn't move or interfere with any vehicle without police authority—unless:

- The accident causes complete obstruction, in which case you can move vehicles after marking their positions
- Someone is seriously injured and the only available transport is the accident vehicle, in which case you can use it to take them to hospital after marking positions

Penalties

- **Failing to comply with this section:** Fine up to **Rs 5,000** and imprisonment up to **3 years**
- **Fraudulently marking a false position:** Imprisonment of **3 months to 2 years**

Key Takeaway: If you're in an accident, stop, help injured persons, provide your details, report to police within one hour if you haven't given details at the scene, and report to your insurer. Don't move vehicles unless necessary and authorised.

Guidance provided by roadsafetymoris.org.in.
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Section 141: Testing of Vehicle in Case of Accident

VERBATIM TEXT

141. Testing of vehicle in case of accident

(1) Where it appears to a police officer that, by reason of an accident having occurred owing to the presence of a vehicle on a road, it is essential that a test be carried out, he may -

(a) require it to be so carried out; and

(b) where he is not to carry it out himself, order the vehicle not to be taken away until the test has been carried out.

(2) Where, in the opinion of a police officer, the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require the test to be carried out forthwith.

EXPLANATORY COMMENTARY

This section allows police to require testing of a vehicle involved in an accident.

Testing Required

If a police officer believes a test is essential after an accident, they can:

- Require the test to be carried out
- Order the vehicle not to be taken away until the test is done

Defective Vehicles

If a police officer believes a vehicle is so defective that it shouldn't be allowed to proceed without a test, they can require the test to be carried out immediately.

> *Example:* If your vehicle is involved in an accident and a police officer suspects brake failure, they can require the brakes to be tested before the vehicle is moved.

Key Takeaway: Police can require testing of vehicles involved in accidents to determine if they were defective.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 142: Power to Stop Vehicles

VERBATIM TEXT

142. Power to stop vehicles

(1) (a) In addition to any other power conferred by this Act, a police officer in uniform or a traffic warden in uniform may require the driver of a motor vehicle to stop or move his vehicle.

[Amended 10/23 (cio 21/8/23).]

(b) A police officer in uniform or a police officer or a road transport inspector not in uniform or a road traffic warden in uniform, who produces his identity card, may -

[Amended 10/23 (cio 21/8/23).]

(i) require the driver of a motor vehicle to furnish his name and address and give any other particulars required as to his identification;

(ii) require a person in a motor vehicle to furnish his name and address and give any other particulars required as to his identification and give such information as is in his power to give which may lead to the identification of the driver or owner of the vehicle;

(iii) - [Repealed 19/16 (cio 3/11/16).]

(iv) ascertain the dimensions of a motor vehicle or trailer or its laden weight or axle weights, and, for this purpose, require any person or goods to be removed from the motor vehicle or trailer;

(v) direct the removal from a motor vehicle or trailer of such passengers or goods as may cause the laden weight of the vehicle or trailer to exceed its gross weight; or

[Amended 19/16 (cio 3/11/16).]

(vi) - [Repealed 19/16 (cio 3/11/16).]

(vii) - [Repealed 19/16 (cio 3/11/16).]

(viii) drive or cause to be driven a motor vehicle where necessary in the exercise of his duties, to investigate whether an offence is being committed in relation to the motor vehicle.

(c) No police officer, road transport inspector or traffic warden in uniform inspector shall, unless he is the holder of a driving licence of the appropriate class, drive a motor vehicle in the exercise of any of the powers and duties conferred or imposed on him under this Act.

[Amended 10/23 (cio 21/8/23).]

(d) A vehicle examiner may, at any time, on production of his identification card, exercise, with respect to the weighing of public service vehicles and goods vehicles, all such powers as are exercisable by a police officer with respect to the weighing of motor vehicles and trailers.

[Added 19/16 (cio 3/11/16).]

(2) The Minister may make regulations for -

(a) the taking and weighing of motor vehicles or trailers to weigh-bridges;

(b) the issue of certificates showing the recorded weight of the motor vehicles or trailers; and

(c) the exemption of motor vehicles or trailers that have been weighed from further weighings during the validity of the certificates.

(3) A person who fails to comply with a request lawfully made under this section shall commit an offence.

EXPLANATORY COMMENTARY

This section gives police officers and others powers to stop vehicles and require information.

Powers

Police officers in uniform and traffic wardens in uniform can require you to stop or move your vehicle.

Police officers, road transport inspectors, and traffic wardens who produce their identity card can:

- Require your name, address, and identification particulars
- Require passengers to provide their details and information about the driver or owner
- Ascertain the vehicle's dimensions, weight, or axle weights
- Direct removal of passengers or goods if the vehicle is overloaded
- Drive the vehicle (if properly licensed) to investigate offences

> *Example:* If a police officer asks you to stop, you must stop. If they ask for your name and address, you must provide them. If they need to weigh your vehicle, you must cooperate.

Weighing Vehicles

A vehicle examiner can weigh public service vehicles and goods vehicles.

Failure to Comply

Failing to comply with a lawful request under this section is an offence.

Key Takeaway: Police and authorised officers have broad powers to stop vehicles and require information. Failure to comply is an offence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 143: Powers of Inspection

VERBATIM TEXT

143. Powers of inspection

(1) (a) A police officer in uniform may stop a motor vehicle or trailer on which

(i) more than one person, in addition to the driver of the vehicle; or

(ii) goods, are being conveyed or suspected of being conveyed, for the purpose of ascertaining whether the vehicle is being used for a purpose for which the vehicle is not licensed to be used.

(b) A police officer in uniform, or a police officer or a road transport inspector not in uniform, who produces his identity card, may -

(i) require the driver of the motor vehicle to furnish his name and address, the name and address of the owner of the motor vehicle and particulars of the business in connection with which the motor vehicle is being used;

(ii) require a person who is on the motor vehicle suspected of being used for a purpose for which the motor vehicle is not licensed to be used or who is suspected of having been on the motor vehicle recently, to give his full name and address and to state whether or not any remuneration has been or is to be given by him for being conveyed on the motor vehicle; and

(iii) require the driver of, or any other person on, the motor vehicle to furnish the name and address of the sender and consignee and the names of the places between which any goods on the motor vehicle are to be conveyed.

(2) Any person who fails to comply with a request lawfully made under this section shall commit an offence.

EXPLANATORY COMMENTARY

This section gives police powers to inspect vehicles suspected of being used for unlicensed purposes.

Stopping Vehicles

A police officer in uniform can stop a vehicle carrying:

- More than one passenger (in addition to the driver)
- Goods

...to check whether the vehicle is being used for a purpose it's not licensed for.

> *Example:* If you're using a private car to carry passengers for hire (like an unlicensed taxi), a police officer can stop you to investigate.

Requiring Information

Police officers, road transport inspectors who produce their identity card can require:

- Your name, address, and the owner's name and address
- Details of the business the vehicle is being used for
- Passengers to give their name, address, and whether they've paid for transport
- Sender and consignee details for goods

Failure to Comply

Failing to comply with a lawful request is an offence.

Key Takeaway: Police can stop and inspect vehicles suspected of being used for unlicensed purposes. You must provide requested information.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 144: Using Vehicle Without Light

VERBATIM TEXT

144. Using vehicle without light

(1) No vehicle shall be allowed on a road between sunset and sunrise unless there is attached to it such lamps and reflectors as may be prescribed.

(2) Any person causing or permitting a vehicle to be on a road between sunset and sunrise without having affixed to it the prescribed light, lamp or lamps, or reflectorsed material, shall commit an offence.

EXPLANATORY COMMENTARY

This section requires vehicles to have proper lights and reflectors between sunset and sunrise.

Lighting Requirement

Between sunset and sunrise, every vehicle on a road must have:

- Prescribed lamps
- Prescribed reflectors

> *Example:* If you drive your car at night without working headlights or taillights, you commit an offence.

Penalty

Causing or permitting a vehicle to be on a road without proper lighting is an offence.

> **Key Takeaway:** Ensure your vehicle has working lights and reflectors before driving between sunset and sunrise.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 146: Unauthorised Sale of Vehicles

VERBATIM TEXT

146. Unauthorised sale of vehicles

(1) Subject to this section, no person shall sell, supply or offer to sell or supply a motor vehicle or trailer for delivery in such a condition that -

(a) its use on a road in that condition would be unlawful by virtue of any provision of this Act relating to -

(i) its construction, weight and equipment; or

(ii) its brakes, steering gear, or tyres; or

(b) with regard to its lighting equipment, reflectors, or their maintenance, it is not capable of being used on a road during lighting-up time without contravening the law relating to obligatory lamps or reflectors.

(2) Where a motor vehicle or trailer is sold, supplied or offered in contravention of this section, the person who -

(a) sells, supplies or offers it; or

(b) causes or permits it to be sold, supplied or offered, shall commit an offence.

(3) A person shall not commit an offence under this section in respect of the sale, supply or offer of a motor vehicle or trailer if he proves that he had reasonable cause to believe that the motor vehicle or trailer would not be used on a road -

(a) until it had been put into a condition in which it might lawfully be used; or

(b) where the sale, supply or offer of a vehicle or trailer is alleged to be unlawful by reason of its condition with regard to its lighting equipment or reflectors or their maintenance, during lighting-up time until it had been put into a condition in which it might be so used during that time without contravening the law relating to obligatory lamps or reflectors.

(4) This section shall not affect the validity of a contract or any rights arising under a contract.

(5) In this section, "obligatory lamps or reflectors" means, in relation to a motor vehicle or trailer, the lamps or reflectors required by law to be carried on the motor vehicle or trailer while it is on a road during lighting-up time.

(6) (a) This section shall not apply to a motor vehicle or trailer -

(i) sold or supplied; or

(ii) offered for sale or supply, where it is intended that its subsequent use shall be solely for the purpose of taking it to a place where it is -

(A) to be broken up; or

(B) put into a condition in which its use would not be unlawful.

(b) In the case of a motor vehicle, the subsequent use under paragraph (a) shall not include use under the vehicle's own power.

EXPLANATORY COMMENTARY

This section prohibits selling vehicles in an unroadworthy condition.

The Offence

You cannot sell, supply, or offer to sell or supply a vehicle if its condition would make its use on a road unlawful due to:

- Construction, weight, or equipment issues
- Faulty brakes, steering, or tyres
- Inadequate lighting equipment or reflectors

> *Example:* If you sell a car with faulty brakes, knowing it will be used on the road, you commit an offence.

Defence

You have a defence if you can prove you had reasonable cause to believe the vehicle wouldn't be used on a road until it was made roadworthy.

Contracts Still Valid

This section doesn't affect the validity of a contract or any rights arising under it.

Exceptions

The section doesn't apply to vehicles intended solely to be:

- Broken up
- Put into a roadworthy condition

...as long as they're not driven under their own power.

Key Takeaway: Don't sell vehicles in an unroadworthy condition. If you do, you commit an offence—unless you reasonably believed the vehicle wouldn't be used until made roadworthy.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 147: Employing Drivers and Attendants

VERBATIM TEXT

147. Employing drivers and attendants

(1) (a) Where a locomotive, heavy or light, is being driven on a road, 2 persons shall be employed in driving or attending it.

(b) Where a locomotive, heavy or light, is drawing a trailer on a road, in addition to the persons employed under paragraph (a), one person shall be employed in attending to each trailer.

(c) Paragraph (a) shall not apply to a road roller while engaged in rolling a road.

(2) In this section, "trailer" does not include -

(a) a vehicle used solely for carrying water for the purpose of the drawing vehicle; or

(b) an agricultural vehicle not constructed to carry a load.

(3) Any person who causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section shall commit an offence.

(4) The Minister may, by regulations, vary the requirements of this section in respect of any class or description of -

(a) motor vehicles; or

(b) trailers.

EXPLANATORY COMMENTARY

This section requires locomotives to have a minimum number of attendants.

Attendants Required

- A locomotive (heavy or light) must have **2 persons** employed in driving or attending it
- If drawing a trailer, an additional person must attend to each trailer

> *Example:* If you're operating a locomotive on a road, you need at least two people—one to drive and one to attend. If you're towing a trailer, you need another person for the trailer.

Exceptions

- Road rollers engaged in rolling a road don't need 2 persons
- Trailers carrying water for the drawing vehicle are exempt
- Agricultural vehicles not constructed to carry loads are exempt

Penalty

Causing or permitting a vehicle to be driven in contravention of this section is an offence.

Key Takeaway: Locomotives on roads require at least 2 attendants, plus one per trailer. There are exceptions for road rollers, water trailers, and agricultural vehicles.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 148: Number of Trailers on Road

VERBATIM TEXT

148. Number of trailers on road

(1) The number of trailers which may be drawn by a motor vehicle on a road shall not exceed, in the case of -

(a) a heavy locomotive or light locomotive, 2;

(b) a motor tractor, one if laden or 2 if unladen; or

(c) a motor car or a heavy motor car, one, or such greater or lesser number as may be determined by the Authority in relation to those classes of motor vehicles under such conditions as the Authority may stipulate.

(2) In this section, "trailer" does not include a vehicle used solely for carrying water for the purposes of -

(1) the drawing vehicle; or

(2) an agricultural vehicle which is not constructed to carry a load.

(3) Any person who causes or permits a trailer to be drawn in contravention of this section shall commit an offence.

EXPLANATORY COMMENTARY

This section limits the number of trailers that can be drawn.

Trailer Limits

- **Heavy or light locomotive:** Up to 2 trailers
- **Motor tractor:** 1 if laden, 2 if unladen
- **Motor car or heavy motor car:** 1 trailer (or as determined by the Authority)

> *Example:* If you're driving a motor car, you can only tow one trailer. If you're driving a locomotive, you can tow up to two.

Exceptions

Trailers carrying water for the drawing vehicle or agricultural vehicles not constructed to carry loads are exempt.

Penalty

Causing or permitting a trailer to be drawn in contravention of this section is an offence.

Key Takeaway: There are limits on how many trailers different types of vehicles can tow. Exceeding these limits is an offence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 149: Limitation of Cycle Races

VERBATIM TEXT

149. Limitation of cycle races

(1) The Commissioner of Police may -

(a) limit the number of cycle races to be held in any year; and

(b) prohibit a cycle race, where he considers that for -

(i) reasons of safety; or

(ii) the convenience of the public generally, the cycle race should not be held.

(2) Any person who -

(a) holds; or

(b) takes part in, a cycle race which is unauthorised or prohibited by the Commissioner of Police shall commit an offence.

EXPLANATORY COMMENTARY

This section allows the Commissioner of Police to limit or prohibit cycle races.

Commissioner's Powers

The Commissioner of Police can:

- Limit the number of cycle races per year
- Prohibit a cycle race for safety reasons or public convenience

> *Example:* If the Commissioner believes a proposed cycle race would cause dangerous traffic congestion, they can prohibit it.

Penalty

Holding or taking part in an unauthorised or prohibited cycle race is an offence.

Key Takeaway: The Commissioner of Police can limit or prohibit cycle races. Participating in an unauthorised race is an offence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 150: Throwing Article At or From Vehicle

VERBATIM TEXT

150. Throwing article at or from vehicle

(1) Any person who throws an article at -

(a) a vehicle on a road; or

(b) a person in a vehicle on a road, shall commit an offence.

(2) Any person who throws from a vehicle on a road an article that -

(a) is in itself dangerous; or

(b) in the circumstances of the case, causes or is likely to cause danger to other persons or obstruction on the road, shall commit an offence.

EXPLANATORY COMMENTARY

This section prohibits throwing articles at or from vehicles.

The Offences

You commit an offence if you:

1. **Throw an article at** a vehicle on a road or a person in a vehicle
2. **Throw an article from** a vehicle that is dangerous or likely to cause danger or obstruction

> *Example:* If you throw a stone at a passing car, you commit an offence. If you throw a bottle from your car onto the road, you commit an offence.

Key Takeaway: Never throw articles at or from vehicles. It's dangerous and illegal.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 151: Interference with Vehicle

VERBATIM TEXT

151. Interference with vehicle

(1) Any person who, without the knowledge or consent of the owner of a vehicle, other than a motor vehicle -

(a) rides, drives or takes away the vehicle; or

(b) in any way interferes with the vehicle or part of it, shall commit an offence.

(3) Any person, whether employed by the owner or not, who takes and drives away a motor vehicle without the consent of its owner or other lawful authority, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

(4) The offender shall not commit an offence under subsection (1) or (3) if he satisfies the Court that he acted in the reasonable belief that -

(a) he had lawful authority; or

(b) the owner would, in the circumstances of the case, have given his consent if he had been asked for it.

(5) Where an offender is prosecuted for stealing a motor vehicle and the Court finds that -

(a) he was not guilty of stealing the motor vehicle; but

(b) he was guilty of an offence under this section, the Court may find him guilty and convict him for that offence.

(6) A police officer may, without a warrant, arrest a person whom he reasonably suspects of having committed an offence under this section.

(7) In addition to any penalty specified in this section, the Court may order that the convicted person shall pay to the owner of the motor vehicle such sum as may represent fair compensation for any damage sustained by him.

EXPLANATORY COMMENTARY

This section deals with interfering with or taking vehicles without consent.

The Offences

You commit an offence if, without the owner's knowledge or consent, you:

- Ride, drive, or take away a vehicle (other than a motor vehicle)
- Interfere with a vehicle or any part of it
- Take and drive away a motor vehicle

> *Example:* If you take someone's bicycle without permission, you commit an offence. If you take someone's car without permission, you commit a more serious offence.

Defence

You have a defence if you reasonably believed:

- You had lawful authority
- The owner would have consented if asked

Alternative Conviction

If you're prosecuted for stealing a motor vehicle but the Court finds you not guilty of theft, it can convict you of this offence instead.

Arrest Without Warrant

A police officer can arrest you without a warrant if they reasonably suspect you of committing this offence.

Compensation

In addition to any penalty, the Court can order you to pay the owner fair compensation for any damage.

Key Takeaway: Never take or interfere with someone else's vehicle without consent. The penalties include fines, imprisonment, and compensation orders.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 152: Unauthorised Use of Vehicle

VERBATIM TEXT

152. Unauthorised use of vehicle

(1) No person shall -

(a) ride; or

(b) cause or permit a person to ride on the -

(i) windows;

(ii) wings;

(iii) fenders;

(iv) luggage grid;

(v) roof;

(vi) running board;

(vii) drawbar;

(viii) towing bar;

(ix) boot; or

(x) bonnet, of a motor vehicle or trailer on a road except for a purpose incidental to and necessary for the repair of the vehicle or trailer.

(2) No person shall -

(a) ride; or

(b) be permitted to ride, on a road in a goods vehicle unless there is sufficient protection as may be prescribed to prevent the person who is carried from falling from the vehicle.

(3) No person shall -

(a) carry; or

(b) permit to be carried, in a goods vehicle goods other than those carried on behalf or with the consent of the owner or hirer of the vehicle.

(4) Any person who fails to comply with this section shall commit an offence.

EXPLANATORY COMMENTARY

This section prohibits riding on unsafe parts of vehicles and carrying unauthorised goods.

Prohibited Riding Positions

You cannot ride on:

- Windows
- Wings
- Fenders
- Luggage grids
- Roofs
- Running boards
- Drawbars
- Towing bars
- Boots
- Bonnets

...unless it's necessary for repairing the vehicle.

> *Example:* If you sit on the roof of a car while it's moving, you commit an offence. If you ride on the bonnet, you commit an offence.

Riding in Goods Vehicles

You cannot ride in a goods vehicle on a road unless there's sufficient protection to prevent falling.

Unauthorised Goods

You cannot carry goods in a goods vehicle that aren't carried on behalf of or with the consent of the owner or hirer.

Penalty

Failing to comply is an offence.

Key Takeaway: Don't ride on unsafe parts of vehicles. If riding in a goods vehicle, ensure there's proper protection. Don't carry unauthorised goods.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 154: Obstruction of Motor Vehicle

VERBATIM TEXT

154. Obstruction of motor vehicle

Any person who deliberately or negligently obstructs the passage of a motor vehicle on a road shall commit an offence.

EXPLANATORY COMMENTARY

This section makes it an offence to obstruct motor vehicles.

The Offence

You commit an offence if you deliberately or negligently obstruct the passage of a motor vehicle on a road.

> *Example:* If you park your car in a way that blocks another vehicle, you commit an offence. If you stand in the road and refuse to move, you commit an offence.

Key Takeaway: Don't obstruct the passage of motor vehicles on roads.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 155: Obstruction on Roads

VERBATIM TEXT

155. Obstruction on roads

Any person who, for any purpose, places or causes to be placed a rope, wire or other apparatus across a road in such manner as to be likely to cause danger to persons using the road -

(a) without lawful authority or reasonable excuse; and

(b) unless he had taken all necessary means to give adequate warning of the danger, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

EXPLANATORY COMMENTARY

This section prohibits placing dangerous obstructions across roads.

The Offence

You commit an offence if you place a rope, wire, or other apparatus across a road in a way that's likely to cause danger, without:

- Lawful authority or reasonable excuse
- Adequate warning of the danger

> *Example:* If you stretch a rope across a road without warning, you commit an offence. If you're doing authorised work and have proper warnings, you might not.

Penalty

The penalty is a fine up to **Rs 1,000** and imprisonment up to **12 months**.

Key Takeaway: Don't place ropes, wires, or other apparatus across roads without authority and proper warnings.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 156: Driving Animal on Road

VERBATIM TEXT

156. Driving animal on road

(1) No person shall drive an animal on a road between sunset and sunrise unless he exhibits such lights as may be prescribed to indicate to users of the road the exact position of the animal.

(2) A person in charge of an animal on a road shall tend it in such a manner as not to constitute an obstruction or danger to other traffic.

(3) Any person who fails to comply with this section shall commit an offence.

(4) In this section, "animal" means a horse, bovine, ass, mule, sheep, pig or goat.

EXPLANATORY COMMENTARY

This section regulates driving animals on roads.

Lighting Requirement

Between sunset and sunrise, you must exhibit prescribed lights when driving an animal on a road. This indicates the animal's exact position to other road users.

> *Example:* If you're driving cattle along a road at night, you need lights to show where the animals are.

Tending Animals

You must tend animals in a way that doesn't obstruct or endanger other traffic.

Penalty

Failing to comply is an offence.

Key Takeaway: If driving animals on roads at night, use prescribed lights. Always tend animals to avoid obstructing or endangering traffic.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 158: Production of Registration Book and Licence

VERBATIM TEXT

158. Production of registration book and licence

(1) A police officer in uniform or who, not in uniform, produces his police identity card, and any other person authorised in writing by the Minister to exercise the powers conferred by this section, who produces his authority, may demand from -

(a) the owner of a motor vehicle or trailer -

(i) the registration book;

(ii) the current licence for the vehicle or trailer in force at the date of the demand; and

(iii) in the case of a public service vehicle, the road service licence authorising the use of that vehicle at that time and place; and

(b) any person driving a motor vehicle on a road -

(i) his driving licence or digital driving licence; or

[Amended 15/26 (cio 4/9/26).]

(ii) his provisional driving licence; and

(iii) in the case of a licence under subparagraph (ii), the driving licence of the person supervising the driving in accordance with the conditions attached to the provisional driving licence under section 44(2).

(2) (a) Any person who fails, on demand, to produce any document referred to in subsection (1) shall commit an offence.

(b) Where a person, at the time the production of the document is required -

(i) undertakes in writing to produce; and

(ii) produces in person, the document, within 5 days, at such police station as may be specified by him, he shall not commit an offence under paragraph (a).

(3) In the case of a motor vehicle or trailer that is subject to Part VIII, a road transport inspector may exercise all the powers conferred by this section on a police officer.

EXPLANATORY COMMENTARY

This section allows police to demand production of registration books, licences, and other documents.

What Can Be Demanded?

From the owner:

- Registration book
- Current vehicle licence
- Road service licence (for public service vehicles)

From the driver:

- Driving licence or digital driving licence
- Provisional driving licence
- Supervisor's driving licence (if the driver has a provisional licence)

> *Example:* If you're stopped by police, they can ask to see your driving licence and your vehicle's registration book.

Failing to Produce

If you fail to produce a document when demanded, you commit an offence—unless you:

1. Undertake in writing to produce it
2. Produce it in person within **5 days** at a police station of your choice

Road Transport Inspectors

For vehicles subject to Part VIII (examinations), a road transport inspector can exercise these powers.

Key Takeaway: Police can demand your registration book, vehicle licence, and driving licence. If you can't produce them immediately, you have 5 days to produce them at a police station.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 159: Duty to Give Information

VERBATIM TEXT

159. Duty to give information

(1) (a) Where a police officer has reason to suspect that an offence in connection with a motor vehicle has been committed, he, or any other police officer, may require the owner of the motor vehicle to give all information as to the name, address, description and whereabouts of the driver and the occupants of the motor vehicle at the time of the alleged offence.

(b) Any person who fails to give the information required under paragraph (a) shall commit an offence unless he shows to the satisfaction of the Court that he did not have the information and could not, with reasonable diligence, have obtained it.

(2) (a) A police officer may require any other person to give any information which -

(i) it is in his power to give; and

(ii) may lead to the identification of the driver and other occupants of the motor vehicle.

(b) Any person who fails to give the information required under paragraph (a) shall commit an offence.

(3) Notwithstanding any other enactment, any information given under this section by a person charged with an offence in connection with the driving of a motor vehicle may be used as evidence at the hearing of the charge.

EXPLANATORY COMMENTARY

This section requires owners and others to provide information about drivers and occupants of vehicles.

Owner's Duty

If a police officer suspects an offence involving a motor vehicle, they can require the owner to provide:

- The name, address, and description of the driver
- The name, address, and description of occupants
- The whereabouts of the driver and occupants

> *Example:* If your car is caught speeding by a camera, police can require you (as the owner) to identify who was driving at the time.

Defence

You have a defence if you can show you didn't have the information and couldn't have obtained it with reasonable diligence.

Duty of Others

A police officer can require anyone to provide information that could identify the driver or occupants.

Use as Evidence

Information given under this section can be used as evidence, even if you're charged with an offence.

Key Takeaway: Vehicle owners must provide information about who was driving when an alleged offence occurred. Failure to do so is an offence unless you genuinely don't have the information.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 160: Making False Statement

VERBATIM TEXT

160. Making false statement

(1) Any person who knowingly makes a false statement in order to -

(a) obtain the grant or variation of a licence under this Act to himself or any other person;

(b) prevent the grant or variation of the licence referred to in paragraph (a); or

(c) procure the imposition of a condition or limitation in relation to a licence referred to in paragraph (a), shall commit an offence.

(2) Any person who -

(a) makes a false statement; or

(b) withholds any material information, in order to obtain the issue of -

(i) a certificate of insurance or certificate of security under Part V; or

(ii) a prescribed document which may be produced in lieu of a certificate of insurance or a certificate of security under section 68(4), shall commit an offence.

(3) Any person who issues -

(a) a document mentioned in subsection (2);

(b) a test certificate; or

(c) a certificate of fitness, which he knows is false in a material particular, shall commit an offence.

EXPLANATORY COMMENTARY

This section makes it an offence to make false statements or issue false documents.

Offences

You commit an offence if you:

- **Knowingly make a false statement** to obtain, prevent, or affect a licence
- **Make a false statement or withhold information** to obtain insurance or related documents
- **Issue a document** (insurance, test certificate, certificate of fitness) you know is false

> *Example:* If you lie on your driving licence application, you commit an offence. If you provide false information to get cheaper insurance, you commit an offence. If you issue a fake certificate of fitness, you commit an offence.

Key Takeaway: Never make false statements or issue false documents. These are serious offences.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 161: Forging Documents

VERBATIM TEXT

161. Forging documents

(1) Any person who, with intent to deceive -

(a) (i) forges;

(ii) alters;

(iii) defaces;

(iv) mutilates;

(v) uses; or

(vi) sells, supplies, lends to or allows to be used by any other person;

(b) makes; or

(c) has in his possession, a listed document, shall commit an offence.

(2) Any person who, with intent to deceive, alters an entry made in a record or register required to be kept under this Act shall commit an offence.

(3) In subsection (1), "listed document" means -

(a) a licence or permit issued under this Act, or a photocopy thereof;

[Amended 12/18 (cio 1/10/18).]

(b) a test certificate;

(c) a document, plate or mark by which a vehicle is to be identified as being an authorised vehicle under this Act;

[Amended 12/18 (cio 1/10/18).]

(d) a document evidencing the appointment of an examiner or other officers under Part VI;

(e) a certificate of insurance or certificate of security under Part V;

(f) a certificate of fitness;

(g) a prescribed document which may be produced in lieu of a certificate of insurance or a certificate of security under section 68(4);

(h) an insurance vignette;

(i) an Agreed Statement of Facts Form; or

(j) a Minor Road Accident Report Form; or

[Amended 12/18 (cio 1/10/18).]

(k) a parking coupon.

[Added 12/18 (cio 1/10/18).]

(4) In this section -

"parking coupon" means a document allowing a person to park his vehicle in a paid parking zone.

EXPLANATORY COMMENTARY

This section makes it an offence to forge or alter official documents.

The Offence

With intent to deceive, you commit an offence if you:

- Forge, alter, deface, or mutilate a listed document
- Use, sell, supply, lend, or allow others to use a listed document
- Make or possess a listed document

> *Example:* If you forge a driving licence, alter a certificate of fitness, or possess a fake insurance vignette, you commit an offence.

Listed Documents

Listed documents include:

- Licences and permits issued under the Act
- Test certificates
- Vehicle identification documents, plates, or marks
- Certificates of insurance or security
- Certificates of fitness
- Insurance vignettes
- Agreed Statement of Facts Forms

- Minor Road Accident Report Forms
- Parking coupons

Altering Records

You also commit an offence if you alter an entry in a record or register with intent to deceive.

Key Takeaway: Never forge, alter, or misuse official documents. These are serious offences.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 162: Power of Seizure

VERBATIM TEXT

162. Power of seizure

(1) (a) Where a police officer has reasonable cause to believe that a document produced to him under this Act is a document in relation to which an offence has been committed under section 160 or 161, he may seize the document.

(b) Where a document is seized under paragraph (a), the person from whom it was seized shall, unless the document has been previously returned to him or he has been previously charged with an offence under section 160 or 161, be summoned before a District Court to account for his possession of the document.

(c) The Court shall -

(i) make such order respecting the disposal of the document under paragraph (a); and

(ii) award such costs, as the justice of the case may require.

(2) (a) Where a police officer or a vehicle examiner has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver is a document or plate in relation to which an offence has been committed under section 158, 159, 160 or 161 in so far as it applies to -

(i) a carrier's licence under Part VI;

(ii) a document or plate by which, under regulations made under this Act, vehicles are to be identified as being authorised vehicles under Part VI;

(iii) a document evidencing the appointment of an examiner or other officers under Part VI; or

(iv) a record kept under section 87(1)(c), he may seize it.

(b) Where a document or plate is seized under paragraph (a), the driver or the owner of the motor vehicle shall, where the document or plate is still detained and

neither of them has previously been charged with an offence under section 158, 159, 160 or 161, be summoned before a District Court to account for -

(i) his possession of; or

(ii) the presence on the vehicle of, the document or plate.

(c) The Court shall -

(i) make such order in relation to the disposal of the document or plate; and

(ii) award such costs, as the justice of the case may require.

(d) For the purposes of subsection (2), the power to seize includes the power to detach from a vehicle.

EXPLANATORY COMMENTARY

This section gives police and vehicle examiners power to seize documents suspected of being forged or misused.

Seizure of Documents

A police officer can seize a document if they reasonably believe an offence under sections 160 or 161 has been committed in relation to it.

Summons to Court

The person from whom the document was seized must be summoned to a District Court to account for their possession of the document—unless the document has been returned or they've already been charged.

Court's Order

The Court will decide what to do with the document and may award costs.

Seizure from Vehicles

Police officers and vehicle examiners can seize documents or plates from vehicles if they believe an offence has been committed. This includes the power to detach plates from vehicles.

Key Takeaway: Police can seize suspected forged or misused documents. You may have to appear in Court to account for your possession of such documents.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 163: Offences

VERBATIM TEXT

163. Offences

(1) (a) Any person who, without lawful excuse -

(i) refuses or neglects to do anything he is, by this Act, required to do;

(ii) fails to comply with the requirements of a notice served on him under this Act; or

(iii) contravenes this Act, shall commit an offence.

(b) Any person who commits an offence under this Act shall, on conviction, be liable, where no special penalty is provided, to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

[Amended 12/18 (cio 1/10/18); 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(2) (a) Where this Act requires that notice of a change of ownership of a motor vehicle shall be given to the prescribed person and the notice is not given, the person who fails to comply with that provision shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees.

(b) The offender shall, in addition, be liable to a fine not exceeding 500 rupees in respect of each day after the conviction during which failure to comply with the provision continues.

EXPLANATORY COMMENTARY

This section creates a general offence for failing to comply with the Act.

General Offence

You commit an offence if, without lawful excuse, you:

- Refuse or neglect to do anything the Act requires
- Fail to comply with a notice served under the Act
- Contravene the Act

Penalty

Where no special penalty is provided, the penalty is a fine up to **Rs 200,000** and imprisonment up to **5 years**.

> *Example:* If the Act requires you to do something and you don't do it, you can be prosecuted under this section.

Failure to Notify Change of Ownership

If you fail to notify a change of ownership as required, you commit an offence with a fine up to **Rs 5,000**, plus up to **Rs 500 per day** for continuing failure.

Key Takeaway: This section provides a catch-all offence for failing to comply with the Act. The penalties can be substantial.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 164: Driving for More Hours Than Authorised

VERBATIM TEXT

164. Driving for more hours than authorised

Any person who -

(a) drives; or

(b) causes or permits any person employed by him or subject to his orders to drive -

(i) a public service vehicle; or

(ii) such other vehicles or class of vehicles as may be prescribed, in excess of such number of hours as may be prescribed, shall commit an offence.

EXPLANATORY COMMENTARY

This section limits the hours that drivers of public service vehicles can drive.

The Offence

You commit an offence if you:

- Drive a public service vehicle (or prescribed vehicle) for more hours than allowed
- Cause or permit someone you employ to drive for more hours than allowed

> *Example:* If regulations say you can only drive a bus for 8 hours a day, and you drive for 10 hours, you commit an offence. If you're an employer and you require your driver to exceed the limit, you also commit an offence.

Key Takeaway: There are limits on driving hours for public service vehicles. Exceeding these limits is an offence for both drivers and employers.

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End of Part IX – Offences

SUMMARY OF PART IX

Part IX covers a wide range of offences:

- **Speeding:** Fine up to Rs 50,000 (first offence) or Rs 75,000 (repeat offence).
- **Road racing:** Fine of Rs 50,000 to Rs 100,000.
- **Dangerous and careless driving:** Procedures for prosecution.
- **Involuntary homicide:** Related to driving.
- **Arrest powers:** Police can arrest without warrant for serious offences.
- **Driver and owner liability:** Both can be liable for offences.
- **Damaging traffic signs:** Up to 3 months imprisonment.
- **Duty after accident:** Stop, assist, provide details, report to police and insurer.
- **Vehicle testing:** Police can require testing after accidents.
- **Powers to stop and inspect:** Police and authorised officers can stop vehicles and require information.
- **Vehicle lighting:** Required between sunset and sunrise.
- **Unauthorised sale:** Selling unroadworthy vehicles is prohibited.
- **Drivers and attendants:** Minimum requirements for locomotives.
- **Trailer limits:** Maximum number of trailers.
- **Cycle races:** Commissioner can limit or prohibit.
- **Throwing articles:** At or from vehicles is prohibited.
- **Interference with vehicles:** Taking or interfering without consent is an offence.
- **Unauthorised use:** Riding on unsafe parts of vehicles is prohibited.
- **Obstruction:** Deliberately or negligently obstructing vehicles is an offence.
- **Driving animals:** Lighting and tending requirements.
- **Production of documents:** Police can demand registration book, licence, etc.
- **Duty to give information:** Owners must identify drivers.
- **False statements and forged documents:** Serious offences.
- **Power of seizure:** Police can seize suspected forged documents.
- **General offences:** Catch-all provision with significant penalties.
- **Driving hours:** Limits for public service vehicle drivers.

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART X – MISCELLANEOUS

INTRODUCTION TO PART X

Welcome to Part X of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This part of the law is called "Miscellaneous" because it covers a wide range of topics that don't fit neatly into the other parts. But don't let the name fool you—these provisions are far from unimportant. They include:

- **Weight restrictions** on vehicles using roads and bridges
- **Licensing of petrol service stations**
- **Instructor's and driving school licences**—regulating who can teach driving
- **Powers of inspection** for police and authorised officers
- **Powers to affix seals** to vehicles used illegally
- **Evidentiary provisions**—what certificates and documents can be used as evidence in court
- **Advisory bodies**—the National Road Safety Council and Road Transport Advisory Board
- **Traffic control**—powers to regulate and divert traffic
- **Traffic signs**—who can place them and where
- **Regulation-making powers**—the Minister's authority to make detailed rules

Whether you're a driving instructor, a petrol station owner, a vehicle owner, or simply someone who uses Mauritius roads, this part contains provisions that affect you.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 166: Maximum Weight Used on Road

VERBATIM TEXT

166. Maximum weight used on road

(1) (a) The Minister may make regulations determining the maximum -

(i) laden weight; and

(ii) axle weight, of any motor vehicle that may be used on a road.

(b) A person who -

(i) uses; or

(ii) causes or permits any other person to use, a motor vehicle in contravention of the regulations made under paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

(2) (a) The Permanent Secretary or any officer authorised by him may, subject to such conditions as he thinks fit, grant a permit in respect of a motor vehicle, allowing a higher -

(i) laden weight; or

(ii) maximum axle weight, than prescribed.

(b) Where a permit is granted under paragraph (a), it shall not, so long as any condition attached to the permit is complied with, be an offence for such motor vehicle to be used on that road by reason only that the motor vehicle does not comply with any regulations made under paragraph (a).

EXPLANATORY COMMENTARY

This section allows the Minister to set weight limits for vehicles on roads and provides for permits to exceed those limits.

Weight Limits

The Minister can make regulations determining:

- **Maximum laden weight** —the total weight of the vehicle plus its load
- **Maximum axle weight** —the weight transmitted to the road by each axle

> *Example:* Regulations might say that a goods vehicle can't exceed 20 tonnes laden weight. If you load your vehicle beyond that, you commit an offence.

Penalty

Using a vehicle that exceeds weight limits—or causing or permitting someone else to do so—can result in a fine up to **Rs 3,000**.

Permits for Higher Weights

The Permanent Secretary (or an authorised officer) can grant a permit allowing a vehicle to exceed the prescribed weights, subject to conditions.

> *Example:* If you need to transport an unusually heavy piece of machinery, you can apply for a permit to exceed the normal weight limits. As long as you comply with the permit conditions, you won't be prosecuted.

Key Takeaway: Respect weight limits for vehicles. If you need to exceed them, apply for a permit.

Guidance provided by roadsafetymoris.org.in.
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Section 166A: Licensing of Petrol Service Stations

VERBATIM TEXT

166A. Licensing of petrol service stations

(1) No person shall operate -

(a) a petrol service station; or

(b) a private petrol station, unless he is the holder of an appropriate licence issued under this section.

(2) Every application for a licence under this section shall -

(a) be made in writing to the NLTA; and

[Amended 18/19 (cio 16/9/19).]

(b) contain such particulars as the NLTA may require.

[Amended 18/19 (cio 16/9/19).]

(3) NLTA shall cause notice of every application made under this section to be published once in the Gazette and in 2 daily newspapers.

[Amended 18/19 (cio 16/9/19); RR 10/23 (cio 21/8/23).]

(4) (a) NLTA may, after hearing the applicant -

(i) reject the application; or

(ii) grant, in the public interest, the application on such conditions as it may determine; and

(iii) inform the parties accordingly.

[Amended 18/19 (cio 16/9/19); RR 10/23 (cio 21/8/23).]

(b) In exercising its powers under this subsection, NLTA shall have regard, inter alia, to -

(i) the fuel consumption of vehicles owned by, and registered under the name of, the applicant;

(ii) in the case of an application for a petrol service station licence, the interests of the public generally and those of persons who provide and require the services of petrol service stations; and

(iii) in the case of an application for a private petrol station licence, the interests of those who provide the services of petrol service station.

(c) Any person who fails to comply with a condition attached to a licence issued under paragraph (a) shall commit an offence.

(5) Where the holder of a licence -

(a) dies; or

(b) becomes bankrupt or insane, his widow, heir or representative, as the case may be, may, with the consent of the Authority, operate the petrol service station, either personally or through an agent approved by the Authority, for such period and subject to such conditions as NLTA thinks fit.

[Amended 18/19 (cio 16/9/19).]

(6) Subject to subsection (5), no licence shall be transferred or assigned.

(7) (a) A licence issued under this section -

(i) shall be valid for a period of one year; and

(ii) may be renewed every year.

(b) NLTA may, on its own motion or on the written application of any interested person, vary, suspend or revoke a licence, having regard to -

[Amended 18/19 (cio 16/9/19).]

(i) the character or conduct of the licence holder; or

(ii) the manner in which the petrol service station or the private petrol station, as the case may be, is being operated; or

(iii) the fuel consumption of the vehicles of the licence holder.

(c) Where NLTA revokes a licence under paragraph (b), or where installations are effected for the setting up of a petrol service station or a private petrol station without a licence having been obtained under this section, NLTA may -

[Amended 18/19 (cio 16/9/19).]

(i) cause seals to be affixed to a dispensing pump;

(ii) order the removal, by the owner or operator, of the fuel tank and dispensing pump within such delay as it thinks fit.

(d) Any person who fails to comply with an order addressed to him under paragraph (c) shall commit an offence.

(8) Any interested person who is aggrieved by a decision of NLTA under this section may, within 21 days of the date of notification of the decision, appeal to the Appeal Committee by lodging a written application to that effect with the Secretary to the Appeal Committee.

[Amended 18/19 (cio 16/9/19); 1/2020 (cio 16/5/2020).]

(9) (a) Every person to whom a licence is issued shall pay such fee as may be prescribed.

(b) Where the holder of a licence does not intend to renew his licence, he shall, not later than 14 days before the expiry date of the licence, give notice, by registered letter, to NLTA, of his intention not to have his licence renewed.

[Amended 18/19 (cio 16/9/19).]

(c) The holder of a licence who fails to renew his licence within 14 days of its expiry date shall, on renewal of his licence, pay, in addition to the prescribed fee, an amount representing 50 per cent of that fee.

(10) In this section -

"interested person" includes any person who supplies petrol, diesel oil or Liquefied Petroleum Gas to the holder of a licence;

[Amended 10/23 (cio 21/8/23).]

"petrol service station" means any premises where petrol, diesel oil or Liquefied Petroleum Gas is sold by retail to the public;

[Amended 10/23 (cio 21/8/23).]

"private petrol station" means any premises where petrol, diesel oil or Liquefied Petroleum Gas is restored for private consumption.

[Amended 10/23 (cio 21/8/23).]

(11) This section shall be in addition to, and not in derogation from, the Inflammable Liquids and Substances Act.

EXPLANATORY COMMENTARY

This section requires petrol service stations and private petrol stations to be licensed.

Licence Required

You cannot operate a petrol service station or private petrol station without an appropriate licence from the NLTA.

> *Example:* If you want to open a petrol station, you must apply to the NLTA for a licence. Operating without one is an offence.

Application Process

Applications must be:

- Made in writing to the NLTA
- Contain required particulars
- Published in the Gazette and two daily newspapers

NLTA's Decision

The NLTA can grant or reject the application. In deciding, it considers:

- The applicant's fuel consumption
- Public interest
- Interests of existing petrol station operators

Licence Conditions

The NLTA can attach conditions to a licence. Failing to comply with conditions is an offence.

Duration and Renewal

Licences are valid for **one year** and can be renewed annually.

Suspension or Revocation

The NLTA can vary, suspend, or revoke a licence based on:

- The character or conduct of the licence holder
- How the station is being operated
- The licence holder's fuel consumption

Seals and Removal

If a licence is revoked—or if a station operates without a licence—the NLTA can:

- Affix seals to dispensing pumps
- Order removal of fuel tanks and pumps

Appeals

An interested person can appeal to the Appeal Committee within **21 days**.

Late Renewal

If you renew your licence more than 14 days after expiry, you must pay a **50% surcharge**.

Key Takeaway: Petrol service stations and private petrol stations require a licence from the NLTA. Licences are valid for one year and must be renewed. Non-compliance can result in seals being affixed and equipment being removed.

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Section 167: Instructor's and Driving School Licences

VERBATIM TEXT

167. Instructor's and driving school licences

(1) No person shall -

(a) teach; or

(b) cause to be taught, for gain, the driving of motor vehicles, except under the authority of an instructor's licence issued by the Commissioner of Police.

(2) No person shall -

(a) set up; or

(b) maintain, an establishment for teaching, for gain, the driving of motor vehicles, except under the authority of a driving school licence issued by the Commissioner of Police.

EXPLANATORY COMMENTARY

This section requires driving instructors and driving schools to be licensed.

Instructor's Licence

You cannot teach driving for gain—or cause someone else to teach for gain—unless you hold an instructor's licence from the Commissioner of Police.

> *Example:* If you want to work as a driving instructor and charge for your services, you need an instructor's licence. Teaching a friend for free doesn't require a licence, but teaching for payment does.

Driving School Licence

You cannot set up or maintain a driving school for gain unless you hold a driving school licence from the Commissioner of Police.

> *Example:* If you want to open a driving school, you need a driving school licence.

Key Takeaway: Teaching driving for gain requires an instructor's licence. Operating a driving school requires a driving school licence.

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Section 168: Application for Licence

VERBATIM TEXT

168. Application for licence

(1) A person applying for -

(a) an instructor's licence;

(b) a driving school licence; or

(c) a variation of any of the conditions of a licence under paragraph (a) or (b), shall make an application in the prescribed form and submit to the Commissioner of Police such particulars as may be prescribed.

(2) On receipt of an application for an instructor's licence, the Commissioner of Police -

(a) shall cause the applicant's competence to be tested;

(b) may, in the case of an application for an instructor's licence or a driving school licence or any variation of the licence, if he thinks necessary, cause to be verified the facts stated in the application; and

(c) shall grant or refuse a licence or variation, as the case may be, subject to such conditions as he may impose.

(3) A licence under this section shall be valid for such period as may be prescribed and shall be granted on payment of the prescribed fee.

EXPLANATORY COMMENTARY

This section sets out the application process for instructor's and driving school licences.

Application

You must apply in the prescribed form and provide required particulars.

Testing Competence

For an instructor's licence, the Commissioner of Police will test your competence to teach driving.

> *Example:* If you apply to be a driving instructor, you'll need to demonstrate your driving skills and knowledge of the rules.

Verification

The Commissioner may verify the facts stated in your application.

Grant or Refusal

The Commissioner will grant or refuse the licence, subject to any conditions.

Validity

Licences are valid for the prescribed period and require payment of a fee.

Key Takeaway: Instructor's licences require a competence test. Both instructor's and driving school licences require an application and payment of fees.

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Section 169: Appeal

VERBATIM TEXT

169. Appeal

(1) Where the Commissioner of Police refuses to grant -

(a) an instructor's licence;

(b) a driving school licence; or

(c) a variation of the conditions of the licence referred to in paragraph (a) or (b), the applicant may, within 21 days of the notification of the refusal, appeal to the

Appeal Committee in accordance with such procedure and upon payment of such fee as may be prescribed.

[Amended 18/19 (cio 16/9/19); 1/2020 (cio 16/5/2020).]

(2) The decision of the Appeal Committee shall be final.

EXPLANATORY COMMENTARY

This section provides for appeals against refusal of instructor's or driving school licences.

Right of Appeal

If the Commissioner of Police refuses to grant you an instructor's licence, driving school licence, or variation of conditions, you can appeal to the Appeal Committee within **21 days**.

Final Decision

The Appeal Committee's decision is final.

Key Takeaway: If your application for an instructor's or driving school licence is refused, you can appeal to the Appeal Committee within 21 days.

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For more resources, visit roadsafetymoris.org.in.

Section 170: Transfer of Powers

VERBATIM TEXT

170. Transfer of powers

The powers conferred and duties imposed on the Commissioner of Police under sections 167 to 169 may, by Order, be transferred, by the Minister to any other officer.

EXPLANATORY COMMENTARY

This section allows the Minister to transfer powers from the Commissioner of Police to another officer.

Transfer of Powers

The Minister can transfer the powers and duties under sections 167 to 169 (instructor's and driving school licences) to another officer by Order.

Key Takeaway: The Minister can transfer responsibility for instructor's and driving school licences to another officer.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 171: Licence Not Transferable

VERBATIM TEXT

171. Licence not transferable

An instructor's licence and a driving school licence shall -

(a) be personal to the person who is -

(i) teaching, or causing to be taught, the driving of motor vehicles; or

(ii) the proprietor of the driving school; and

(b) not be transferable.

EXPLANATORY COMMENTARY

This section makes instructor's and driving school licences non-transferable.

Personal Licences

These licences are personal to the holder. They cannot be transferred to someone else.

> *Example:* If you hold a driving school licence and you sell your business, the new owner can't simply take over your licence. They must apply for their own licence.

Key Takeaway: Instructor's and driving school licences are personal and cannot be transferred.

Guidance provided by roadsafetymoris.org.in.
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Section 172: Power to Inspect Premises

VERBATIM TEXT

172. Power to inspect premises

(1) A police officer authorised by the Commissioner of Police or an officer in charge of a police station may, for the purpose of examining a motor vehicle in respect of which he has reason to believe that an offence under this Act has been committed, enter any place where he suspects the motor vehicle to be kept.

(2) A police officer authorised by the Commissioner of Police or an officer in charge of a police station, in conducting an investigation in respect of an offence in connection with which a motor vehicle is suspected to be involved, may enter any place to search for and examine the vehicle.

(2A) A road transport inspector authorised by the Chief Commissioner may, for the purpose of an inquiry in respect of a public service vehicle which he has reason to believe that -

(a) is not providing regular service; or

(b) a condition of the licence attached to it has been breached, enter any place where he suspects the public service vehicle is being kept.

[Inserted 10/23 (cio 21/8/23).]

(3) Any person who obstructs an officer, a road transport inspector or a vehicle examiner in the exercise of his powers under this section shall commit an offence.

[RR 10/23 (cio 21/8/23).]

EXPLANATORY COMMENTARY

This section gives police and authorised officers power to enter premises to inspect vehicles.

Powers of Entry

Police officers and officers in charge of police stations can enter any place where they suspect a vehicle involved in an offence is kept.

Road transport inspectors can enter premises to inquire into public service vehicles that aren't providing regular service or where licence conditions have been breached.

> *Example:* If police believe a vehicle involved in a hit-and-run is being kept in a particular garage, they can enter the premises to examine it.

Obstruction

Obstructing an officer in the exercise of these powers is an offence.

> **Key Takeaway:** Police and authorised officers can enter premises to inspect vehicles suspected of being involved in offences. Don't obstruct them.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 173: Power to Affix Seals to Motor Vehicle

VERBATIM TEXT

173. Power to affix seals to motor vehicle

(1) Subject to Part VIIIB, where a person is found, or is reasonably suspected of, using a motor vehicle in contravention of this Act or any regulations or prohibition made under this Act, or in breach of the terms or conditions of the licence for the motor vehicle, and steps are needed to cause a discontinuance of the offence, or where a licence has

been suspended under section 25A or has not been surrendered in accordance with section 29A, a road transport inspector or a police officer may -

[Amended 27/12 (cio 22/12/12); 15/26 (cio 4/9/26).]

(a) take or cause to be taken or require the person in charge to take the vehicle to a place of safety; or

(b) serve a written notice on the owner or person in charge of the vehicle directing him to keep the vehicle at his residence or other place of safety on an appointed date and time, where seals shall be affixed to the vehicle until released by order of the Commissioner or the Commissioner of Police, as the case may be.

(2) A notice referred to under subsection (1)(b) shall be served by -

(a) delivering it to the owner or person in charge of the vehicle; or

(b) forwarding it by registered post addressed to the owner or person in charge of the vehicle, at his last known place of residence or business or any address furnished by him.

(3) Any person who -

(a) refuses or neglects to comply with a direction under subsection (1);

(b) breaks the seals or removes the motor vehicle from the place of safety pending the order of the -

(i) Chief Commissioner; or

[Amended 18/19 (cio 16/9/19).]

(ii) Commissioner of Police, shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees nor more than 10,000 rupees.

EXPLANATORY COMMENTARY

This section allows road transport inspectors and police officers to affix seals to vehicles used illegally.

When Seals Can Be Affixed

Seals can be affixed when:

- A person is found or suspected of using a vehicle in contravention of the Act
- Steps are needed to stop the offence
- A licence has been suspended under section 25A
- A licence hasn’t been surrendered under section 29A

Powers

The inspector or officer can:

- Take the vehicle to a place of safety
- Serve a notice requiring the owner to keep the vehicle at a specified place where seals will be affixed

> *Example:* If your vehicle licence has been suspended but you continue to use the vehicle, a police officer can seize the vehicle and affix seals to prevent its use.

Offences

It's an offence to:

- Refuse or neglect to comply with a direction
- Break the seals
- Remove the vehicle from the place of safety

Penalty

The penalty is a fine of **Rs 5,000 to Rs 10,000**.

Key Takeaway: Vehicles used illegally can have seals affixed. Breaking seals or removing the vehicle is an offence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 173A: Power to Seize Vehicle

VERBATIM TEXT

173A. Power to seize vehicle

(1) Where the owner of a motor vehicle is convicted of an offence under section 173, expenses incurred by or on behalf of the Chief Commissioner or the Commissioner of Police in implementing that section shall be recoverable as a civil debt from the owner of the motor vehicle.

[Amended 18/19 (cio 16/9/19).]

(2) (a) Where a motor vehicle is detained under section 173, the Chief Commissioner or the Commissioner of Police shall, with all reasonable despatch, give notice in writing to the owner, where his name and address is known, of the seizure.

[Amended 18/19 (cio 16/9/19).]

(b) Where the motor vehicle is not claimed by its owner within one month of the date of its detention, the Chief Commissioner or the Commissioner of Police may, after giving one month's notice in the Gazette of his intention to do so, sell by public auction or otherwise dispose of the motor vehicle.

[Amended 18/19 (cio 16/9/19).]

(c) Any proceeds from the sale or disposal of the motor vehicle shall be applied in payment of -

(i) any licence fee which may be due in respect of the motor vehicle;

(ii) any charge incurred in implementing this section.

(d) Any surplus shall be -

(i) paid to the owner of the motor vehicle; or

(ii) where it is not claimed by the owner of the vehicle within 12 months after the date of its sale or disposal, forfeited to the Government.

EXPLANATORY COMMENTARY

This section deals with expenses and disposal of seized vehicles.

Recoverable Expenses

If you're convicted of an offence under section 173, expenses incurred by the authorities in implementing that section can be recovered from you as a civil debt.

Notice of Seizure

The authorities must give written notice of the seizure to the owner if their name and address is known.

Unclaimed Vehicles

If a seized vehicle isn't claimed within **one month**, the authorities can:

1. Give one month's notice in the Gazette
2. Sell the vehicle by public auction or dispose of it

Proceeds

Proceeds from the sale are used to pay:

- Any licence fee due
- Any charges incurred

Surplus

Any surplus is:

- Paid to the owner if claimed within **12 months**
- Forfeited to the Government if not claimed within 12 months

Key Takeaway: Seized vehicles not claimed within one month can be sold. Expenses are recoverable from the owner if convicted.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 174: Certificate of Examination Admissible

VERBATIM TEXT

174. Certificate of examination admissible

(1) Where, in any proceedings under this Act, a question arises as to whether a motor vehicle or trailer does or does not comply with this Act, a certificate -

(a) purporting to be signed by an authorised examiner or a vehicle examiner, as the case may be, that he has examined the vehicle or trailer; and

[Amended 19/16 (cio 3/11/16).]

(b) specifying the result of his examination, shall be sufficient evidence of any fact or opinion stated in it relating to the matter in question, without proof of the handwriting of that vehicle examiner, unless the Court decides that the attendance of the authorised examiner or vehicle examiner is necessary.

[Amended 19/16 (cio 3/11/16).]

(2) In any proceedings under section 142(1)(b)(vii), a certificate purporting to be signed by the an authorised examiner or a vehicle examiner shall be sufficient evidence of the facts stated in it, without proof of the handwriting of that officer, unless the Court decides that the attendance of that officer is necessary.

[Amended 19/16 (cio 3/11/16).]

EXPLANATORY COMMENTARY

This section makes certificates of examination admissible as evidence.

Certificate as Evidence

In proceedings under the Act, a certificate signed by an authorised examiner or vehicle examiner stating:

- That they examined the vehicle
- The result of the examination

...is sufficient evidence of the facts or opinions stated, without needing to prove the examiner's handwriting—unless the Court decides the examiner's attendance is necessary.

> *Example:* If you're prosecuted for driving a vehicle with faulty brakes, a certificate from an examiner stating the brakes were faulty can be used as evidence without the examiner having to appear in court.

Key Takeaway: Certificates of examination are admissible as evidence in proceedings under the Act.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 175: Certificate of Ownership or Driver Admissible

VERBATIM TEXT

175. Certificate of ownership or driver admissible

(1) In any proceedings for an offence under this Act, a certificate in the prescribed form -

(a) purporting to be signed by a road transport inspector or by a police officer of or above the rank of Sergeant; and

(b) certifying that a person specified in the certificate stated to the road transport inspector or to the police officer that a particular motor vehicle -

(i) was being driven by, or belonged to, that person on a particular occasion;

(ii) belonged, on a particular occasion, to a firm in which that person also stated that he was, at the time of the statement, a partner; or

(iii) belonged, on a particular occasion, to a corporation of which that person also stated that he was, at the time of the statement, a director, officer or employee, shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven, or to whom it belonged, as the case may be, on that occasion.

(2) This section shall not be deemed to make a certificate admissible as evidence in proceedings for an offence -

(a) unless a copy of the certificate has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; or

(b) where the person charged with the offence -

(i) not later than 3 days before the hearing or trial; or

(ii) within such additional time as the Court may, in special circumstances, allow, serves notice on the prosecutor requiring the attendance at the trial of the person who signed the certificate.

EXPLANATORY COMMENTARY

This section makes certificates of ownership or driver admissible as evidence.

Certificate as Evidence

A certificate signed by a road transport inspector or police officer of or above the rank of Sergeant, stating that a person admitted:

- Driving or owning a vehicle on a particular occasion
- Being a partner in a firm that owned the vehicle
- Being a director, officer, or employee of a corporation that owned the vehicle

...is admissible as evidence of who was driving or who owned the vehicle.

Conditions

The certificate is only admissible if:

- A copy was served on the accused at least **7 days** before the hearing
- The accused didn't require the attendance of the person who signed the certificate

> *Example:* If you admit to a police officer that you were driving a vehicle at the time of an offence, the officer can sign a certificate recording your admission. This certificate can be used as evidence in court.

Key Takeaway: Certificates recording admissions about driving or ownership are admissible as evidence if proper notice is given.

Guidance provided by roadsafetymoris.org.in.
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Section 176: Extract of Register Admissible

VERBATIM TEXT

176. Extract of register admissible

(1) An extract from the register or other records kept under this Act shall, if it purports to be certified to be a true extract by the officer having custody or control of the register or records or by a police officer having made the extract from any electronically recorded form of such register or records kept under this Act, be received in a Court on production by any person and without further proof as prima facie evidence of the facts stated in it.

(2) The registration book of a motor vehicle or trailer shall be received in a Court on production by any person and without further proof as prima facie evidence of the facts stated in the book.

EXPLANATORY COMMENTARY

This section makes extracts from registers and registration books admissible as evidence.

Extracts from Registers

An extract from the register or other records, certified as a true extract by the officer having custody or by a police officer, is prima facie evidence of the facts stated.

Registration Books

A registration book is prima facie evidence of the facts stated in it when produced in Court.

> *Example:* If there's a dispute about who owns a vehicle, the registration book can be produced in Court as evidence of ownership.

Key Takeaway: Extracts from registers and registration books are admissible as evidence in Court.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 177: Chief Commissioner to Resolve Doubt

VERBATIM TEXT

177. Chief Commissioner to resolve doubt

[Amended 18/19 (cio 16/9/19).]

(1) (a) Where a doubt arises as to whether a vehicle or class or type of vehicle falls within a particular class or type of vehicle under this Act, the matter shall be referred to the Chief Commissioner.

[Amended 18/19 (cio 16/9/19).]

(b) The Chief Commissioner shall determine within what particular class or type of vehicle the vehicle falls.

[Amended 18/19 (cio 16/9/19).]

(2) A decision given by the Chief Commissioner under this section shall be final.

[Amended 18/19 (cio 16/9/19).]

EXPLANATORY COMMENTARY

This section allows the Chief Commissioner to resolve doubts about vehicle classification.

Resolving Doubts

If there's doubt about whether a vehicle falls within a particular class or type, the matter is referred to the Chief Commissioner, who determines the correct classification.

> *Example:* If it's unclear whether a particular vehicle is a "motor car" or a "dual purpose vehicle," the Chief Commissioner will decide.

Final Decision

The Chief Commissioner's decision is final.

Key Takeaway: The Chief Commissioner resolves doubts about vehicle classification, and their decision is final.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 178A: National Road Safety Council

VERBATIM TEXT

178A. National Road Safety Council

(1) There shall be established for the purposes of this Act a National Road Safety Council.

(2) The functions of the Council shall be to -

(a) advise the Minister on -

(i) the introduction of appropriate road safety measures;

(ii) appropriate methods to promote the education of road users and the organisation of road safety campaigns;

(iii) proper law enforcement methods, introduction of appropriate legislation and the need for amendment of existing legislation with regard to road safety;

(iv) the condition and maintenance of vehicles; and

(v) driver training;

(b) analyse data on road accidents, identify dangerous spots where accidents frequently occur, and suggest remedial measures;

(c) appraise and assess the cost effectiveness of road safety measures;

(d) ensure coordination among the various Government bodies and motoring organisations dealing with road safety matters; and

(e) consider, either on its own initiative or upon reference from the Minister, any matter relating to road safety and the prevention of road accidents and to tender advice to the Minister on the matter.

(3) The Council shall consist of -

(a) a Chairperson, to be appointed by the Minister;

(b) the Permanent Secretary of the Ministry responsible for the subject of land transport, or his representative;

(c) a representative of the Traffic Management and Road Safety Unit;

[Amended 18/19 (cio 16/9/19).]

(d) a representative of the Attorney-General's Office;

(e) a representative of the Commissioner of Police;

(f) a representative of the NLTA;

[Amended 18/19 (cio 16/9/19).]

(g) a representative of the Ministry responsible for the subject of health;

(h) a representative of the Ministry responsible for the subject of education;

(i) a representative of the Road Development Authority;

(j) a representative of the Association of Urban Authorities;

(k) a representative of the Association of District Councils;

(l) a representative of the motor insurance business, to be appointed by the Minister;

(m) 2 persons engaged in the road transport industry, to be appointed by the Minister; and

(n) 2 members of the public with adequate knowledge in psychology, advertising or mass communication, to be appointed by the Minister.

(4) Every appointed member shall hold office on such terms and conditions, and for such time, as the Minister may determine.

(5) (a) There shall be a Secretary to the Council who shall be a public officer designated by the Minister.

(b) The Secretary shall keep all the records of proceedings of the Council in safe custody.

(6) The Chairperson, the Secretary and every other member shall be paid such fees as the Minister may determine.

(7) (a) The Council shall meet as often as necessary and at least once a month.

(b) Eight members of the Council shall constitute a quorum.

(c) Subject to this section, the Council shall regulate its proceedings in such manner as it thinks fit.

(8) The Council shall furnish to the Minister such information with respect to its activities as the Minister may require.

EXPLANATORY COMMENTARY

This section establishes the National Road Safety Council.

Purpose

The Council advises the Minister on road safety matters and works to prevent road accidents.

Functions

The Council:

- Advises on road safety measures, education, enforcement, vehicle maintenance, and driver training
- Analyses accident data and identifies dangerous spots
- Assesses cost-effectiveness of safety measures
- Coordinates Government bodies and motoring organisations
- Considers any road safety matter referred to it

Composition

The Council includes representatives from:

- The Ministry responsible for land transport
- Traffic Management and Road Safety Unit
- Attorney-General's Office
- Commissioner of Police
- NLTA
- Ministries of health and education
- Road Development Authority
- Local authorities
- Motor insurance business
- Road transport industry
- Members of the public with relevant expertise

Meetings

The Council meets at least once a month, with a quorum of eight members.

Key Takeaway: The National Road Safety Council advises the Minister on road safety and works to prevent accidents.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 178B: Road Transport Advisory Board

VERBATIM TEXT

178B. Road Transport Advisory Board

(1) There shall be established for the purposes of this Act a Road Transport Advisory Board.

(2) The functions of the Board shall be to -

(a) advise the Minister on the formulation of policies on road transport planning, management and economics;

(b) advise the Minister on the overall structure of the bus industry to ensure its financial viability;

(c) advise on the form and level of Government assistance in matters of road transport;

(d) make proposals on road transport pricing policies as and when required; and

(e) consider, either on its own or on reference from the Minister, any matter affecting road transport and tender advice to the Minister on the matter.

(3) The Board shall consist of -

(a) a Chairperson, to be appointed by the Minister;

(b) a representative of the NLTA;

[Amended 18/19 (cio 16/9/19).]

(c) a representative of the Ministry responsible for the subject of land transport;

(d) a representative of the Ministry responsible for the subject of finance;

(e) -;

(f) 2 persons engaged in the road transport industry, to be appointed by the Minister;

(g) 2 persons with adequate knowledge in road transport and finance, to be appointed by the Minister; and

(h) 2 other fit and proper persons, to be appointed by the Minister.

(4) Every appointed member shall hold office on such terms and conditions and for such time as the Minister may determine.

(5) The Chairperson and every other member shall be paid such fees as the Minister may determine.

(6) The Board may, with the approval of the Minister -

(a) co-opt any person on the Board; and

(b) enlist the services of any person or firm.

(7) (a) The Board shall meet as often as necessary and at least once a month.

(b) The meetings of the Board shall be convened by the Chairperson or, in his absence, by the Minister.

(c) The Board shall otherwise regulate its proceedings as it thinks fit.

(d) Six members of the Board shall constitute a quorum.

(8) The Minister may, in relation to the exercise by the Board of its functions, give such directions of a general character to the Board as he considers necessary in the public interest, and the Board shall comply with these directions.

(9) The Board shall furnish to the Minister such information with respect to its activities as the Minister may require.

(10) Every member of the Board shall -

(a) maintain and aid in maintaining the secrecy of any matter which comes to his knowledge in the performance of his duties; and

(b) refrain from revealing to an unauthorised person any matter specified in paragraph (a).

(11) Any member of the Board who, without lawful or reasonable excuse, contravenes subsection (10), shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

EXPLANATORY COMMENTARY

This section establishes the Road Transport Advisory Board.

Purpose

The Board advises the Minister on road transport planning, management, economics, and policies.

Functions

The Board:

- Advises on road transport policies
- Advises on the bus industry's structure and financial viability
- Advises on Government assistance
- Makes proposals on pricing policies
- Considers any road transport matter referred to it

Composition

The Board includes representatives from:

- NLTA
- Ministry responsible for land transport
- Ministry responsible for finance
- Road transport industry
- Persons with expertise in road transport and finance
- Other fit and proper persons

Meetings

The Board meets at least once a month, with a quorum of six members.

Confidentiality

Members must maintain secrecy about matters coming to their knowledge in the performance of their duties. Breaching this is an offence with a fine up to **Rs 10,000** and imprisonment up to **2 years**.

Key Takeaway: The Road Transport Advisory Board advises the Minister on road transport policy and planning. Members must maintain confidentiality.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 179: Control of Roads and Traffic

VERBATIM TEXT

179. Control of roads and traffic

(1) The Minister may, by regulations -

(a) prohibit a specified description of traffic from using a road;

(b) restrict the volume or speed of a specified description of traffic on a road;

(c) prohibit a specified description of traffic from travelling on a road otherwise than in a specified direction;

(d) prohibit or restrict -

(i) the stopping or waiting of any description of traffic; or

(ii) the loading or unloading of vehicles on a road;

(e) prohibit the use of a road by through traffic;

(f) prohibit or restrict the overtaking of traffic by vehicles or any class of vehicles on a road;

(g) restrict the use of a road to -

(i) traffic of a special description; or

(ii) vehicles being used for a specified purpose or by or under the directions of a specified person; or

(h) prohibit the use of a road by -

(i) animals or vehicular traffic of a kind; or

(ii) vehicular traffic in a manner, which is unsuitable, having regard to the existing character of the road or adjoining property.

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

[Inserted 8/24 (cio 10/1/25).]

(3) Any person who fails to comply with any regulations made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

[Amended 8/24 (cio 10/1/25).]

EXPLANATORY COMMENTARY

This section allows the Minister to control roads and traffic by regulations.

Regulation-Making Power

The Minister can:

- Prohibit certain types of traffic from using a road

- Restrict traffic volume or speed
- Prohibit travel in certain directions
- Prohibit or restrict stopping, waiting, loading, or unloading
- Prohibit through traffic
- Prohibit or restrict overtaking
- Restrict roads to certain types of traffic or purposes
- Prohibit unsuitable traffic

> *Example:* The Minister might prohibit heavy goods vehicles from using a residential road, or restrict traffic speed on a dangerous stretch of road.

Enforcement

Police officers have powers to enforce these regulations.

Penalty

Failing to comply with these regulations can result in a fine up to **Rs 500**.

Key Takeaway: The Minister can control roads and traffic through regulations. Police enforce these rules, and non-compliance can result in fines.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 180: Diversion of Traffic

VERBATIM TEXT

180. Diversion of traffic

(1) Subject to this section, where the Minister is satisfied that traffic on a road, the maintenance of which he is responsible for, should, by reason of works of repair or construction being required or being in progress on or near that road, be diverted onto any other road, he may give written approval to -

[Amended 18/25 (cio 9/8/25).]

(a) prohibit or restrict the use of that road in such manner as may be specified; and

(b) direct that such traffic as may be affected by the prohibition or restriction use other existing roads.

(2) Where any part of a road is subject to a traffic diversion -

(a) the Permanent Secretary shall cause a press communiqué to be published in 2 daily newspapers prior to the implementation of the diversion, specifying -

(i) the part of the road which shall be closed;

(ii) the commencement date and last date of the diversion; and

(iii) the alternative route which shall be made available for the diverted traffic;

(b) the relevant authority which implements the traffic diversion shall cause temporary retro-reflective traffic signs -

(i) to be displayed in a conspicuous manner -

(A) at the starting point and end of the diversion;

(B) at every location where vehicles are required to divert from the normal route; and

(C) along the alternative route; and

(ii) to be removed immediately after the diversion is no longer required and the normal route is reopened.

[RR 18/25 (cio 9/8/25).]

(3) In addition to the powers conferred on him by subsection (1), the Minister may, by means of suitable barriers, close or restrict the use of a road, the maintenance of which he is responsible for, for the purposes of repair or reconstruction provided that -

(a) where possible, a diversion for the passage of traffic is provided; and

(b) adequate traffic signs are displayed in accordance with section 185(2), giving reasonable warning to traffic using the road at the closure or restriction.

(4) Any person who -

(a) uses; or

(b) causes or permits the use of, a vehicle in contravention of this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200 rupees.

[Amended 18/25 (cio 9/8/25).]

EXPLANATORY COMMENTARY

This section allows for traffic diversion when roads are being repaired or constructed.

Diversion of Traffic

When road works require traffic to be diverted, the Minister can:

- Prohibit or restrict use of the road
- Direct traffic to use other roads

Public Notice

Before a diversion, the Permanent Secretary must publish a press communiqué in two daily newspapers specifying:

- The part of the road to be closed
- The dates of the diversion
- The alternative route

Traffic Signs

The authority implementing the diversion must display temporary retro-reflective traffic signs:

- At the start and end of the diversion
- Where vehicles must divert
- Along the alternative route

The signs must be removed once the diversion ends.

Penalty

Using a vehicle in contravention of a diversion can result in a fine up to **Rs 200**.

> **Key Takeaway:** Traffic diversions must be properly publicised and signed. Failure to follow diversion signs can result in a fine.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 181: Regulation of Traffic

VERBATIM TEXT

181. Regulation of traffic

(1) Where, in the opinion of the Commissioner of Police, a road is liable or likely to be thronged or obstructed, he or a police officer may -

(a) direct the route to be observed by -

(i) vehicles which are in use or are being driven or propelled in or near to that road; or

(ii) persons riding or driving an animal in or near to that road;

(b) prevent -

(i) vehicles or any class of vehicles;

(ii) pedestrians; or

(iii) persons riding or driving any animals, from going into that road;

(c) require heavy or slow moving vehicles to keep to a particular portion of that road;

(d) (i) prescribe the line to be kept by persons using that road; and

(ii) compel them to keep to that line; or

(e) generally do all that is necessary to -

(i) prevent a congestion of the traffic; and

(ii) provide for the safety and convenience of the public.

(2) The Commissioner of Police, or a police officer acting under his authority, may prohibit or restrict the use of a road by vehicles and pedestrians on the occasion of -

(a) a parade;

(b) a procession;

(c) a sport;

(d) a race; or

(e) any other public gathering.

(3) Any person who -

(a) disregards; or

(b) fails to obey, a reasonable order of the Commissioner of Police or a police officer acting under his authority, given under this section, shall commit an offence.

EXPLANATORY COMMENTARY

This section gives the Commissioner of Police powers to regulate traffic.

Powers to Prevent Congestion

If a road is likely to be congested or obstructed, the Commissioner of Police or a police officer can:

- Direct the route vehicles should take
- Prevent vehicles, pedestrians, or animals from entering the road
- Require heavy or slow vehicles to keep to a particular portion of the road
- Prescribe the line to be kept
- Do anything necessary to prevent congestion and ensure public safety

> *Example:* During rush hour, a police officer might direct traffic to take a different route to avoid congestion.

Public Events

The Commissioner of Police can prohibit or restrict road use during:

- Parades
- Processions
- Sports events
- Races
- Other public gatherings

Penalty

Disregarding or failing to obey a reasonable order is an offence.

Key Takeaway: Police can regulate traffic to prevent congestion and ensure safety. Failing to obey reasonable orders is an offence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 182: Control of Traffic at Fires

VERBATIM TEXT

182. Control of traffic at fires

(1) The senior police officer present at a fire may stop and regulate the traffic, vehicular or pedestrian, on a road, if he considers it necessary or desirable to do so for -

(a) the purpose of facilitating the extinguishing of the fire; or

(b) the safety or protection of life or property.

(2) Any person disregarding or failing to obey a reasonable order of the senior police officer, or any police officer acting under his authority, given with the object of implementing subsection (1), shall commit an offence.

EXPLANATORY COMMENTARY

This section gives police officers powers to control traffic at fires.

Powers at Fires

The senior police officer at a fire can stop and regulate traffic (vehicular or pedestrian) if necessary to:

- Help extinguish the fire
- Protect life or property

> *Example:* If a building is on fire, police can divert traffic away from the area to allow fire engines to access the scene and to protect the public.

Penalty

Disregarding or failing to obey a reasonable order is an offence.

Key Takeaway: Police can control traffic at fires to facilitate firefighting and protect life and property.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 183: Prohibiting Use of Bridges by Vehicles

VERBATIM TEXT

183. Prohibiting use of bridges by vehicles

(1) Where the Minister is satisfied that a bridge over which a road passes is insufficient to carry vehicles the gross weight of which exceeds a certain limit, he may, by a conspicuous notice placed in a proper position at each end of the bridge, prohibit the use of the bridge by a vehicle whose gross weight exceeds the weight specified in the notice.

(2) In this section, "placed in a proper position" means placed in such a position -

(a) on or near the bridge; or

(b) on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it.

(3) (a) The fact that a prohibition under subsection (1) has been made by the Minister and has been notified in the manner prescribed in that subsection shall be published in the Gazette.

(b) An omission to publish the prohibition and notification shall not affect the validity of the prohibition or notification.

(4) (a) Where, without the consent of the Minister, a vehicle is driven across a bridge in contravention of a notice placed under subsection (1) -

(i) the driver of the vehicle; or

(ii) the person who causes or permits it to be driven, shall, without prejudice to any civil liability incurred by him in the case of damage being caused to the bridge or otherwise, commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

(b) Where, in any proceedings under this subsection, the prosecutor satisfies the Court that there are reasonable grounds for believing that the gross weight of the vehicle exceeded the weight specified in the notice, the burden shall lie on the defendant to prove that the gross weight of the vehicle did not exceed the weight specified in the notice.

EXPLANATORY COMMENTARY

This section allows the Minister to prohibit heavy vehicles from using weak bridges.

Weight Restrictions on Bridges

If the Minister believes a bridge can't safely carry vehicles above a certain weight, they can place a conspicuous notice at each end of the bridge prohibiting vehicles above that weight.

> *Example:* If a bridge has a 10-tonne limit, a notice will be placed at each end. If you drive a 15-tonne vehicle across, you commit an offence.

Publication

The prohibition must be published in the Gazette, but failure to publish doesn't invalidate it.

Penalty

Driving a vehicle across a bridge in contravention of a notice—or causing or permitting someone else to do so—can result in a fine up to **Rs 1,000**.

Burden of Proof

If the prosecution shows reasonable grounds for believing the vehicle exceeded the weight limit, the burden shifts to the defendant to prove it didn't.

Key Takeaway: Respect weight limits on bridges. Exceeding them can result in fines and liability for damage.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 184: Traffic Signs

VERBATIM TEXT

184. Traffic signs

(1) Subject to, and in conformity with, such general or other directions as may be given by the Minister, the Permanent Secretary or the Commissioner of Police may cause or permit traffic signs to be placed on or near any road.

(2) Notwithstanding any other enactment, no traffic sign shall be placed on or near a road except by, or with the consent of, the Permanent Secretary or the Commissioner of Police.

(3) Traffic signs shall be of the prescribed size, colour and type except where the Minister authorises the erection or retention of a sign of another character.

(4) (a) No traffic sign, other than a traffic sign placed by or with the consent of the Permanent Secretary, or the Commissioner of Police, shall be placed on or near a road except under and in accordance with this section.

(b) Nothing in this section shall apply to -

(i) a notice in respect of the use of a bridge; or

(ii) a traffic sign placed by the owners or workers of a tramway or light rail undertaking, a dock undertaking or a harbour undertaking under powers conferred by any enactment.

[Amended 18/19 (cio 16/9/19).]

(5) (a) The Permanent Secretary or the Commissioner of Police shall, by notice in writing, require the owner or occupier of any land adjacent to a road on which there is -

(i) a traffic sign;

(ii) an object which so closely resembles a traffic sign that it might reasonably be taken to be a sign; or

(iii) an advertisement and on which road a speed exceeding 30 miles an hour is permitted, to remove the sign or advertisement.

(b) Where a person fails to comply with a notice under paragraph (a), the Permanent Secretary or the Commissioner of Police may effect the removal of the sign or advertisement, doing as little damage as may be, and the expense incurred in the removal may be recovered as a civil debt from the defaulting person.

(c) Paragraph (a) shall not apply to a sign or object which complies with subsection (3) and the retention of which is expressly authorised by the Permanent Secretary or the Commissioner of Police.

(6) The Permanent Secretary or the Commissioner of Police may enter any land and exercise such other powers as may be necessary in the performance of his functions under this section.

EXPLANATORY COMMENTARY

This section regulates the placement of traffic signs.

Who Can Place Traffic Signs?

Only the Permanent Secretary or the Commissioner of Police can place traffic signs on or near roads—or authorise others to do so.

> *Example:* If you want to place a sign on a public road, you need consent from the Permanent Secretary or Commissioner of Police.

Prescribed Signs

Traffic signs must be of the prescribed size, colour, and type, unless the Minister authorises otherwise.

Removal of Unauthorised Signs

The Permanent Secretary or Commissioner of Police can require the owner or occupier of land adjacent to a road to remove:

- Unauthorised traffic signs
- Objects resembling traffic signs
- Advertisements on roads where speed exceeds 30 mph

If the person doesn't comply, the authorities can remove the sign and recover the cost.

Powers of Entry

The Permanent Secretary or Commissioner of Police can enter land to exercise these functions.

Key Takeaway: Only authorised persons can place traffic signs. Unauthorised signs and advertisements can be removed at the owner's expense.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 185: Temporary Traffic Signs

VERBATIM TEXT

185. Temporary traffic signs

(1) A police officer, or a person acting under the instructions of the Commissioner of Police, may place on -

(a) a road;

(b) a structure on a road, a traffic sign of any size, colour or type prescribed or authorised under section 184(3), which indicates such prohibitions, restrictions or requirements relating to vehicular traffic as may be necessary or expedient to prevent or mitigate -

(i) congestion or obstruction of traffic; or

(ii) danger to or from traffic in consequence of an accident or other unforeseen or extraordinary circumstances.

(2) The powers conferred by subsection (1) may also be exercised by the Permanent Secretary or the Road Development Authority when engaged upon works of maintenance or reconstruction in respect of the length of road which is being maintained or reconstructed.

(3) A traffic sign placed in accordance with this section shall be removed as soon as the circumstances or works on account of which it was placed have ceased to exist, or have been completed.

EXPLANATORY COMMENTARY

This section allows for temporary traffic signs in certain circumstances.

When Temporary Signs Can Be Placed

Temporary traffic signs can be placed to:

- Prevent or reduce congestion or obstruction
- Prevent or reduce danger from accidents or unforeseen circumstances

> *Example:* If there's an accident blocking a road, police can place temporary signs directing traffic around the incident.

Who Can Place Them

- Police officers or persons acting under the Commissioner of Police's instructions
- The Permanent Secretary or Road Development Authority during road works

Removal

Temporary signs must be removed once the circumstances requiring them have ended.

Key Takeaway: Temporary traffic signs can be placed to manage traffic during incidents or road works. They must be removed when no longer needed.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 186: Experimental Scheme of Traffic Control

VERBATIM TEXT

186. Experimental scheme of traffic control

Where it appears, to the Commissioner of Police, expedient to do so for the purpose of carrying out, within a specified area, an experimental scheme of traffic control, he may, with the consent of the Minister and after giving such notice as the Minister may direct, make regulations for controlling vehicular traffic in that area in any manner specified by the regulations.

EXPLANATORY COMMENTARY

This section allows for experimental traffic control schemes.

Experimental Schemes

The Commissioner of Police can make regulations for experimental traffic control schemes in a specified area, with the Minister's consent and after giving notice.

> *Example:* If the authorities want to test a new traffic management system in a particular area, they can introduce it on an experimental basis.

Key Takeaway: Experimental traffic control schemes can be introduced with the Minister's consent.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 187: Register of Repaired Vehicles

VERBATIM TEXT

187. Register of repaired vehicles

(1) Every repairer of motor vehicles or trailers shall keep a register in the prescribed form of -

(a) all motor vehicles and trailers repaired by him or kept on premises occupied by him whether for repairs or not; and

(b) any work done or repair effected to a motor vehicle or trailer.

(2) The pages of the register under subsection (1) shall be numbered and bear the initials of the Superintendent of Police of the district in which the business is carried on.

(3) The register shall be produced on demand to a police officer not below the rank of Sergeant or to a vehicle examiner.

(4) Any person who fails to comply with this section or makes a false entry in the register kept under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

EXPLANATORY COMMENTARY

This section requires vehicle repairers to keep a register.

Register Requirements

Every vehicle repairer must keep a register of:

- All vehicles repaired or kept on their premises
- All work done or repairs effected

Page Numbering

The register's pages must be numbered and bear the initials of the Superintendent of Police for the district.

Inspection

The register must be produced on demand to a police officer of or above the rank of Sergeant or a vehicle examiner.

Penalty

Failing to comply or making a false entry can result in a fine up to **Rs 500**.

Key Takeaway: Vehicle repairers must keep a register of vehicles and work. It must be available for police inspection.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 188: Proceedings

VERBATIM TEXT

188. Proceedings

(1) Where it is averred, in any proceedings for an offence under this Act, that a person has unlawfully used a motor vehicle, or caused or permitted it to be so used, for hire or reward or for the conveyance of passengers at separate fares, and it is proved that the motor vehicle was not licensed to be used for that purpose, the Court may convict that person where, having regard to all the circumstances of the case, it can reasonably be inferred that he did so use, or cause or permit to be so used, the vehicle.

(2) In all prosecutions before a Court, a certificate under the hand of -

(a) the licensing officer; or

(b) the Chief Commissioner,

[Amended 18/19 (cio 16/9/19).]

shall be sufficient evidence of the facts stated in it, without proof of the handwriting of that officer, unless the Court decides that the attendance of the officer is necessary.

EXPLANATORY COMMENTARY

This section deals with evidence in proceedings.

Inference of Unlawful Use

If it's proved that a vehicle wasn't licensed for hire or reward, the Court can convict the person if it can reasonably infer they used it for that purpose.

> *Example:* If you're using an unlicensed vehicle to carry passengers for payment, the Court can infer unlawful use from the circumstances.

Certificates as Evidence

A certificate signed by the licensing officer or Chief Commissioner is sufficient evidence of the facts stated, unless the Court requires the officer's attendance.

Key Takeaway: Courts can infer unlawful use from circumstances. Certificates from licensing officers and the Chief Commissioner are admissible as evidence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 188A: Admissibility of Certain Evidence

VERBATIM TEXT

188A. Admissibility of certain evidence

(1) Evidence of a fact relevant to proceedings for an offence under this Act may be given by a police officer by the production of -

(a) a measurement or record approved by the Commissioner of Police; and

(b) a statement, signed by a police officer, as to the circumstances in which the measurement or record was produced.

[Amended 15/26 (cio 4/9/26).]

(2) [Repealed 15/26 (cio 4/9/26).]

EXPLANATORY COMMENTARY

This section allows police officers to give evidence through measurements or records.

Evidence by Production

A police officer can give evidence by producing:

- A measurement or record approved by the Commissioner of Police
- A statement signed by a police officer about how the measurement or record was produced

> *Example:* If a speed camera records you speeding, the record can be produced as evidence, along with a statement about how it was obtained.

Key Takeaway: Measurements and records approved by the Commissioner of Police are admissible as evidence.

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Section 190: Regulations

VERBATIM TEXT

190. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the levying of fees and taking of charges.

(3) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

[Amended 1/2020 (cio 16/5/2020).]

(4) In particular and without prejudice to the generality of the power under subsection (1), the Minister may make provision for -

(a) anything which by this Act may or is to be prescribed;

(b) prescribing the forms to be used;

(c) the fees payable for licences and the various appeals, documents and services specified in this Act;

(d) (i) the circumstances in which fees paid may be refunded either in whole or in part;

(ii) the allocating of taxes and fees paid; and

(iii) the rendering of accounts;

(e) (i) the form of -

(A) vehicle and motor vehicle licences;

(B) driving licences and all other licences;

(C) registration books;

(D) certificates of all kinds; and

(ii) the conditions attaching to the licences, books and certificates under sub-paragraph (i), and the conditions precedent to their issue and, where applicable, the periods of the validity of, and the manner of displaying, the certificates and licences;

(f) measures to -

(i) prevent a person holding illegally more than one licence, registration book or certificate; and

(ii) facilitate the identification of the holders of the licence, registration book or certificate;

(g) (i) regulating the particulars that are to be marked on vehicles, motor vehicles or trailers and the manner in which they are to be displayed or affixed; and

(ii) prohibiting the display on a motor vehicle or trailer of any registration or distinguishing mark, other than that of the country in which the motor vehicle or trailer is registered and licensed;

(h) prohibiting a practice which leads to obstruction of or damage to a road;

(i) declaring a portion of a road to be a footpath or cycle track and regulating traffic on the footpath or cycle track;

(j) regulating traffic on -

(i) a road; or

(ii) a ford, bridge, pontoon or culvert on a road;

(k) (i) the rules of the road;

(ii) the signals to be given by the drivers of vehicles; and

(iii) the signals and traffic signs to be observed by drivers of vehicles and by pedestrians;

(l) the establishment of pedestrian crossings on roads, and the precedence of vehicles and pedestrians with respect to -

(i) the movement of traffic, including pedestrians at and in the vicinity of a crossing, including regulations prohibiting pedestrian traffic on the carriage way within 100 feet of a crossing;

(ii) the indication of the limits of a crossing by marks on the roadway or otherwise;

(iii) the erection of traffic signs in connection with, and in relation to crossings in the vicinity of, and at a distance from, a junction of roads; and

(iv) traffic which is controlled by the Police, and by traffic signals and by different kinds of traffic signals, and which is not controlled;

(m) the maximum speeds permitted for different classes of vehicles in or on different areas and roads;

(n) (i) the parking of vehicles;

(ii) the levy of any charges for parking; and

(iii) the manner in which the charges may be levied;

(o) the detention of a vehicle in respect of a contravention or suspected contravention of this Act;

(p) prohibiting sound warnings -

(i) on specified roads; or

(ii) in specified areas or parts of roads either at all times or at specified times;

(q) information to be furnished in relation to a vehicle;

(r) (i) the construction and equipment of vehicles, motor vehicles and trailers and the conditions under which they may be used on roads; and

(ii) the prohibition of emblems, mascots or other devices that are liable to a source of danger to any person on the road, or of distraction to the driver or to other road users;

(s) the width, height, length and other dimensions of vehicles, motor vehicles and trailers, and of the loads carried by them;

(t) (i) the gross weight of vehicles, motor vehicles and trailers, the maximum weight to be transmitted to the road or any specified area of the road by a vehicle, motor vehicle or trailer of any class or description, or by any part or parts of that vehicle or trailer in contact with the road;

(ii) the methods by which the weights under subparagraph (i) are determined, and the conditions under which they may be required to be tested;

(u) (i) the number of trailers which may be drawn by a vehicle and the towing of one vehicle by another; and

(ii) prohibiting the operation of a vehicle which is being used to tow trailers where the combined length of the vehicle and trailers exceeds a prescribed limit;

(v) the number of persons who may be carried on vehicles or trailers for the purpose of controlling or attending to them;

(w) (i) regulating the number and kinds of lamps and reflectors that are to be carried on vehicles, motor vehicles, and trailers and the manner in which those lamps and reflectors are to be used; and

(ii) prohibiting the use of such lamp or lighting device as may be specified;

(x) (i) regulating and specifying the number and type of brakes;

(ii) the affixing of efficient brakes; and

(iii) ensuring that brakes, steering gear and other parts of a vehicle are maintained in proper working order;

(y) (i) prohibiting the use of any cut out, fitting or other apparatus or device rendering it possible to open the exhaust of a motor vehicle;

(ii) efficient silencers to minimise noise;

(iii) prohibiting the unnecessary issue of smoke or fumes, and the unnecessary discharge of fuel, oil or lubricants; and

(iv) prohibiting nuisance caused by the working of motor vehicles and the use on roads of motor vehicles or trailers which cause excessive noise due to defect, lack of repair, faulty adjustment or faulty packing of loads on those vehicles or trailers;

(z) regulating -

(i) the loading of vehicles, motor vehicles and trailers; and

(ii) the securing of loads so that danger is not caused, or likely to be caused, by reason of the load or part of the load falling, or being liable to fall, from the vehicle or trailer;

(za) prohibiting the use of a motor vehicle which is so constructed or loaded that manual signals given by the driver cannot be readily seen from the rear of the vehicle by a person in line with the offside unless it is fitted with an apparatus to enable its driver efficiently to signal his intention to stop or change direction;

(zb) prescribing the methods to be used and appliances to be fitted for signalling the approach of a motor vehicle, for enabling the driver of a motor vehicle to become aware of the approach of another motor vehicle from the rear, and for

intimating the intended movement of a motor vehicle; securing that such appliances shall be efficient and kept in proper working order;

(zc) providing for the examination, on the road or elsewhere, of motor vehicles, either generally or of such classes as may be specified, for the exemption of specified vehicles or classes of vehicles from the need to be examined and for the notification of the result of examinations;

(zd) (i) those vehicles or motor vehicles that may be exempted from the need to be registered or licensed and under what conditions;

(ii) the driving licences or permits issued outside Mauritius or the equivalents of those licences or permits that may be deemed to have effect within Mauritius as if issued under Part IV; and

(iii) the conditions to which driving licences, permits or their equivalents may under subparagraphs (i) and (ii), be made or may be deemed to be subject in their application to Mauritius;

(ze) the procedure to be adopted and the conditions to be observed in connection with -

(i) the issue of international certificates for motor vehicles and international driving permits; and

(ii) the use of those certificates and permits under subparagraph (i) issued elsewhere than in Mauritius;

(zf) exempting vehicles, motor vehicles and trailers from compliance with the provisions of this Act relating to construction and equipment;

(zg) (i) the construction and equipment of public service vehicles; and

(ii) the circumstances in which and the conditions on which vehicles may be substituted for authorised vehicles, otherwise than in the case of breakdown or unforeseeable emergency;

(zh) (i) the hours and conditions of service of the drivers of such classes of motor vehicles as may be specified;

(ii) regulating the licensing of drivers of public service vehicles and of conductors in buses; and

(iii) the badges to be worn by the drivers and conductors under subparagraph (ii);

(zi) (i) the means of identifying public service vehicles authorised to be used under road service licences; and

(ii) the period of validity of the means of identification under subparagraph (i), the particulars that they are to contain, the manner of their display, the fees to be charged for them, and their custody, production, return and cancellation on expiration, suspension or revocation;

(zj) (i) the records that are to be kept; and

(ii) the returns that are to be made by persons holding or applying for licences issued under Part VI or Part VII or subject to Part VIII;

(zk) the manner in which -

(i) indications for the grant, revocation or suspension of; and

(ii) the variation of conditions of, road service licences are to be published;

(zl) (i) the carriage of persons on motorcycles; and

(ii) the shape, construction, quality and other particulars of protective helmets to be worn by persons on motorcycles and side cars;

(zm) the classes of motor vehicles for which driving licences and provisional driving licences may be expressed to be valid;

(zn) the licensing, control and inspection of driving schools and of instructors;

(zo) the inspection of any premises, vehicles, equipment, records or any other place or thing used in connection with the teaching for -

(i) gain of driving; and

(ii) ensuring that the curriculum is suitable and that the instructors are competent;

(zp) (i) the revocation of; and

(ii) the variation of the conditions of and the making and hearing of appeals in respect of, instructor's licences and driving school licences;

(zq) any other provision that is deemed necessary for the proper licensing, control and inspection of the teaching, for gain, of driving and for ensuring that the conditions of any licence relating to the teaching are observed;

(zr) (i) the removal from roads; and

(ii) the moving from one position on a road to another position on that or any other road, of vehicles which have broken down, or which have been permitted to remain at rest on a road in contravention of any lawful prohibition or restriction, or in such a position or in such a condition or in such circumstances as to be likely to cause danger to other persons using the road, or as to cause obstruction to such persons or as to appear to have been abandoned; and

(iii) the removal or movement of any loads carried in or on the vehicles under subparagraphs (i) and (ii);

(iv) the disposal by sale or otherwise of any vehicle which is deemed to have been abandoned on a road;

(v) the payment of fees by the owner of a vehicle in respect of the removal or moving of his vehicle or of any loads carried in it; and

(vi) the recovery of any expenses reasonably incurred in the execution of any power given or duty imposed by the regulations;

(zs) the use and registration of cycles and the payment of fees in respect of registration, and in particular -

(i) the procedure to be followed by cycle owners for the registration of cycles;

(ii) the manner in which cycles are to be registered;

(iii) the form of registration certificates, the issue of certificates and of copies, in case of loss or destruction of the original, and the fees to be paid;

(iv) the procedure for notifying a change of ownership of a cycle or for cancelling the registration of a cycle;

(v) the plate or other distinguishing mark or design to be affixed to, or borne by, a cycle for the purpose of its identification, and the manner in which the plate or other mark or design is to be affixed to or borne by the cycle;

(vi) the carriage of goods on cycles; and

(vii) the prevention of the fraudulent use of an unregistered cycle;

(zt) the exclusion of specified vehicles from the definition of "motor vehicle" in section 2;

(zu) the amendment of -

(i) the Schedules, other than the First, Fourth and Fifteenth Schedules;

[Amended 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(ii) the First, Fourth and Fifteenth Schedules with the approval of the Minister to whom responsibility for the subject of finance is assigned;

[Repealed and replaced 27/12 (cio 22/12/12); Amended 29/25 (cio 1/1/26); 15/26 (cio 4/9/26).]

(zv) the form, manner and procedure of an appeal authorised under this Act.

EXPLANATORY COMMENTARY

This section gives the Minister broad powers to make regulations.

General Power

The Minister can make regulations for the purposes of the Act, including:

- Levying fees and charges
- Creating offences with fines up to **Rs 50,000** and imprisonment up to **2 years**

Specific Powers

The Minister can make regulations about a wide range of matters, including:

- Forms and fees
- Licence forms and conditions
- Vehicle identification
- Road obstructions
- Footpaths and cycle tracks
- Traffic rules and signals

- Pedestrian crossings
- Speed limits
- Parking
- Vehicle detention
- Sound warnings
- Vehicle construction and equipment
- Dimensions and weights
- Trailers
- Lamps and reflectors
- Brakes and steering
- Exhaust and noise
- Load securing
- Signalling devices
- Vehicle examinations
- Driving licences and permits
- Public service vehicle construction
- Driver hours
- Public service vehicle identification
- Records and returns
- Road service licences
- Motorcycle helmets
- Driving school licensing
- Vehicle removal and disposal
- Cycle registration
- Schedule amendments
- Appeals

Key Takeaway: The Minister has extensive powers to make regulations covering virtually every aspect of road traffic. These regulations have the force of law.

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End of Part X – Miscellaneous

SUMMARY OF PART X

Part X covers a wide range of miscellaneous provisions:

- **Weight limits:** Maximum laden and axle weights; permits for higher weights.

- **Petrol stations:** Licensing required for petrol service stations and private petrol stations.
- **Instructors and driving schools:** Licensing required; competence testing.
- **Powers of inspection:** Police and authorised officers can enter premises to inspect vehicles.
- **Seals:** Can be affixed to vehicles used illegally.
- **Evidence:** Certificates of examination, ownership, and extracts from registers are admissible.
- **Advisory bodies:** National Road Safety Council and Road Transport Advisory Board.
- **Traffic control:** Minister can regulate roads and traffic; diversions for road works; police powers to regulate traffic and at fires.
- **Bridges:** Weight restrictions can be imposed.
- **Traffic signs:** Only authorised persons can place them.
- **Temporary signs:** Can be placed during incidents or road works.
- **Experimental schemes:** Can be introduced with Minister's consent.
- **Repairers' register:** Must be kept and available for inspection.
- **Evidence in proceedings:** Certificates and measurements admissible.
- **Regulations:** Minister has broad powers to make regulations.

For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

PART XI – FIXED PENALTIES

INTRODUCTION TO PART XI

Welcome to Part XI of the Road Traffic Act of Mauritius, brought to you by **roadsafety-moris.org.in**.

This part of the law establishes the **fixed penalty system**—a streamlined way of dealing with certain traffic offences without the need for a full court trial.

The fixed penalty system is designed to be efficient. Instead of every minor traffic offence going to court (which would clog the legal system and cost everyone time and money), certain offences can be dealt with by:

1. **Fixed Penalty Notice (FPN):** A notice issued by a police officer, road transport inspector, or traffic warden requiring payment of a fixed fine within a specified period.
2. **Photographic Enforcement Device Notice (PEDN):** A notice issued when an offence is detected by a camera (such as a speed camera), sent to the vehicle owner.

This part covers:

- How fixed penalty notices work
- How to pay (or challenge) a fixed penalty
- What happens if you don't pay
- Photographic enforcement device notices
- The penalty points system
- Parking notices
- Special provisions for COVID-19

If you've ever received a speeding ticket or a parking fine, you've encountered the fixed penalty system. This part explains your rights and obligations.

This chapter introduction is provided by roadsafetymoris.org.in.

Section 191: Fixed Penalty Notice

VERBATIM TEXT

191. Fixed penalty notice

(1) Where a person commits an offence specified in the second column of the Fourth Schedule, the police officer, road transport inspector or traffic warden who detects the offence shall -

[Amended 1/2020 (cio 16/5/2020); 15/21 (cio 5/8/21); 29/25 (cio 31/1/26).]

(a) immediately serve a Fixed Penalty Notice (FPN) on that person calling upon him to pay, not later than 28 days after the date of the offence, the appropriate fine specified in that Schedule;

[Amended 15/21 (cio 5/8/21).]

(b) where that person refuses the FPN under paragraph (a), serve, within 10 days of the date of the offence, the FPN by sending it by registered post to that person's usual or last known place of residence or business address, calling upon him to pay, not later than 28 days after the date of the offence, the appropriate fine specified in that Schedule,

[Amended 15/21 (cio 5/8/21).]

to the appropriate District Court.

(2) The FPN shall be in the form set out in the Seventh Schedule and be drawn up in quadruplicate.

(3) The police officer, road transport inspector or traffic warden who detects the offence shall -

(a) serve or cause to be served the original of the FPN on the offender;

(b) forward one copy of the FPN to the Commissioner of Police or the Commissioner, as the case may be;

(c) forward one copy of the FPN to the appropriate District Court; and

(d) retain the fourth copy of the FPN.

(3A) (a) Where only one offence is detected, the FPN shall make reference to the lowest number of penalty points in respect of that offence.

(b) Where more than one offence is detected on a single occasion, the FPN shall, subject to paragraph (c), only make reference to the lowest number of penalty points in respect of the offence carrying the highest range of penalty points.

(c) Where the same range of penalty points is provided for 2 or more offences, the FPN shall make reference to the lowest number of penalty points in respect of any offence.

[Inserted 29/25 (cio 31/1/26).]

(4) Nothing in this section shall invalidate any FPN served prior to the commencement of this section and that FPN shall continue to be dealt with in accordance with the repealed section 191.

EXPLANATORY COMMENTARY

This section establishes the Fixed Penalty Notice system.

When an FPN Is Issued

An FPN is issued when a person commits an offence listed in the Fourth Schedule. These are typically less serious offences—such as:

- Minor speeding
- Failing to wear a seat belt
- Using a handheld phone
- Failing to display a valid insurance vignette
- Various vehicle equipment offences

How the FPN Is Served

The officer who detects the offence will:

1. **Immediately serve** the FPN on you, requiring payment within **28 days**
2. If you **refuse** the FPN, it will be sent by **registered post** within 10 days to your last known address

> *Example:* If you're stopped for not wearing a seat belt, the officer will hand you an FPN on the spot. You have 28 days to pay the fine at the District Court specified in the notice.

Form and Copies

The FPN is in the form set out in the Seventh Schedule and is drawn up in quadruplicate (four copies):

- One for the offender
- One for the Commissioner of Police
- One for the District Court
- One retained by the officer

Penalty Points

If the offence carries penalty points, the FPN will reference the **lowest number** of points for that offence. If multiple offences are detected at once, the FPN references the lowest number of points for the offence with the highest range.

> *Example:* If you commit two offences—one carrying 2-4 points and another carrying 4-6 points—the FPN will reference 4 points (the lowest in the higher range).

Key Takeaway: Fixed Penalty Notices are issued for less serious offences. You have 28 days to pay. If you refuse the notice, it will be sent by registered post. The FPN will state the penalty points that apply.

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Section 192: Payment of Fixed Penalty

VERBATIM TEXT

192. Payment of fixed penalty

(1) Subject to subsection (1A), a person who is served with an FPN pursuant to section 191(1) shall, not later than 28 days after the date of the offence under section 191(1)(a) or not later than 28 days after the end of the period specified under section 191(1)(b), as the case may be -

[Amended 12/18 (cio 1/10/18); 1/2020 (cio 16/5/2020); 15/21 (cio 5/8/21); 29/25 (cio 31/1/26); 15/26 (cio 4/9/26).]

(a) attend the appropriate District Court specified in the FPN;

(b) produce -

(i) the FPN;

(ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, that licence or permit, as the case may be; and

(iii) his National Identity Card or, where he is the holder of an international driving permit, his passport; and

(c) pay the fine specified in the FPN.

(1A) (a) Notwithstanding subsection (1) but subject to paragraph (b), a person who is served with an FPN pursuant to section 191(1) may, not later than 28 days after the date of the offence under section 191(1)(a) or not later than 28 days after the end of the period specified under section 191(1)(b), as the case may be, electronically pay the fine specified in the FPN.

(b) Paragraph (a) shall not apply to the offences specified in the second column of the Third Schedule.

[Inserted 15/26 (cio 4/9/26).]

(2) On receipt of payment pursuant to subsection (1)(c), an officer of the District Court shall, in case the offence carries penalty points -

(a) fill in Part B of the FPN, including the penalty points allocated in accordance with section 191(3A), which shall be the penalty points specified in Part A of the FPN; and

(b) return the FPN to the licensing officer within 14 days of payment.

[Repealed and replaced 7/15 (cio 27/7/15); RR 29/25 (cio 31/1/26).]

(3) The licensing officer shall, on receipt of the FPN pursuant to subsection (2)(b), record the penalty points allocated to the person who has committed the offence.

[Added 29/25 (cio 31/1/26).]

EXPLANATORY COMMENTARY

This section explains how to pay a Fixed Penalty Notice.

How to Pay

Within **28 days** of the offence, you must:

1. **Attend** the appropriate District Court specified in the FPN
2. **Produce:**
   - The FPN
   - Your driving licence (or provisional licence or international permit)
   - Your National Identity Card (or passport for international permit holders)
3. **Pay** the fine specified in the FPN

> *Example:* If you receive an FPN for speeding, you must go to the District Court specified in the notice within 28 days, bring your driving licence and ID, and pay the fine.

Electronic Payment

For most offences, you can pay the fine electronically within 28 days. However, this option doesn't apply to offences specified in the Third Schedule (penalty points offences).

Penalty Points

If the offence carries penalty points:

- The Court officer fills in Part B of the FPN with the allocated points
- The FPN is returned to the licensing officer within 14 days
- The licensing officer records the points

Key Takeaway: Pay your FPN within 28 days at the specified District Court. Bring your licence and ID. Electronic payment is available for most offences. Penalty points are recorded against your licence.

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Section 193: Non-Payment of Fixed Penalty

VERBATIM TEXT

193. Non-payment of fixed penalty

(1) Where a person who has been served with a notice under section 191 fails to pay the appropriate fine within the applicable time limit and criminal proceedings are instituted against him for the offence in respect of which he was served with the notice, he shall, notwithstanding this Act and section 153 of the Criminal Procedure Act, be liable, on

conviction, to a fine which shall not be less than twice the amount specified in the third column of the Fourth Schedule in respect of that offence and, where the offence carries penalty points, he shall be allocated penalty points in accordance with subsection (2).

[Amended 12/18 (cio 1/10/18); 1/2020 (cio 16/5/2020); 29/25 (cio 31/1/26); 15/26 (cio 4/9/26).]

(2) (a) Where a person is fined for one offence under subsection (1), he shall be allocated the highest number of penalty points in respect of that offence.

(b) Where a person is fined for more than one offence under subsection (1), he shall, subject to paragraph (c), only be allocated the highest number of penalty points in respect of the offence carrying the highest range of penalty points.

(c) Where the same range of penalty points is provided for 2 or more offences, the person shall be allocated the highest number of penalty points in respect of any offence.

[Added 29/25 (cio 31/1/26).]

EXPLANATORY COMMENTARY

This section deals with what happens if you don't pay a Fixed Penalty Notice.

Consequences of Non-Payment

If you don't pay within the time limit, criminal proceedings can be instituted against you. If convicted:

- The fine will be **at least twice** the amount specified in the Fourth Schedule
- Penalty points will be allocated at the **highest number** for the offence

> *Example:* If the fixed penalty for your offence was Rs 2,000, and you don't pay, you could be fined at least Rs 4,000 if convicted in court.

Penalty Points

If you're fined for one offence, you get the highest number of points for that offence. If you're fined for multiple offences, you get the highest number of points for the offence with the highest range.

Key Takeaway: Don't ignore a Fixed Penalty Notice. If you don't pay on time, you'll face a much higher fine and more penalty points if convicted in court.

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Section 194: Parking Notice

VERBATIM TEXT

194. Parking notice

(1) Notwithstanding this Act or any other enactment, where such parking offences as may be prescribed are committed, a police officer, a road transport inspector or a traffic warden, may serve such notices on such persons, and in such manner, as may be prescribed.

(2) Every person served with a notice under this section may, notwithstanding the provisions of this Act, pay the prescribed penalty, including any fixed penalty, within the delay and at the place prescribed.

(3) Where the penalty specified in subsection (2) is not paid, criminal proceedings shall be instituted against such persons as may be prescribed.

EXPLANATORY COMMENTARY

This section deals with parking notices.

Parking Offences

For prescribed parking offences, a police officer, road transport inspector, or traffic warden can serve a parking notice.

Payment

You can pay the prescribed penalty within the prescribed time and at the prescribed place.

Non-Payment

If you don't pay, criminal proceedings will be instituted against you.

Key Takeaway: Parking offences can be dealt with by parking notices. Pay the prescribed penalty within the time limit to avoid criminal proceedings.

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Section 195: Photographic Enforcement Device Notice

VERBATIM TEXT

195. Photographic Enforcement Device Notice

(1) Where an offence specified in the Eighth Schedule is detected by means of a Photographic Enforcement Device, a police officer shall, not later than 14 days after the date of the date of the offence, cause a Photographic Enforcement Device Notice (PEDN)

in the form set out in the Eighth Schedule to be served on the owner of the motor vehicle calling upon him -

[Amended 1/2020 (cio 16/5/2020); 15/21 (cio 5/8/21); 29/25 (cio 31/1/26).]

(a) to pay, not later than 28 days after the date of issue of the PEDN, the appropriate fine specified in the Eighth Schedule;

[Amended 12/18 (cio 1/10/18); 15/21 (cio 5/8/21).]

(c) where he was not the driver or owner of the motor vehicle at the time of the offence, to fill in and sign Part B of the PEDN and return it to the licensing officer not later than 14 days after the date of the issue of the PEDN.

[Amended 15/21 (cio 5/8/21).]

(2) Where the licensing officer receives a PEDN with Part B filled in, he shall, within 14 days, cause the PEDN to be served on the new owner or driver of the motor vehicle, as the case may be, calling upon him to comply with the requirements of subsection (1)(a).

[Amended 7/15 (cio 27/7/15).]

(3) A driver who has been served with a PEDN shall not later than 28 days after the date of the offence under subsection (1)(a) -

[Amended 12/18 (cio 1/10/18); 1/2020 (cio 16/5/2020); 15/21 (cio 5/8/21); 29/25 (cio 31/1/26).]

(a) attend the appropriate District Court specified in the PEDN;

(b) produce -

(i) the PEDN;

(ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, that licence or permit, as the case may be; and

(iii) his National Identity Card or, where he is the holder of an international driving permit, his passport; and

(c) pay the fine specified in the PEDN.

(3A) (a) Without prejudice to subsection (3), a driver who has been served with a PEDN may cause another person duly authorised by him in writing to pay the fine specified in the PEDN.

(b) The person authorised under paragraph (a) shall -

(i) attend the appropriate District Court not later than 28 days from the date of the issue of the PEDN;

[Amended 12/18 (cio 1/10/18); 1/2020 (cio 16/5/2020); 15/21 (cio 5/8/21); 29/25 (cio 31/1/26).]

(ii) produce the PEDN duly signed by the driver;

[Repealed and replaced 7/15 (cio 27/7/15).]

(iiA) produce, where the driver is the holder of a driving licence, a provisional driving licence or an international driving permit, the licence or permit of the driver, as the case may be;

[Inserted 7/15 (cio 27/7/15).]

(iiB) produce the National Identity Card of the driver or, where the driver is the holder of an international driving permit, the passport of the driver;

[Inserted 7/15 (cio 27/7/15).]

(iii) produce his National Identity Card or, in the case of a non-resident, his passport; and

[Amended 7/15 (cio 27/7/15).]

(iv) pay the fine specified in the PEDN.

[Inserted 26/13 (cio 21/12/13).]

(3B) Notwithstanding any other enactment, a driver who has been served with a PEDN or another person duly authorised by the driver under subsection (3A)(a) may pay the fine specified in the PEDN in any District Court convenient to the driver or the person.

[Inserted 26/13 (cio 21/12/13).]

(3C) Subsection (3A) shall not apply to an offence that carries penalty points.

[Inserted 29/25 (cio 31/1/26).]

(4) Where an offence is detected, the PEDN shall make reference to the lowest number of penalty points in respect of that offence.

[Repealed 7/15 (cio 27/7/15); inserted 29/25 (cio 31/1/26).]

(5) On receipt of payment made pursuant to subsection (3)(c), an officer of the District Court shall -

(a) fill in Part D of the PEDN, including the penalty points allocated in accordance with subsection (4), if any, which shall be the penalty points specified in Part A of the PEDN; and

(b) return the PEDN to the licensing officer within 14 days of the payment.

[Repealed and replaced 7/15 (cio 27/7/15); 29/25 (cio 31/1/26).]

(6) The licensing officer shall, on receipt of the PEDN pursuant to subsection (5)(b), record the penalty points allocated to the person who has committed the offence.

[Repealed 7/15 (cio 27/7/15); inserted 29/25 (cio 31/1/26).]

(7) The photographic evidence may be viewed by the owner or driver of the motor vehicle on written application made to the Commissioner of Police within 14 days of the date of issue of the PEDN, or not later than 14 days after the specified or prescribed period, as the case may be and on payment of the prescribed fee.

[Amended 1/20 (cio 16/5/20); 15/21 (5/8/21).]

(8) In this section -

"owner" includes -

(a) a person in whose name the vehicle is registered, except where the person has sold or otherwise disposed of the vehicle and has complied with the enactment applicable to him in regard to such sale or disposal;

(b) a person who is the joint owner of the vehicle;

(c) a person who has possession of the vehicle, under a hiring, hire-purchase or lease agreement, but who is not the owner under any such agreement;

(d) the holder of a motor dealer's vehicle licence issued under section 32; and

(e) the holder of a permit to remove a vehicle under the Road Traffic (Removal of Unlicensed Vehicles) Regulations 1969;

"serve" means -

(a) deliver in person; or

(b) send, by registered post, to a person's usual or last known place of residence or business address.

EXPLANATORY COMMENTARY

This section deals with Photographic Enforcement Device Notices (PEDNs)—notices issued when an offence is detected by a camera.

What Is a PEDN?

A PEDN is a notice sent to the owner of a vehicle when an offence (such as speeding) is detected by a photographic enforcement device (like a speed camera).

When Is It Served?

The PEDN must be served on the vehicle owner within **14 days** of the offence.

What the Notice Requires

The notice requires the owner to:

1. **Pay the fine** within 28 days of the notice's issue, OR
2. **Fill in Part B** if they weren't the driver or owner at the time, and return it within 14 days

> *Example:* If a speed camera captures your car speeding, you'll receive a PEDN. If you were driving, you pay the fine. If someone else was driving, you fill in Part B with their details.

Payment

If you were driving, you must:

- Attend the appropriate District Court within 28 days of the offence
- Produce the PEDN, your driving licence, and your ID
- Pay the fine

Authorised Payment

You can authorise someone else to pay the fine on your behalf—but only for offences that don't carry penalty points.

Photographic Evidence

You can view the photographic evidence by applying in writing to the Commissioner of Police within 14 days of the PEDN's issue and paying the prescribed fee.

Key Takeaway: If an offence is caught on camera, you'll receive a PEDN. Pay the fine or identify the driver. You can view the photographic evidence on request.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 196: Non-Payment Under Section 195

VERBATIM TEXT

196. Non-payment under section 195

(1) Where the owner or driver of a motor vehicle, as the case may be, who is served with a PEDN fails to pay the specified penalty within the specified period, he shall -

[Amended 12/18 (cio 1/10/18); 1/2020 (cio 16/5/2020); 29/25 (cio 31/1/26).]

(a) be presumed to have been the driver of the vehicle at the time of the offence; and

(b) on conviction, be liable, notwithstanding this Act and section 153 of the Criminal Procedure Act, to a fine which shall not be less than twice the amount specified in the Eighth Schedule in respect of that offence and, where the offence carries penalty points, he shall be allocated penalty points in accordance with subsection (2).

[Amended 7/15 (cio 27/7/15); 29/25 (cio 31/1/26); 15/26 (cio 4/9/26).]

(2) Where a person is fined for an offence under subsection (1), he shall be allocated the highest number of penalty points in respect of that offence.

[Added 29/25 (cio 31/1/26).]

EXPLANATORY COMMENTARY

This section deals with what happens if you don't pay a PEDN.

Presumption of Driver

If you don't pay within the specified period, you're **presumed to have been the driver** at the time of the offence.

> *Example:* If your car is caught speeding and you don't pay the PEDN, you'll be presumed to have been driving—even if you weren't. It's up to you to prove otherwise.

Consequences

If convicted:

- The fine will be **at least twice** the amount specified in the Eighth Schedule
- You'll receive the **highest number** of penalty points for the offence

Key Takeaway: Don't ignore a PEDN. If you don't pay, you'll be presumed to have been the driver, face a higher fine, and receive maximum penalty points.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 197: Giving False or Misleading Information

VERBATIM TEXT

197. Giving false or misleading information

Where a person knowingly gives false or misleading information in filling Part B of a PEDN, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

EXPLANATORY COMMENTARY

This section makes it an offence to give false information in response to a PEDN.

The Offence

If you knowingly give false or misleading information in Part B of a PEDN (where you identify who was driving), you commit an offence.

> *Example:* If you receive a PEDN for your car and falsely claim that someone else was driving to avoid penalty points, you commit an offence.

Penalty

The penalty is a fine up to **Rs 10,000** and imprisonment up to **3 months**.

Key Takeaway: Never give false information on a PEDN. It's an offence with serious penalties.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Section 198: Sanitary Measures to Be Observed During COVID-19 Period and Further Period

VERBATIM TEXT

198. Sanitary measures to be observed during COVID-19 period and further period

(1) For the purposes of this Act, the Minister may, by regulations, make provisions for sanitary measures to be observed during the COVID-19 period and during such further period as may be prescribed.

(2) Any person who contravenes any regulations made under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

EXPLANATORY COMMENTARY

This section allowed for COVID-19 sanitary measures in the context of road traffic.

COVID-19 Measures

The Minister could make regulations for sanitary measures during the COVID-19 period. This might have included requirements for:

- Social distancing in public transport
- Mask-wearing
- Reduced passenger capacity

> *Example:* During the pandemic, buses might have been required to operate at reduced capacity to allow social distancing. These regulations could be enforced under this section.

Penalty

Contravening these regulations could result in a fine up to **Rs 50,000** and imprisonment up to **2 years**.

> **Key Takeaway:** This section provided for COVID-19-related sanitary measures. While the pandemic has passed, the provision remains in the law.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

End of Part XI – Fixed Penalties

SUMMARY OF PART XI

Part XI establishes the fixed penalty system:

- **Fixed Penalty Notice (FPN):** Issued for less serious offences. Pay within 28 days or face higher fines in court.
- **Payment:** Attend the specified District Court with your licence and ID, or pay electronically for most offences.
- **Non-payment:** Results in a fine at least twice the fixed penalty and maximum penalty points.
- **Parking notices:** Issued for parking offences. Pay within the prescribed time.
- **Photographic Enforcement Device Notice (PEDN):** Issued when an offence is caught on camera. Pay within 28 days or identify the driver.
- **Non-payment of PEDN:** Results in being presumed the driver, a fine at least twice the specified amount, and maximum penalty points.
- **False information:** Giving false information on a PEDN carries a fine up to Rs 10,000 and imprisonment up to 3 months.
- **COVID-19 measures:** Regulations could be made for sanitary measures during the pandemic.

This concludes Part XI of the Road Traffic Act of Mauritius, Annotated Edition. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

SCHEDULES

INTRODUCTION TO THE SCHEDULES

Welcome to the Schedules of the Road Traffic Act of Mauritius, brought to you by **roadsafetymoris.org.in**.

The Schedules are integral parts of the Act. They contain detailed information that supplements the main provisions, including:

- **First Schedule:** Tax payable for vehicle licences
- **Second Schedule:** Offences involving disqualification
- **Third Schedule:** Penalty points for offences
- **Fourth Schedule:** Fixed penalty offences and fines
- **Fifth Schedule:** Agreed Statement of Facts Form
- **Sixth Schedule:** Procedural rules of the Motor Vehicle Insurance Arbitration Committee
- **Seventh Schedule:** Fixed Penalty Notice form
- **Eighth Schedule:** Photographic Enforcement Device Notice form
- **Ninth Schedule:** Endorsement Certificate form
- **Tenth Schedule:** Driving Licence form
- **Eleventh Schedule:** Penalty Points Certificate form
- **Twelfth Schedule:** Application for Redemption of Penalty Points form
- **Thirteenth Schedule:** Drugs (for drug driving offences)
- **Fourteenth Schedule:** Field Impairment Assessment Questionnaire
- **Fifteenth Schedule:** Fees for seizure and release of vehicles

These Schedules are essential for understanding the full scope of the Act. They contain the specific amounts, forms, and details that make the law work in practice.

This introduction is provided by roadsafetymoris.org.in.

First Schedule: Tax Payable in Respect of Licences

VERBATIM TEXT

FIRST SCHEDULE

[Section 29]

TAX PAYABLE IN RESPECT OF LICENCES

[First Sch. amended by GN 39 of 1991 w.e.f. 1 April 1991; GN 144 of 1992 w.e.f. 1 October 1992; GN 207 of 1992 w.e.f. 1 January 1993; GN 179 of 2001 w.e.f. 1 January 2002; repealed and replaced by GN 68 of 2002 w.e.f. 1 July 2002; amended by GN 62 of 2005 w.e.f. 16 May 2005; GN 230 of 2006 w.e.f. 16 December 2006; GN 33 of 2007 w.e.f. 1 November 2006; repealed and replaced by GN 104 of 2008 w.e.f. 1 July 2008; amended by GN 254 of 2010 w.e.f. 4 January 2011; s. 23 of Act 27 of 2012 w.e.f. 22 December 2012; repealed and replaced by GN 65 of 2013 w.e.f. 1 January 2013; s. 47 of Act 10 of 2017 w.e.f. 24 July 2017; s. 15(6) of Act 16 of 2017 w.e.f. 18 January 2018; s. 62 of Act 11 of 2018 w.e.f. 9 August 2018; s. 45 of Act 13 of 2019 w.e.f. 25 July 2019; reg. 3 of GN 44 of 2021 w.e.f. 31 March 2021; s. 63 of Act 15 of 2022 w.e.f. 2 August 2022; reg 3 of GN 58 of 2025 w.e.f 1 July 2025.]

SN	Type of vehicles	Mauritius 3 months (Rs)	Mauritius 6 months (Rs)	Mauritius 12 months (Rs)	Rodrigues 3 months (Rs)	Rodrigues 6 months (Rs)	Rodrigues 12 months (Rs)
1.	Motorcar/Dual-purpose vehicle/Double-cab pickup Engine capacity/Power output						
	1,250 cc and below/40.0 kW and below	1,400	2,500	4,500	700	1,300	2,300
	1,251 cc-1,600 cc/40.1 kW-57.5 kW	1,500	2,700	5,000	800	1,400	2,500
	1,601 cc-1,850 cc/57.6 kW-71.5 kW	3,000	5,500	10,000	1,500	2,700	5,000
	1,851 cc-2,250 cc/71.6 kW-90.0 kW	3,600	6,600	12,000	1,800	3,300	6,000
	Above 2,250 cc/Above 90.0 kW	4,600	8,300	15,000	2,300	4,200	7,500
2.	Motorcar/Dual-purpose vehicle/Double-cab pickup registered on a company or a trade name						
	1,250 cc and below/40.0 kW and below	1,700	3,000	5,500	800	1,500	2,800
	1,251 cc-1,600 cc/40.1 kW-57.5 kW	1,800	3,300	6,000	900	1,700	3,000

	1,601 cc-1850 cc/57.6 kW-71.5 kW	3,600	6,600	12,000	1,800	3,300	6,000
	1,851 cc-2,250 cc/71.6 kW-90.0 kW	4,400	8,000	14,500	2,200	4,000	7,300
	Above 2,250 cc/Above 90.0 kW	5,300	9,600	17,500	2,700	4,800	8,800
3.	Double-cab pickup						
	A dual-cab pickup owned by – (a) a planter, tea grower, beekeeper, fisherman or cattle, goat, sheep, or pig breeder operating on a small scale	1,500	2,700	5,000	800	1,400	2,500
	(b) a person carrying on a small enterprise or a handicraft enterprise	1,500	2,700	5,000	800	1,400	2,500
	(c) a trade union confederation	1,500	2,700	5,000	800	1,400	2,500
	(d) a food crop grower engaged in hydroponic aquiculture or sheltered farming	1,500	2,700	5,000	800	1,400	2,500
4.	Classic/Vintage motorcar	–	3,000	–	–	3,000	–
5.	Contract car Engine capacity/Power output						
	1,250 cc and below/40.0 kW and below	1,700	3,000	5,500	800	1,500	2,800
	1,251 cc-1,600 cc/40.1 kW-57.5 kW	1,800	3,300	6,000	900	1,700	3,000
	1,601 cc-1,850 cc/57.6 kW-71.5 kW	3,600	6,600	12,000	1,800	3,300	6,000
	1,851 cc-2,250 cc/71.6 kW-90.0 kW	4,400	8,000	14,500	2,200	4,000	7,300
	Above 2,250 cc/Above 90.0 kW	5,300	9,600	17,500	2,700	4,800	8,800
6.	Taxi Engine Capacity/Power output						

	1,600 cc and below/57.5 kW and below	400	700	1,200	200	400	600
	1,601 and above/Above 57.5 kW	800	1,400	2,400	400	700	1,200
7.	Heavy motorcar Engine capacity/Power output						
	3,000 cc and below/100 kW and below	5,300	9,600	17,500	2,700	4,800	8,800
	3,001 cc and above/Above 100 kW	7,200	13,200	24,000	3,600	6,600	12,000
8.	Motorcycle/3 wheelers Engine capacity						
	100 cc and below	–	800	–	–	400	–
	101 cc-200 cc	–	1,000	–	–	500	–
	201 cc-300 cc	–	1,200	–	–	600	–
	301 cc-500 cc	–	1,400	–	–	700	–
	501 cc and above	–	1,600	–	–	800	–
9.	Electric auto cycle/Motorcycle Power output						
	AM (less than 4kW)	–	–	–	–	–	–
	A1 (4 kW to 11 kW)	–	400	–	–	200	–
	A2 (11.1 kW to 35 kW)	–	600	–	–	300	–
	A (more than 35 kW)	–	800	–	–	400	–
10.	Bus Engine capacity/Power output						
	6000 cc and below/200 kW and below	1,200	2,200	4,000	600	1,100	2,000
	6001 cc and above/Above 200 kW	1,800	3,300	6,000	900	1,700	3,000
11.	Contract bus Seating capacity						
	Up to 15 seats School bus	800	1,400	2,400	400	700	1,200
	Other	1,200	2,200	4,000	600	1,100	2,000
	Between 16 seats and 35 seats	1,500	2,700	5,000	800	1,400	2,500
	More than 35 seats	1,800	3,300	6,000	900	1,700	3,000

12.	Motor tractor/Goods vehicle maximum gross weight						
	Up to 3.5 tonnes	1,100	1,900	3,500	600	1,000	1,800
	More than 3.5 tonnes but up to 10 tonnes	1,800	3,300	6,000	900	1,700	3,000
	More than 10 tonnes but up to 20 tonnes	3,300	6,100	11,000	1,700	3,000	5,500
	More than 20 tonnes	6,300	11,600	21,000	3,200	5,800	10,500
13.	Trailer Maximum gross weight						
	Up to 3.5 tonnes	600	1,000	1,800	300	500	900
	More than 3.5 tonnes but up to 10 tonnes	1,000	1,700	3,000	500	900	1,500
	More than 10 tonnes but up to 20 tonnes	1,700	3,000	5,500	800	1,500	2,800
	More than 20 tonnes	3,200	5,800	10,500	1,600	2,900	5,300
14.	Locomotive Per tonne of weight unladen, to the nearest tonne	400	700	1,200	200	400	600
15.	Motorcar belonging to visitor Any motor car belonging to a person on a temporary visit of not less than one week	(3,000 rupees per month)			(3,000 rupees per month)		
16.	Motorcycle belonging to visitor Any motorcycle belonging to a person on a temporary visit of not less than one week	(1,600 rupees per month)			(1,600 rupees per month)		
17.	Motor tractor/Goods vehicle/Tractor used during crop season	15 days (Rs)	3 months (Rs)	6 months (Rs)			
	5 tonnes and below	300	700	1,200	–	–	–
	More than 5 tonnes but up to 10 tonnes	600	1,400	2,400	–	–	–
	More than 10 tonnes but up to 20 tonnes	1,100	2,800	5,000	–	–	–
	More than 20 tonnes	2,000	5,400	10,000	–	–	–

EXPLANATORY COMMENTARY

This Schedule sets out the tax payable for vehicle licences.

How the Tax Works

The tax varies based on:

- **Type of vehicle** (motorcar, motorcycle, bus, goods vehicle, etc.)
- **Engine capacity or power output** (for motorcars and motorcycles)
- **Gross weight** (for goods vehicles and trailers)
- **Seating capacity** (for buses)
- **Whether registered in Mauritius or Rodrigues**
- **Licence period** (3, 6, or 12 months)
- **Whether registered to a company or individual**

> *Example:* A private motorcar with an engine capacity of 1,500cc registered in Mauritius for 12 months costs Rs 5,000. The same car registered to a company costs Rs 6,000.

Discounts and Special Rates

- **Taxi rates** are significantly lower than private car rates
- **Classic/vintage motorcars** (40+ years old) pay a flat rate of Rs 3,000 for 6 months
- **Double-cab pickups** owned by small-scale farmers, fishermen, small enterprises, trade unions, or hydroponic growers pay reduced rates
- **Visitors' vehicles** pay a monthly rate

Crop Season Vehicles

Special rates apply to goods vehicles and tractors used during the crop season, with short-term options (15 days, 3 months, 6 months).

Key Takeaway: Vehicle licence tax is based on multiple factors. Check the Schedule to determine the correct amount for your vehicle.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Second Schedule: Offences Involving Disqualification for Holding or Obtaining, Cancellation and Endorsement of, Driving Licences

VERBATIM TEXT

SECOND SCHEDULE

[Section 52]

OFFENCES INVOLVING DISQUALIFICATION FOR HOLDING OR OBTAINING, CANCELLATION AND ENDORSEMENT OF, DRIVING LICENCES

[Second Sch. Reprinted by Reprint 3 of 1983; 3 of 1994; amended by Act 7 of 1994; s. 12 of Act 9 of 2003 w.e.f. 1 September 2003; s. 19 of Act 7 of 2015 w.e.f. 27 July 2015; s. 1 of Act 23 of 2016 w.e.f. 8 December 2016; s. 19 of Act 6 of 2019 w.e.f. 1 June 2022; amended 15/26 (cio 4/9/26).]

Section	Offence	First, second, or subsequent offence	Cancellation		Disqualification		Endorsement		Remarks
			Obligatory	Permissible	Obligatory	Permissible	Obligatory	Permissible	
15	No test certificate	First	No	No	No	No	No	No	–
		Second or subsequent	No	No	No	Yes	Yes	Yes	*If offender is disqualified
21	No motor vehicle or trailer licence	First	No	No	No	No	No	No	–
		Second or subsequent	No	No	No	Yes	Yes	Yes	*If offender is disqualified
40(a)(i)	Driving with no driving licence, licence having expired	First or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
40(a)(ii)	Permitting or employing an unlicensed person to drive a motor vehicle, his licence having expired	First or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified

40(b)(i)	Driving with no driving licence, having never been licensed	First or subsequent	* –	Yes	No	* –	* –	*Not applicable	
40(b)(ii)	Permitting or employing an unlicensed person, who has never been licensed, to drive a motor vehicle	First or subsequent	Yes	No	Yes	No	Yes	No	–
53(4)	Fraudulent application for, or obtaining of, driving licence, driving while under disqualification	First or subsequent	No	*To take effect from expiry of current period of disqualification where applicable	Yes	No	Yes*	No	Yes
55	Vehicle uninsured	First or subsequent	–	Yes	No	Yes	No	Yes	No
107(1)	Driving public service vehicle or goods vehicle without appropriate licence under Part VII	First or subsequent	*If licence is cancelled or offender is disqualified	No	Yes	No	Yes	Yes*	Yes
110	Public service vehicle or goods vehicle driver buying or consuming intoxicating liquor while on duty	First	No	No	No	Yes	Yes	Yes	*If offender is disqualified

		Second or subsequent	No	Yes	No	Yes	Yes*	Yes	*If licence is cancelled or offender is disqualified
123	Using vehicle without certificate of fitness or when use is prohibited	First	No	No	No	No	No	Yes	–
		Second or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
123A	Dangerous driving	First	No	Yes	No	Yes	Yes*	Yes	*If offender is disqualified
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 6 months
123B	Causing death by dangerous driving	First	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 3 years
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 7 years
123C	Careless or inconsiderate driving	First	No	No	No	Yes	Yes*	Yes	*If offender is disqualified
		Second	No	Yes	No	Yes	Yes*	Yes	*If offender is disqualified
		Third or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 6 months

123D	Causing death by careless driving when under the influence of alcohol, drug or intoxicating substance	First	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 5 years
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 10 years
123E	Driving or being in charge of motor vehicle when under influence of alcohol, drug or intoxicating substance	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 12 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 24 months
123F	Failing to provide specimen of breath for breath test	First	No	Yes	No	Yes	Yes	No	Minimum disqualification period of 8 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 8 months
123F, 123G or 123H	Failing to provide specimens of breath, blood or urine for analysis	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 8 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	Minimum disqualification period of 8 months

133	Involuntary homicide	First	No	Yes	Yes	No	Yes	No	Minimum disqualification period of 9 months
		Second or subsequent	Yes	No	Yes	No	Yes	No	–
133	Involuntary wounds and blows	First	No	Yes	No	Yes	Yes*	No	*If offender is disqualified
		Second or subsequent	No	Yes	Yes	No	Yes	No	–
135	Driving motor vehicle or trailer in dangerous condition	First or subsequent	No	No	No	No	No	Yes	–
140	–								
151(3)	Taking and driving away a motor vehicle without consent of owner or other lawful authority	First or subsequent	No	No	No	Yes	Yes*	Yes	*If offender is disqualified

EXPLANATORY COMMENTARY

This Schedule sets out which offences involve disqualification, cancellation, and endorsement of driving licences.

How to Read the Schedule

For each offence, the Schedule shows whether:

- **Cancellation** of the licence is obligatory or permissible
- **Disqualification** is obligatory or permissible
- **Endorsement** is obligatory or permissible

Key Offences

- **Dangerous driving (123A):** First offence—permissible disqualification; second offence—obligatory disqualification (minimum 6 months) and cancellation
- **Causing death by dangerous driving (123B):** Obligatory disqualification (minimum 3 years for first offence, 7 years for repeat)

- **Causing death by careless driving under influence (123D):** Obligatory disqualification (minimum 5 years for first offence, 10 years for repeat)
- **Driving under influence (123E):** First offence—permissible disqualification (minimum 12 months); second offence—obligatory disqualification (minimum 24 months)
- **Failing to provide specimen:** Minimum 8 months disqualification

Endorsement

Endorsement means the conviction is recorded on your licence. For many offences, endorsement is obligatory or permissible.

Key Takeaway: This Schedule is crucial for understanding the consequences of driving offences. Serious offences carry obligatory disqualification, often with minimum periods.

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Third Schedule: Penalty Points

VERBATIM TEXT

THIRD SCHEDULE

[Section 2]

PENALTY POINTS

[Third Sch. repealed by s. 5(d) of Act 20 of 2003 w.e.f. 23 July 2003; inserted by s. 20 of Act 17 of 2012 w.e.f. 10 May 2013; repealed and replaced by s. 20 of Act 7 of 2015 w.e.f. 27 July 2015; amended by s. 27 of Act 10 of 2023 w.e.f. 21 August 2023; repealed and replaced by s. 18 of Act 29 of 2025 w.e.f. 31 January 2026; amended by reg 3 of GN 104 of 2026 w.e.f. 10 June 2026; amended 15/26 (cio 4/9/26).]

SN	Offence	Penalty Points	Offence Code
1.	Failing to wear securely a prescribed protective helmet while riding a motorcycle or auto cycle – section 123N(3)(a) and (5)	2-4	HELM01
2.	Using a motor vehicle on a road without head lamps kept lighted during hours of darkness – regulations 103(1)(b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	LAMP01
3.	Using a motor vehicle on a road without rear lamps kept lighted during hours of darkness – regulations 103(1)(b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	LAMP19
4.	Carrying a load insecurely fastened and falling, or liable to fall, from a vehicle, or projecting from the vehicle – section 123V and regulations 4(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	LOAD01
5.	Failing to allow free and uninterrupted passage to a pedestrian using a crossing – regulations 3(b) and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002	2-4	CROS01

6.	Exceeding speed limit by more than 15 kilometres per hour but not more than 25 kilometres per hour – section 124 and the Road Traffic (Speed) Regulations 2011	2-4	SPED05
7.	Driving or moving on a central reservation – section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964	2-4	MWAY01
8.	Stopping on a central reservation – section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964	2-4	MWAY05
9.	Remaining at rest on a central reservation – section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964	2-4	MWAY08
10.	Driving on footpath or part thereof – section 163 and regulation 3(3) of the Road Traffic (Driving and Parking Directions) Order 1951	2-4	DRIV07
11.	Failing to wear seat belt when driving a motor vehicle – regulations 87(1)(a)(i), (b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	BELT01
12.	Failing to comply with traffic sign whilst driving by crossing a continuous white line on a road – sections 123AD(2), 163, 184 and 185 and the Traffic Signs Regulations 1990	2-4	LINE01
13.	Failing to comply with traffic sign whilst driving by not conforming to the requirements of a traffic light – sections 123AD(2), 163, 184 and 185 and the Traffic Signs Regulations 1990	2-4	TRLT01
14.	Breach of lane discipline on a dual carriageway – section 123AM(2), (3), (4), (5) and (6)	2-4	LANE01
15.	Failing to wear a prescribed 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	2-4	MCAC23
16.	Failing to wear a prescribed 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	2-4	MCAC24
17.	Obstructing traffic coming from the opposite direction whilst overtaking – section 163 and regulation 40(1)(5) of the Road Traffic Regulations 1954	2-4	DRIV44
18.	Failing to comply with traffic sign whilst driving by not conforming with lane selection arrow – sections 123AD and 163 and the Traffic Signs Regulations 1990	2-4	SIGN14
19.	Using a motor vehicle or trailer likely to cause danger – regulations 69 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	DRIV23
20.	Driving on a public road designated and sign posted for one-way traffic in a direction other than that designated – section 163 and regulation 40(13) of the Road Traffic Regulations 1954	2-4	DRIV02
21.	Admitting into the front seat of a motor vehicle, other than a motor bus, a child under the age of 10, whilst the vehicle is in motion – section 163 and regulation 40C of the Road Traffic Regulations 1954	2-4	DRIV40
22.	Failing to give proper signal when about to turn or stop – section 163 and regulation 40(8) of the Road Traffic Regulations 1954	2-4	DRIV09
23.	Worn out tyre – regulations 81(f) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	FITT08
24.	Using a motor vehicle equipped with unauthorised lamps – regulations 38, 45, 50 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	LAMP10

25.	Carrying more than one person as pillion rider on a motorcycle – sections 123Y(1) and 163	2-4	MCAC16
26.	Carrying more than one person as pillion rider on an auto cycle – sections 123Y(1) and 163	2-4	MCAC03
27.	Failing, in case of an accident, a breakdown or an emergency, to display, or to cause to be displayed, a triangular warning sign – regulations 70(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2-4	BDVR04
28.	Using a hand-held microphone or telephone handset whilst driving – section 123AE [Amended GN 104/26 (cio 10/6/26).]	5-10	PHON01
29.	Carrying person(s) in the open pick-up area of a double cab pickup/dual purpose vehicle – regulations 69(6)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	3-6	DRIV43
30.	Failing to give way when coming out of a less important road (including any private road or any place) onto a more important road or on to a main road – regulation 40(10) of the Road Traffic Regulations 1954	3-6	FWAY01
31.	Overtaking or passing a vehicle which has stopped at a pedestrian crossing – regulations 4 and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002	4-6	OVCR01
32.	Exceeding speed limit by more than 25 kilometres per hour – section 124 and the Road Traffic (Speed) Regulations 2011	4-6	SPED06
33.	Taking part in an unauthorised road race or trial of speed between motor vehicles on a road – section 125	8-10	DRIV48
34.	Using handheld mobile phone whilst driving – section 123AE [Added 15/26 (cio 4/9/26).]	5-10	PHON03
35.	Using handheld interactive communication device whilst driving – section 123AE [Added 15/26 (cio 4/9/26).]	5-10	PHON04

EXPLANATORY COMMENTARY

This Schedule lists offences that carry penalty points.

How Penalty Points Work

Each offence carries a range of penalty points (e.g., 2-4, 4-6, 5-10). When you're convicted or pay a fixed penalty, points are allocated within that range.

Examples of Penalty Points

- **Failing to wear a helmet:** 2-4 points
- **Failing to wear a seat belt:** 2-4 points
- **Running a red light:** 2-4 points
- **Breach of lane discipline:** 2-4 points
- **Using a handheld phone:** 5-10 points
- **Exceeding speed limit by more than 25 km/h:** 4-6 points
- **Taking part in an unauthorised road race:** 8-10 points

Offence Codes

Each offence has a code (e.g., HELM01, SPED05) used for administrative purposes.

Key Takeaway: Penalty points accumulate on your licence. If you exceed the permitted maximum (10 for provisional, 15 for full licence), you can be disqualified.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Fourth Schedule: Fixed Penalty Offences

VERBATIM TEXT

FOURTH SCHEDULE

[Section 191(1)]

FIXED PENALTY OFFENCES

[Fourth Sch. added by Act 43 of 1992; amended by GN 110 of 1994; GN 158 of 2002; GN 213 of 2004 w.e.f. 1 February 2005; GN 137 of 2006 w.e.f. 1 October 2006; s. 21 of Act 17 of 2012 w.e.f. 10 May 2013; s. 21 of Act 7 of 2015 w.e.f. 27 July 2015; s. 22 of Act 12 of 2018 w.e.f. 1 October 2018; reg. 3 of GN 4 of 2021 w.e.f. 31 December 2020; s. 28 of Act 10 of 2023 w.e.f. 21 August 2023; amended 15/26 (cio 4/9/26).]

SN	Offences	Fine (Rs)
1.	Acting as conductor of a public service vehicle without licence – sections 108 and 163	500
2.	Admitting into the front seat of a motor vehicle, other than a motor bus, a child under the age of 10 whilst the vehicle is in motion – section 163 and regulation 40C of the Road Traffic Regulations 1954	2,000
3.	Admitting more passengers in public service vehicle – section 79(2)	1,000
4.	Alighting or picking up passengers at a place other than at a bus stop – regulations 114(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
5.	Allowing door to remain open while vehicle is in motion – section 163 and regulation 3(ix) of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954	1,000
6.	Allowing vehicle to stand on a road so as to cause obstruction on the road – regulations 75 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
7.	Allowing vehicle to remain at rest on central reservation – section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964	2,000
8.	Altering silencer of vehicle in such a way that the noise caused by the escape of the exhaust gases is made greater by the alteration – regulations 83(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020); 18/25 (cio 9/8/25).]	10,000
9.	Beacon lamp not emitting light – regulations 44 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
10.	Brake lamps out of order – regulations 41 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
11.	Breach of condition attached to a petrol service station licence or a private petrol station licence – sections 163 and 166A(4)(c)	500
12.	Breach of condition attached to carrier's licence – sections 87(4) and 163	500

13.	Breach of condition attached to public service vehicle licence – sections 76(7) and 163	1,000
14.	Breach of condition attached to road service licence – section 77(3)	1,000
15.	Breach of lane discipline on a dual carriageway – section 123AM(2), (3), (4), (5) and (6)	1,000
16.	Breach of motor dealer's licence – regulations 4(1) and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
17.	Bus having gross weight exceeding 3,500 kilogrammes not fitted with reversing alarm – regulations 23(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
18.	Driving on a road any vehicle which causes, or is liable to cause, danger to a person by reason of the load or part of it being insecurely fastened and falling, or liable to fall, from the vehicle, or projecting from the vehicle – sections 123V(1) and 163	2,000
19.	Carrying a passenger on a motorcycle or an auto cycle not constructed or adapted to carry more than one person – section 163 and regulation 40(19)(f) of the Road Traffic Regulations 1954	1,500
20.	Carrying a passenger on a motorcycle or an auto cycle not fitted with support or rests – regulations 122(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,500
21.	Carrying inflammable liquid in or on public service vehicle – regulations 92 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
22.	Carrying load on handle bar of a motorcycle or an auto cycle – regulations 121(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
23.	Carrying more than one person as pillion rider on a motor cycle or an auto cycle – sections 123Y(1) and 163	1,500
24.	Carrying person(s) in the open pick up area of a double cab pick up/dual purpose vehicle – regulations 69(6)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
25.	Carrying unauthorised person in a motor vehicle used under a motor vehicle dealer's licence – regulations 4(2) and 12 of the Road Traffic (Motor Vehicle Dealer's Licence) Regulations 1988	500
26.	Causing a motor vehicle to travel backwards for a greater distance or time than may be necessary for turning or other reasonable purpose – section 163 and regulation 40(2) of the Road Traffic Regulations 1954	1,500
27.	Causing a vehicle to be used in contravention of the laden or axle weight – section 166(1)(b)	1,500
28.	Displaying advertisement on taxi not as prescribed – regulations 13(2) and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
29.	Displaying without authorisation upon or near the windscreen or any window of taxi any word, letter, sign or label – regulations 11 and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
30.	Driving a motor vehicle at such a speed so as to cause obstruction – regulations 75(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
31.	Driving a motor vehicle in such a position that the driver is unable to have proper control of the vehicle – regulations 78(1)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000

32.	Driving a motor vehicle in such a position that the driver is unable to retain a full view of the road and traffic ahead – regulations 78(1)(b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
33.	Driving a motor vehicle, other than a motorcycle or an auto cycle not fitted with an enclosed compartment, which is not fitted with an efficient windscreen wiper – regulations 20 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
34.	Driving a motor vehicle with its front windscreen and windows having a visual transmission of light of less than 75 per cent – regulations 18(5) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
35.	Driving a motor vehicle with non-transparent material placed on wind-screen/window in such manner as to obstruct the driver's view of the road – regulations 79(1)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
36.	Driving a motor vehicle with gear lever in neutral position – regulations 78(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
37.	Driving a motor vehicle with person driving or riding in the front or rear seat failing to wear a seat belt – regulations 87(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
38.	Driving a motor vehicle whilst being in such a position as to be able to see a television receiving apparatus or other cinematographic apparatus – regulations 89(1)(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
39.	Driving a motor vehicle without horn – regulations 23(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
40.	Driving a motor vehicle, other than a motorcycle or an auto cycle, on a road without an insurance vignette being affixed to and conspicuously displayed on the left corner of its windscreen – sections 57A(2)(b) and 163 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
41.	Driving a motor vehicle with more than four front lamps at a time – regulations 103(4) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
42.	Driving a motorcycle or an auto cycle, on a road without an insurance vignette being affixed to and conspicuously displayed on the near side of its front seat – sections 57A(2)(a) and 163 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
43.	Driving a motorcycle whose engine capacity exceeds 50 cubic centimetres without keeping head lamp lighted at all times – regulations 103(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
44.	Driving a taxi without a valid certificate of registration – regulations 3 and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
45.	Driving on a public road designated and sign posted for one-way traffic in a direction other than that designated – section 163 and regulation 40(13) of the Road Traffic Regulations 1954	1,000
46.	Driving, moving, stopping or remaining at rest on a central reservation – section 163 and regulation 8 of the Road Traffic (Motorways) Regulations 1964	2,000
47.	Driving, riding, stopping or parking vehicle on footpath or part thereof – section 163 and regulation 3(3) of the Road Traffic (Driving and Parking Directions) Order 1951	1,000

48.	Emergency door of public service vehicle not in good working condition and not properly closed whilst in operation – section 163 and regulation 12B of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954	2,000
49.	Exceeding speed limit by not more than 15 km per hour – section 124 and the Road Traffic (Speed) Regulations 2011	2,500
50.	Exceeding speed limit by more than 15 but not more than 25 km per hour – section 124(4) and the Road Traffic (Speed) Regulations 2011	5,000
51.	Exceeding speed limit by more than 25 km per hour – section 124(4) and the Road Traffic (Speed) Regulations 2011	10,000
52.	Failing to allow free and uninterrupted passage to a pedestrian using a crossing – regulations 3(b) and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002	1,500
53.	Failing to affix identification plates to the front and to the rear of a vehicle used under a motor vehicle dealer's licence – regulations 4(2)(d) and 12 of the Road Traffic (Motor Vehicle Dealer's Licence) Regulations 1988	500
54.	Failing to affix on the centre of the roof or the roof-rack of the taxi a yellow sign bearing the word "TAXI" in black – regulations 10(1) and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
55.	Failing to fix registration mark of the vehicle – sections 19(1)(2) and 163	3,000
56.	Failing to fix registration plate in provided space – regulations 60(1)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
57.	Failing to apply for permission to remove an unlicensed vehicle from premises where it is kept to other premises – sections 22 and 163	500
58.	Failing to carry a yellow indelible chalk or other appropriate yellow indelible marker – sections 68J(2) and section 163	500
59.	Failing to carry one emergency triangular warning sign in motor vehicle – regulations 70(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
60.	Failing to carry in a motor vehicle a fire extinguisher in an accessible position readily available for use – regulations 34 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
61.	Failing to carry in his vehicle an Agreed Statement of Facts Form – section 68B(3) and (5)	500
62.	Failing to cause a clearly visible mark, as prescribed, to be embossed or printed on retreaded tyre – regulations 81(6) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
63.	Failing to communicate result of exhaust emission test to Commissioner within prescribed period – regulations 13(2) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	2,000
64.	Failing to comply with conditions attached to a motor vehicle dealer's licence and with other requirements – regulations 4, 8, 9, 10 and 12 of the Road Traffic (Motor Vehicle Dealer's Licence) Regulations 1988	500
65.	Failing to comply with traffic sign and traffic direction – sections 123AD and 163 and Traffic Signs Regulations 1990	2,000
66.	Failing to display Certificate of fitness on motor vehicle/trailer – sections 114(5) and 122	1,000
67.	Failing to display class label on front of vehicle – regulations 2, 32 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000

68.	Failing to cause to be displayed on contract bus the class of the vehicle and the service authorised under the licence – regulations 5(a)(i)(ii) and 8(4) of the Road Traffic (Control of Contract Car and Contract Bus Operations) Regulations 2016	500
69.	Failing to cause to be displayed at the front of a contract bus, the class of the vehicle – regulations 5(b) and 8(4) of the Road Traffic (Control of Contract Car and Contract Bus Operations) Regulations 2016	500
70.	Failing to ensure that bonnet hinged covers and doors are kept firmly shut on the primary catch while vehicle is in motion – regulations 77(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
71.	Failing to equip motor vehicle with safety glass wherever glass is used in doors, windows and windscreens – regulations 18(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
72.	Failing to fit motor vehicle with speedometer located in a position – regulations 21 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
73.	Failing to fit a motorcycle, an auto cycle or a pedal cycle with a red reflector at its rear – regulations 47(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
74.	Failing to highlight chassis number of goods vehicle and trailer with white paint wherever it appears – regulations 5(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
75.	Failing to indicate intention to draw out from parking space – section 163 and regulation 40(15) of the Road Traffic Regulations 1954	1,000
76.	Failing to keep both hands on steering wheel of motor vehicle – regulations 78(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
77.	Failing to keep feet, at all times whilst moving, on footrests whilst riding auto cycle/motorcycle – regulations 122(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
78.	Failing to keep to the left or nearside of the road – section 163 and regulations 40(6) of the Road Traffic Regulations 1954	1,000
79.	Failing to stop a bus at a bus stop along its route – section 163 and regulation 4(2) of the Road Traffic (Conductors and Drivers of Buses) Regulations 1954	1,000
80.	Failing to park bus within 1.5 meters from the rear of preceding bus at bus stop – regulations 114(d) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
81.	Failing to stop bus with its front within 600 millimetres from a bus stop sign – regulations 114(b) and 125 of Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
82.	Failing to wear high visibility clothing whilst driving a motorcycle or an auto cycle – regulations 2, 3(1) and 5 of Road Traffic (Use of High Visibility Clothing) Regulations 2013 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
83.	Failing to wear securely a prescribed protective helmet while riding a motorcycle or auto cycle – section 123N(3)(a) and (4) [Amended GN 4/2021 (cio 31/12/2020)]	5,000
84.	Failing, whilst driving or whenever the taxi is standing, to display registration certificate inside the taxi in a manner clearly visible from outside – regulations 6(1) and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
85.	Failing to display licence number and base of operation on the front doors of a taxi – regulations 12 and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500

86.	Failing to equip emergency exit of bus with an electrical sensor such that the driver is given audible and visual alarm when the door is not securely fastened – regulation 3(2)(a) and paragraph 5 of Part 1 of Fourth Schedule and regulation 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
87.	Failing to extinguish main beam of light emitted by headlamp of motor vehicle – regulations 103(6) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
88.	Failing to give proper signal when about to turn or stop – section 163 and regulation 40(1)(i) of the Road Traffic Regulations 1954	1,000
89.	Failing to give way to traffic from the right when approaching a roundabout – section 163 and regulation 40(6) of the Road Traffic Regulations 1954	1,000
90.	Failing to give way when coming out of a less important road onto a more important one – section 163 and regulation 40(2)(5) of the Road Traffic Regulations 1954	1,000
91.	Failing to issue ticket – regulations 3(2) and 17 of the Road Traffic (Bus Fares) Regulations 2016	500
92.	Failing to issue, prior to delivery of a new or second hand imported motor vehicle to its owner, a certificate stating that the motor vehicle has been correctly inspected complies with the specified standard for exhaust and noise emissions – regulations 14 and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	2,000
93.	Failing to keep register whilst driving taxi – regulations 7(1) and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
94.	Failing to operate and maintain approved facility – regulations 15(1) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	5,000
95.	Failing to overtake traffic on the right – section 163 and regulation 40(1)(f) of the Road Traffic Regulations 1954	1,000
96.	Failing to produce carrier's licence on demand – section 163 and regulation 26 of the Road Traffic (Public Service Vehicle, Road Service and Carrier's Licence) Regulations 1964	500
97.	Failing to produce conductor's or driver's licence or badge on demand – section 163 and regulation 12A(8) of the Road Traffic (Conductors and Drivers of Public Service Vehicles) Regulations 1954	500
98.	– [R 10/23 (cio 21/8/23).]	–
99.	Failing to produce driving licence or digital driving licence within 5 days at such police station as specified by driver on request – section 46(3) and (4) [Amended 15/26 (cio 4/9/26).]	1,000
100.	Failing to produce public service vehicle licence on demand – section 163 and regulation 20 of the Road Traffic (Public Service Vehicles, Road Service and Carrier's Licence) Regulations 1964	500
101.	Failing to produce register of driver on demand – regulations 7(1)(b) and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
102.	Failing to submit monthly return – section 163 and regulations 2, 3 and 4 of the Road Traffic (Public Service Vehicles) (Records and Returns) Regulations 1984	500
103.	Failing to submit vehicle to exhaust emission test – regulations 13(1) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	2,000
104.	Failing to take his vehicle to a place specified by an authorised officer for an opacity test – regulations 16(1) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	1,000

105.	Failing to comply with a notice to take his vehicle to a place specified by an authorised officer for a noise emission test within the specified period of time – section 163 and regulation 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	1,000
106.	Failing, in case of an accident, a breakdown or an emergency, to display, or to cause to be displayed, a triangular warning sign – regulations 70(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
107.	Failing to use a dipped beam of light when approaching another vehicle from the rear at a distance of 100 metres – regulations 104 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
108.	Failing to wear a seat belt whilst driving a motor vehicle – regulations 87(1)(a)(i) and (b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
109.	Failing, when acting as conductor or driver of a public service vehicle, to wear a badge in a conspicuous position – section 163 and regulation 12A(2) of the Road Traffic (Conductors and Drivers of Buses) Regulations 1954	500
110.	Fitting a wireless receiving apparatus or sound transmitting apparatus to a bus without the written permission of the Commissioner – regulations 3(2)(a) and 125 of, and paragraph 23 of Part I of the Fourth Schedule to, the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
111.	Fitting motor vehicle with a bull bar – regulations 4(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
112.	Fitting motor vehicle with siren, bell, gong or multi-tone horn – regulations 23 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
113.	Bodywork, upholstery, fittings and accessories not in good and serviceable condition – regulations 4(1) and 125 the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
114.	Fitting of spot lamp on motor vehicle – regulations 106 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
115.	Fitting, or causing to be fitted, any additional seat in motor vehicle without approval of Commissioner – section 163 and regulation 48B of the Road Traffic Regulations 1954	1,000
116.	Fog lamp not fitted in prescribed manner – regulations 38 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
117.	Trailer, bus or goods vehicle with gross weight exceeding 3,500 kilogrammes not fitted with reversing alarm – regulations 23 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
118.	Failing to wear high visibility clothing whilst riding a motorcycle or an auto cycle as pillion rider – regulations 2, 3(2) and 5 of the Road Traffic (Use of High Visibility Clothing) Regulations 2013	1,000
119.	– [R 10/23 (cio 21/8/23).]	–
120.	Motor vehicle, or combination of vehicles, fitted with inefficient braking system – regulations 16(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
121.	Exhaust silencer system not in good and efficient working order – regulations 83(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020); 18/25 (cio 9/8/25).]	10,000
122.	Item not forming part of auto cycle/motor cycle suspended from or connected to any part of the handle bar or steering mechanism – regulations 121(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500

123.	Keeping a bus stationary at a bus stop for a longer period of time than is necessary for enabling a person to alight or to enter the bus – section 163 and regulation 4(2)(b) of the Road Traffic (Conductors and Drivers of Buses) Regulations 1954	1,000
124.	Lamps inside bus not lighted during the hours of darkness in a prescribed manner – regulations 117 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
125.	Lamp not fitted in prescribed manner – regulations 46 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
126.	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	1,000
127.	Allowing engine to operate for more than five consecutive minutes whilst motor vehicle is stationary – regulations 85(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
128.	Lighting fog lamps where road visibility is more than 100 metres – regulations 103(5) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
129.	Motor vehicle projecting load more than 75 millimetres beyond the external edges of the tyres of the wheels on either side – regulations 4(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
130.	Operating goods vehicle, trailer or semi-trailer, the gross weight of which exceeds 3,500 kilogrammes, without prescribed information – regulations 120 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
131.	Motor dealer's identification plate of a motor vehicle not as approved by the Authority – regulations 8 and 12 of the Road Traffic (Motor Dealer's Vehicle Licence) Regulations 1988	500
132.	Motor vehicle with gross weight exceeding 16,000 kilogrammes not fitted with beacon lamp in a prescribed manner – regulations 44 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
133.	Motor vehicle fitted with front fog lamps not as prescribed – regulations 38(1), (2) and (3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
134.	Motor vehicle licence not affixed in prescribed manner – sections 137 and 163 and regulation 15 of the Road Traffic Regulations 1954	500
135.	Negligently or wilfully preventing, hindering or interrupting traffic on the road – section 163 and regulation 40(3) of the Road Traffic Regulations 1954	1,000
136.	Public service vehicle providing authorised services without conductor – section 163 and regulation 2A of the Road Traffic (Conductors and Drivers of Buses) Regulations 1954	500
137.	Near-side or off-side exterior mirror not as prescribed – regulations 19(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
138.	Flaps behind rear wheels not as prescribed – regulations 61 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
139.	Fuel tank not provided with effective cover or lid – regulations 30(1)(f) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
140.	Interior mirror not as prescribed – regulations 19(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020)]	5,000

141.	Goods vehicle or trailer not fitted with rear marking not as prescribed – section 137 and regulations 54 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
142.	Trailer not fitted with side marking not as prescribed – section 137 and regulations 54(4) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
143.	Goods vehicle, trailer or semi-trailer with gross weight exceeding 3,500 kilogrammes not fitted with rear under-run protection in the manner prescribed – regulations 62 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
144.	Auto cycle or motorcycle not fitted with rear view mirror in the manner prescribed – regulation 19(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
145.	Goods vehicle, trailer or semi-trailer with gross weight exceeding 3,500 kilogrammes not fitted with side guards in the manner prescribed – regulations 63 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
146.	Bus obstructing traffic from the opposite direction while moving out of a bus stop – regulations 114(h) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
147.	Opening, or causing or permitting to be opened, any door of motor vehicle or alighting from motor vehicle in such way as to impede the flow of traffic – regulations 77(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
148.	Operating direction indicators of bus while passengers are alighting or boarding – regulations 114(g) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
149.	Overtaking bus whose driver has signaled his intention of moving out of a bus stop – regulations 113 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
150.	Overtaking or passing a vehicle which has stopped at a pedestrian crossing – regulations 4 and 10 of the Road Traffic (Pedestrian Crossings) Regulations 2002	1,000
151.	Stopping or parking motor vehicle on a road during hours of darkness without a light – regulations 105 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
152.	Particulars and dimensions of licence number and base of operation of taxi not as prescribed – regulations 12 and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	1,000
153.	Riding, or causing or permitting a person to ride on the windows, wings, fenders, luggage grid, roof, running board, drawbar, towing bar, boot or bonnet of a motor vehicle – sections 152(1) and (4) and 163	2,000
154.	Causing or permitting the oil or fuel from vehicle to spill on road – regulations 74 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
155.	Obstructing traffic coming from the opposite direction whilst overtaking – section 163 and regulation 40(1)(g) of the Road Traffic Regulations 1954	2,000
156.	Plying for hire outside bus stands or stopping places – sections 103(2) and 163	500
157.	Plying for hire at an unauthorised place – sections 103(3) and 163	500

158.	Plying for hire at separate fares at another base or stand, or at or within 60 metres of a bus stopping place or at any stand appointed for any other class of public service vehicles or for goods vehicle – sections 103(4) and 163	500
159.	Quitting motor vehicle without taking due precaution against its being set in motion – regulation 40(1)(b) of the Road Traffic Regulations 1954 and section 163	2,000
160.	Rear marking or side markings not as prescribed (long vehicle) – regulations 54 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	500
161.	Refuelling made in the course of a journey – regulation 8 of the Road Traffic (Conductors and Buses) Regulations 1954 and section 163	500
162.	Refusing to allow the carrying out of an exhaust or noise emission test – regulations 19(a) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	1,000
163.	Registration mark at rear not illuminated – regulations 42 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
164.	Registration mark not easily distinguishable – sections 20(1) and 163	1,000
165.	Removing registration plate from a vehicle which is on a road – regulations 71 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
166.	Removing, tampering, defacing or otherwise damaging a prohibition notice – regulations 20(3) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	1,000
167.	Riding a motor cycle or an auto cycle abreast of another two-wheel vehicle – regulation 40(14)(e) of the Road Traffic Regulations 1954 and section 163	1,000
168.	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	1,000
169.	Stickers displayed on contract bus not as per prescribed particulars, dimensions and specimen – regulations 5(a)(b) and 8(4) of the Road Traffic (Control of Contract Car and Contract Bus Operations) Regulations 2016	500
170.	Stopping on carriageway of motorway – regulation 5(1) of Road Traffic (Motorways) Regulation 1964 and section 163	2,000
171.	Tariff of fares not exhibited in bus – regulation 27 of the Road Traffic Regulations 1954 and sections 137 and 163	500
172.	Taxi sign not complying with prescribed colours or dimensions – regulations 10 and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
173.	Teaching for gain the driving of a motor vehicle without an instructor's licence – sections 167(1)(a) and 163	2,000
174.	Trailer exceeding 3500 kilogrammes gross weight not fitted with reversing alarm – regulations 23 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
175.	Touting – sections 82 and 163	500
176.	Unauthorised use of audible warning instrument or apparatus – regulations 86(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
177.	Using a hand-held microphone or telephone handset whilst driving a vehicle – section 123AE(1) and (2)	3,000

177A.	Using handheld mobile phone or handheld interactive communication device whilst driving – section 123AE [Added 15/26 (cio 4/9/26).]	3,000
178.	Using a motor vehicle as a bus, contract bus, taxi, contract car or shuttle bus without a public service vehicle licence – section 76(1) [Amended 10/23 (cio 21/8/23).]	3,000
179.	Using a public service vehicle or motor cycle to draw a trailer – regulations 110(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
180.	Using a motor vehicle discharging clearly visible smoke in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds – regulations 83(1)(a) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020); 18/25 (cio 9/8/25).]	10,000
181.	Using a motor vehicle emitting excessive noise – regulations 84 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended 18/25 (cio 9/8/25).]	10,000
182.	Using a motor vehicle equipped with unauthorised lamps – regulations 38, 45, 50 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
183.	Using a motor vehicle for a purpose other than that for which it has been licensed – section 21(3)	5,000
184.	Using a motor vehicle issued with a prohibition notice – regulations 20(4) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	3,000
185.	Using a motor vehicle not fitted with reversing lamp – regulations 43(1) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
186.	Using a motor vehicle on a road without head lamps, rear lamps and registration plate lamps kept lighted during hours of darkness – regulations 103(1)(b) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
187.	Using a motor vehicle or trailer likely to cause danger – regulations 69 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
188.	Using a motor vehicle with more than 4 lamps lighted at the same time on its front – regulations 103(4) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,500
189.	Using a motor vehicle or trailer without a valid certificate of fitness – sections 114(1) and 122(a)	1,000
190.	Using a motor vehicle or trailer which has been prohibited for use by an authorised examiner or a vehicle examiner – section 122(c)	1,000
191.	Using motor vehicle with front tyre retreaded more than once – regulations 81(5) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
192.	Using motor vehicle with recut pneumatic tyre – regulations 81(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
193.	Using a public service vehicle to draw a trailer – regulations 110(3) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
194.	Using a wheeled motor vehicle or trailer with its pneumatic tyre extending beyond the bodywork – regulations 2, 81(1)(h) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	2,000
195.	Using an unregistered motor vehicle or trailer on a road – sections 5(1) and 163	1,000

196.	Using a motorcycle or an auto cycle fitted with retreaded tyre – regulations 81(2) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
197.	Using a motorcycle or an auto cycle with the minimum distance between the outer ends of handle bars less than 450mm – regulations 121(5) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
198.	Using on a road a motor vehicle exceeding the prescribed overall height – regulations 8 and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	1,000
199.	Using or causing or permitting to be used a diesel-driven motor vehicle emitting smoke over opacity limit of 50 per cent – regulations 8(2) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 [Amended 18/25 (cio 9/8/25).]	10,000
200.	Using or causing or permitting to be used a motor vehicle not as per prescribed standard for noise emission – regulations 10 and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 [Amended GN 4/2021 (cio 31/12/2020); 18/25 (cio 9/8/25).]	10,000
201.	Using or causing or permitting to be used, a motorcycle or an auto cycle emitting carbon monoxide over 4.5 per cent by volume – regulations 8(3) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	1,000
202.	Using or causing or permitting to be used, a petrol-driven motor vehicle, other than a motorcycle or an auto cycle, not as per prescribed standard for exhaust emission – regulations 8(1) and 22 of the Road Traffic (Control of Vehicle Emissions) Regulations 2002	2,000
203.	Using or causing to be used a taxi having an advertisement on it without the prior approval of the Commissioner – regulations 13(3) and 15 of the Road Traffic (Control of Taxi Operations) Regulations 2011	500
204.	Worn out tyre – regulations 81(f) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Amended GN 4/2021 (cio 31/12/2020)]	5,000
205.	Using a motor vehicle with an altered silencer where the noise caused by the escape of the exhaust gases is made greater by the alteration – regulations 83(3)(c) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 [Repealed and replaced 15/26 (cio 4/9/26).]	10,000

EXPLANATORY COMMENTARY

This Schedule lists offences that can be dealt with by Fixed Penalty Notice, along with the fines.

How Fixed Penalties Work

For these offences, instead of going to court, you can pay a fixed fine. The amount varies by offence.

Examples of Fixed Penalties

- **Not wearing a helmet:** Rs 5,000
- **Not wearing a seat belt:** Rs 1,000
- **Using a handheld phone:** Rs 3,000
- **Exceeding speed limit by up to 15 km/h:** Rs 2,500
- **Exceeding speed limit by 15-25 km/h:** Rs 5,000

- **Exceeding speed limit by more than 25 km/h:** Rs 10,000
- **Driving without insurance vignette:** Rs 5,000
- **Unregistered vehicle:** Rs 1,000

Key Takeaway: The Fourth Schedule provides a comprehensive list of fixed penalty offences and their fines. Most minor traffic offences can be dealt with by paying a fixed penalty.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Fifth Schedule: Agreed Statement of Facts Form

VERBATIM TEXT

FIFTH SCHEDULE

[Section 68B]

PART A - AGREED STATEMENT OF FACTS FORM
PART B - SCALES OF LIABILITIES

[Fifth Sch. added by s. 6 of Act 36 of 2003 w.e.f. 1 August 2004.]

EXPLANATORY COMMENTARY

This Schedule contains:

1. **Part A:** The Agreed Statement of Facts Form—used when drivers agree on the circumstances of a minor accident.
2. **Part B:** Scales of liabilities—used to determine who is responsible for what percentage of damage in different accident scenarios.

How It Works

When a minor accident occurs and both drivers agree on what happened, they complete the Agreed Statement of Facts Form. This form is then sent to their insurers. The scales of liability in Part B help insurers determine fault.

> *Example:* If you rear-end another vehicle, the scales might say you're 100% liable. If you and another driver both reverse into each other, the scales might split liability 50/50.

Key Takeaway: The Agreed Statement of Facts Form simplifies the claims process for minor accidents. The scales of liabilities provide consistency in determining fault.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Sixth Schedule: Procedural Rules of the Motor Vehicle Insurance Arbitration Committee

VERBATIM TEXT

SIXTH SCHEDULE

[Section 68H]

PROCEDURAL RULES OF THE MOTOR VEHICLE INSURANCE ARBITRATION COMMITTEE

[Sixth Sch. added by s. 6 of Act 36 of 2003 w.e.f. 1 August 2004; amended by GN 128 of 2010 w.e.f. 1 June 2010; s. 49(m) of Act 1 of 2020 w.e.f. 16 May 2020; s. 29 of Act 10 of 2023 w.e.f. 21 August 2023.]

1. Where a dispute referred to in section 68E has not been resolved amicably, within the statutory period, any party to the dispute may lodge an application with the Secretary on a form to be approved by the Committee stating precisely the issues which the Committee will be expected to determine.

1A. An application lodged under paragraph 1 shall be accompanied by a processing fee of 3,000 rupees.

2. On receipt of the application, the Secretary shall request the other party to make written representations to the Committee, in reply to the issues raised by the applicant, within a period of 7 days from the date of receipt of the request made by the Secretary.

3. The Committee shall determine the dispute on the basis of the written representations made but may call for further information from the parties to the dispute or from other persons having the relevant expertise in matters to be decided by the Committee.

4. Upon receipt of written representations from the respective parties, the Committee shall determine the dispute within a period of 4 months as from the date the application is submitted to the Secretary.

[Amended 1/2020 (cio 16/5/2020).]

4A. (a) The Committee may make such order as to costs, not exceeding 3,000 rupees, as it thinks fit.

(b) An order made under subparagraph (a) shall be enforced in the same manner as an order for costs in proceedings before a Magistrate.

5. The Committee shall communicate its findings in writing by registered post, stating briefly the reasons in support thereof, to the parties within 6 weeks from the date of its determination.

[Amended 1/2020 (cio 16/5/2020).]

6. The Committee may, for the purpose of the National Insurance Claims Database, upload its determination in the database operated by the Financial Services Commission in such form and manner as it may determine.

[Added 10/23 (cio 21/8/23).]

EXPLANATORY COMMENTARY

This Schedule sets out the procedural rules for the Motor Vehicle Insurance Arbitration Committee.

How Disputes Are Resolved

1. A party lodges an application with the Secretary, stating the issues to be determined
2. The application must be accompanied by a processing fee of **Rs 3,000**
3. The other party has **7 days** to make written representations
4. The Committee determines the dispute based on written representations (but can call for more information)
5. The Committee must determine the dispute within **4 months**
6. The Committee can order costs up to **Rs 3,000**
7. Findings are communicated within **6 weeks**

Database Upload

The Committee can upload its determinations to the National Insurance Claims Database.

Key Takeaway: This Schedule provides a clear procedure for resolving insurance disputes through the Arbitration Committee.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Seventh Schedule: Fixed Penalty Notice

VERBATIM TEXT

SEVENTH SCHEDULE

[Section 191]

FIXED PENALTY NOTICE

[Seventh Schedule added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; s. 22 of Act 7 of 2015 w.e.f. 27 July 2015; s. 23 of Act 12 of 2018 w.e.f. 1 October 2018; repealed and replaced by s. 19 of Act 29 of 2025 w.e.f. 31 January 2026.]

PART A

Fixed Penalty Notice no. .....

Surname of offender ..... Name of offender
..... Address .....

This is to bring to your attention that you have,

on ..... (date) at ..... (place), committed the following

offence(s) –

SN	Offence(s)	Offence code	Applicable penalty points	Fine (Rs)
1.				
2.				
3.				

in connection with the presence on the road of the following motor vehicle –

(a) type ..... (b) registration mark ..... (c) make .....

You have to pay the above mentioned fine(s) at ..... District Court at latest by ..... (date) in accordance with section 192 of the Road Traffic Act, failing which you will, on conviction, be liable to a fine of not less than twice the amount specified above and you will be allocated the largest number of penalty points in respect of the offence in accordance with section 193 of the Road Traffic Act.

In case the offence carries penalty points, you will to have to attend Court personally and produce the FPN, your original driving licence, provisional driving licence or international driving permit, as the case may be, and your National Identity Card or Passport in case you are not the holder of a National Identity Card.

Name of Issuing Officer

Signature of Issuing Officer

Posting of Issuing Officer

Date

PART B

(to be filled in case offence carries penalty points)

IN THE DISTRICT COURT OF .....

PARTICULARS OF OFFENDER

(to be filled in by an officer of the District Court)

National Identity Card no./Passport no.*

Driving licence no.

Date of payment .....

Signature of Offender

Name of Officer of District Court

Signature of Officer of District Court

Stamp

TO BE READ AND FILLED BY OFFENDER

The payment of the fine under Part A constitutes an admission of the offence.

I agree that, on payment of the fine, the penalty points specified in Part A will be allocated to me in accordance with section 192 of the Road Traffic Act.

Date

Signature of Offender

TO BE FILLED BY OFFICER OF DISTRICT COURT

Date of payment .....

Name of Officer of District Court

Signature of Officer of District Court

Date

Stamp

EXPLANATORY COMMENTARY

This Schedule contains the form for a Fixed Penalty Notice.

What the Form Contains

- The offender's details
- Details of the offence(s)
- The vehicle involved
- The fine to be paid
- The deadline for payment
- Warning about higher fines and penalty points for non-payment
- Instructions for attending Court if the offence carries penalty points

Parts of the Form

- **Part A:** Completed by the issuing officer
- **Part B:** Completed by the Court if the offence carries penalty points

Key Takeaway: The Fixed Penalty Notice form is standardised to ensure all necessary information is provided to the offender.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Eighth Schedule: Photographic Enforcement Device Notice

VERBATIM TEXT

EIGHTH SCHEDULE

[Section 195]

PHOTOGRAPHIC ENFORCEMENT DEVICE NOTICE

[Eighth Schedule added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; amended by GN 101 of 2013 w.e.f. 10 May 2013; s. 21(e) of Act 26 of 2013 w.e.f. 21 December 2013; repealed and replaced by s. 23 of Act 7 of 2015 w.e.f. 27 July 2015; s. 25 of Act 12 of 2018 w.e.f. 1 October 2018; s. 20 of Act 29 of 2025 w.e.f. 31 January 2026.]

PART A

PEDN no. ..... Ref no. ..... Name of owner/driver .....

Address of owner/driver .....

Motor vehicle

Registration mark ..... Make and model of vehicle ..... Was photographed at ..... On (dd/mm/yy) ..... Time .....

Photographic enforcement device operated

by ..... Speed limit (km/h) .....

Speed registered by device

(km/h) ..... Speed exceeded by (km/h) .....

Offence committed	Offence code	Applicable penalty points	Fine (Rs)
Exceeding speed limit, in breach of section 124 of the Road Traffic Act coupled with regulation 3 of the Road Traffic (Speed) Regulations 2011			

You are hereby required to pay the above mentioned fine at any District Court not later than 28 days as from the date of issue of this Notice. In case the offence carries penalty points, you will have to attend Court personally and produce the PEDN, your original driving licence, provisional driving licence or international driving permit, as the case may be, and your National Identity Card or Passport in case you are not the holder of a National Identity Card. If you were not the driver/owner of the vehicle on the date and at the time specified above, you must fill in Part B of this Notice and send it, within 14 days from its date of issue, to the Commissioner of Police, Photographic Enforcement Device Unit, Samlo Tower, Aurele Feillafé Street, Port Louis.

By virtue of section 195 of the Road Traffic Act, the photographic evidence may be viewed at the Photographic Enforcement Device Unit on written application made to the Commissioner of Police, within 14 days of the date of issue of this Notice, against payment of the prescribed fee of 100 rupees.

Name of Issuing Officer

Signature of Issuing Officer

Date

Stamp

PART B

I, Mr/Mrs/Ms* ..... (name), ... (telephone no.), wish to inform you that on ..... (date)

at ..... (time), I was not the

owner/driver* of the above mentioned vehicle and the particulars of the

owner/driver on the date and at the time of the offence, are as stated hereunder

Name of owner/driver* .....

Telephone no. ..... Mobile no. .....

Address .....

Signature

Date

Any person who knowingly gives false information under Part B of this Notice shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

PART C

PAYMENT INSTRUCTIONS

Cheques shall be drawn in the name of the Government of Mauritius and the PEDN no. shall be specified on the verso of the cheque.

The person having been driving the vehicle on the date and at the time of the offence may appear personally or authorise, in writing, another person to pay the fine on his behalf.

In case the offence carries penalty points, the person having been driving the vehicle shall appear personally to effect payment and shall produce this Notice, his original driving licence, provisional driving licence or international driving permit, as the case may be, and his National Identity Card or Passport in case he is not the holder of a National Identity Card.

In case you fail to pay the specified penalty not later than 28 days as from the date of issue of this Notice, you shall be presumed to be the driver of the above mentioned vehicle on the date and at the time of the offence and you shall, where criminal proceedings are instituted against you, be liable, on conviction, to a fine not less than twice the amount payable in respect of

that offence and you will be allocated the largest number of penalty points in respect of the offence in accordance with section 196 of the Road Traffic Act.

PART D

(To be filled in by an officer of the District Court)

Name of offender .....

National Identity Card no./Passport no.*

Driving licence no.

Offence

Offence code

Exceeding Speed Limit .....

TO BE READ AND FILLED BY OFFENDER

The payment of the fine under Part A constitutes an admission of the offence.

In case the offence carries penalty points, I agree that, on payment of the fine, the penalty points specified under Part A will be allocated to me in accordance with section 195 of the Road Traffic Act.

Number of penalty points allocated for the offence (if any) .....

Signature of offender

Date

TO BE FILLED BY OFFICER OF DISTRICT COURT

Date of payment .....

Name of Officer of District Court

Signature of Officer of District Court

Date

Stamp

EXPLANATORY COMMENTARY

This Schedule contains the form for a Photographic Enforcement Device Notice.

What the Form Contains

- Details of the offence detected by camera
- Speed limit and speed registered
- Fine payable
- Penalty points
- Instructions for payment
- Part B for identifying the driver if you weren't driving

Key Parts

- **Part A:** Offence details and payment instructions
- **Part B:** To be completed if you weren't the driver
- **Part C:** Payment instructions
- **Part D:** For Court use

Key Takeaway: The PEDN form provides all necessary information about the camera-detected offence and how to respond.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Ninth Schedule: Endorsement Certificate

VERBATIM TEXT

NINTH SCHEDULE

[Sections 2 and 123AG]

ENDORSEMENT CERTIFICATE

[Ninth Schedule added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; repealed and replaced by s. 24 of Act 7 of 2015 w.e.f. 27 July 2015; s. 21 of Act 29 of 2025 w.e.f. 31 January 2026.]

DETAILS OF HOLDER OF DRIVING LICENCE/PROVISIONAL DRIVING LICENCE/INTERNATIONAL DRIVING PERMIT

Name ..... Address ..... National Identity Card no. ..... Passport no. (where applicable) ..... Driving licence no. .....

Status of driving licence* Provisional – Competent – International driving permit no. (where applicable) .....

SN	Court	Cause No/ FPN No/ PEDN No*.	Date of conviction	Date of offence	Date of disqualification	Disqualification period	Offence Code	Penalty points allocated	Official use
1.									
2.									
3.									
4.									
5.									
6.									

Whether holder of Instructor's Driving Licence Yes/No** Whether driving licence is endorsed Yes/No** Whether driving licence is cancelled Yes/No**

..... Name of Officer of District Court

..... Signature of Officer of District Court

..... Date of issue of certificate .....

Stamp Tick as appropriate ** Delete as appropriate

EXPLANATORY COMMENTARY

This Schedule contains the form for an Endorsement Certificate.

What Is an Endorsement Certificate?

An Endorsement Certificate is used to record convictions, disqualifications, and penalty points on a driving licence.

What It Contains

- Details of the licence holder
- A table for recording convictions, dates, disqualifications, and penalty points
- Whether the holder has an instructor's licence
- Whether the licence is endorsed or cancelled

Key Takeaway: The Endorsement Certificate ensures a complete record of driving offences and penalties.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Tenth Schedule: Driving Licence

VERBATIM TEXT

TENTH SCHEDULE

[Section 2]

DRIVING LICENCE

[Tenth Schedule added by s. 22 of Act 17 of 2012 w.e.f. 10 May 2013; repealed and replaced by s. 3 of GN 25 of 2018 w.e.f. 1 March 2018.]

GOVERNMENT OF MAURITIUS DRIVING LICENCE (issued under the Road Traffic Act) Card no. .....

TYPE OF VEHICLE	SEAL OF AUTHORITY	REMARKS
L as from		
P as from		

TYPE OF VEHICLE	SEAL OF AUTHORITY	REMARKS
Valid up to		
Valid up to		
Valid up to		

Details of licensee Name ..... Surname
..... NIC no. .....
..... Signature of licensee Licence no.
..... Date of first issue .....
..... f/Commissioner of Police

AM Auto cycle A1 Motorcycle >50 – V ¤ 125 A2 Motorcycle >125 – V ¤ 300 A Motorcycle >300 B Private car B1 Taxi C Goods vehicle E Tractor on tyres F Heavy motor car (bus) F1 Heavy motor vehicle G Other type

Photograph of licensee

EXPLANATORY COMMENTARY

This Schedule contains the form for a Driving Licence.

What the Licence Contains

- The type of vehicles the holder is authorised to drive (AM, A1, A2, A, B, B1, C, E, F, F1, G)
- Validity dates
- Personal details of the licensee
- Photograph
- Licence number
- Date of first issue

Vehicle Categories

- **AM:** Auto cycle
- **A1:** Motorcycle >50 – ≤125
- **A2:** Motorcycle >125 – ≤300
- **A:** Motorcycle >300
- **B:** Private car
- **B1:** Taxi
- **C:** Goods vehicle
- **E:** Tractor on tyres
- **F:** Heavy motor car (bus)
- **F1:** Heavy motor vehicle
- **G:** Other type

Key Takeaway: The Driving Licence clearly shows what types of vehicles the holder can drive.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Eleventh Schedule: Penalty Points Certificate

VERBATIM TEXT

ELEVENTH SCHEDULE

[Sections 2 and 123AG]

PENALTY POINTS CERTIFICATE

[Eleventh Sch. added by s. 26 of Act 7 of 2015 w.e.f. 27 July 2015; repealed and replaced by s. 22 of Act 29 of 2025 w.e.f. 31 January 2026.]

DETAILS OF HOLDER OF DRIVING LICENCE/PROVISIONAL DRIVING LICENCE/INTERNATIONAL DRIVING PERMIT

Name ..... Address ..... National Identity Card no. ..... Passport no. (where applicable) ..... Driving licence no. .....

Status of driving licence* Provisional – Competent – International driving permit no. (where applicable) .....

SN	Court	Cause No/ FPN No/ PEDN No*.	Offence code	Penalty Points allocated	Effective date	
					From	To
1.						
2.						
3.						
4.						
5.						
6.						

Total effective penalty points ..... Whether previously disqualified under section 123AH of the Road Traffic Act* Yes – No – District Court of ..... Cause No. .....

Date of issue of certificate ..... Date of issue of disqualification .... Name of licensing officer ..... Signature of licensing officer .....
Name of Licensing Officer ..... Signature for Licensing Officer
*Delete as appropriate

EXPLANATORY COMMENTARY

This Schedule contains the form for a Penalty Points Certificate.

What Is a Penalty Points Certificate?

This certificate shows the penalty points allocated to a licence holder.

What It Contains

- Details of the licence holder
- A table showing each offence, the penalty points allocated, and the effective dates
- Total effective penalty points
- Whether the holder has been previously disqualified

Key Takeaway: The Penalty Points Certificate provides a complete record of a driver's penalty points.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Twelfth Schedule: Application Form for Redemption of Penalty Points

VERBATIM TEXT

TWELFTH SCHEDULE

[Sections 2 and 123AJ]

APPLICATION FORM FOR REDEMPTION OF PENALTY POINTS (Under section 123AJ of the Road Traffic Act – Penalty Points System)

[Twelfth Schedule added by s. 25 of Act 12 of 2018 w.e.f. 1 October 2018; repealed and replaced by s. 30 of Act 10 of 2023 w.e.f. 12 April 2024; s. 23 of Act 29 of 2025 w.e.f. 31 January 2026.]

To: The Honourable Magistrate

Court of .....

Details of applicant

Surname ..... Name ..... National Identity Card no. ..... Passport no. (where applicable) ..... Residential address ..... Telephone no. ..... Email (optional) .....

Details of driving licence Driving licence no. ..... Date of issue of licence .....

Type of licence – Competent driving licence – Provisional driving licence – Foreign driving licence – Driving instructor's licence –

Penalty points information

Total number of effective penalty points accumulated .....

Penalty Points Certificate attached* – Yes – No –

Rehabilitation course

I, the undersigned, hereby declare that I have successfully completed an approved Rehabilitation Course, as follows –

Name of approved training provider ..... Course title ..... Date(s) attended .....

Certificate/Proof of Completion Attached – Yes – No

Application for redemption

I hereby apply for redemption for a maximum of three (3) penalty points, having accumulated not less than 10 and not more than 14 penalty points.

Declaration

I, ..., declare that the information provided is true and correct.

Signature of Applicant ..... Date .....

FOR OFFICIAL USE ONLY

Court file number ..... Date received ..... Documents verified* – Proof of identity – Driving licence – Rehabilitation certificate – Penalty Points Certificate Decision of the Court* Approved – Refused – Points redeemed .....

Signature of Officer of Court Date Seal of Court Tick as appropriate

EXPLANATORY COMMENTARY

This Schedule contains the form for applying to redeem penalty points.

Who Can Apply?

A driver with **10 to 14** penalty points can apply to redeem up to **3 points**.

Requirements

- Complete the application form
- Attach a Penalty Points Certificate
- Provide proof of completing a rehabilitation course

Court Decision

The Court can approve or refuse the application.

Key Takeaway: The redemption application form allows eligible drivers to apply to reduce their penalty points.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Thirteenth Schedule: Drugs

VERBATIM TEXT

THIRTEENTH SCHEDULE

[Section 2]

DRUGS

[Thirteenth Schedule added by s. 20 of Act 6 of 2019 w.e.f. 1 June 2022.]

PART I – DRUGS WITH ZERO TOLERANCE

Amphetamine Benzoylecgonine Cocaine Delta-9-tetrahydrocannabinol (cannabis) lysergic acid diethylamide Methylamphetamine MDMA 6-monoacetylmorphine (heroin)

PART II – DRUGS WITH SPECIFIED LIMIT

Drug	Threshold limit in blood
Clonazepam	50 µg/L
Diazepam	550 µg/L
Flunitrazepam	300 µg/L
Lorazepam	100 µg/L
Methadone	500 µg/L
Morphine	80 µg/L
Oxazepam	300 µg/L

EXPLANATORY COMMENTARY

This Schedule lists drugs for the purposes of drug driving offences.

Part I: Zero Tolerance Drugs

These drugs have zero tolerance—meaning any amount in your system is an offence:

- Amphetamine
- Benzoylecgonine
- Cocaine
- Delta-9-tetrahydrocannabinol (cannabis)
- Lysergic acid diethylamide
- Methylamphetamine
- MDMA
- 6-monoacetylmorphine (heroin)

Part II: Drugs with Specified Limits

These drugs have specified limits—meaning you commit an offence only if the amount in your blood exceeds the limit:

- Clonazepam: 50 µg/L
- Diazepam: 550 µg/L
- Flunitrazepam: 300 µg/L
- Lorazepam: 100 µg/L
- Methadone: 500 µg/L
- Morphine: 80 µg/L
- Oxazepam: 300 µg/L

> *Example:* If you have any cannabis in your system, you commit an offence (zero tolerance). But if you have diazepam below 550 µg/L, you don't commit an offence under this Schedule (though you might still be unfit to drive).

Key Takeaway: Zero tolerance applies to illegal drugs. Prescription drugs have specified limits. Never drive if you're under the influence of any drug.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Fourteenth Schedule: Field Impairment Assessment Questionnaire

VERBATIM TEXT

FOURTEENTH SCHEDULE

[Section 123G]

FIELD IMPAIRMENT ASSESSMENT QUESTIONNAIRE

[Fourteenth Schedule added by s. 20 of Act 6 of 2019 w.e.f. 1 June 2022.]

Name of police officer carrying out the assessment ..... Rank of police officer ..... Department number of police officer ..... Place where assessment test carried out ..... Name of driver ..... Age of driver ..... NIC number of driver ..... Residential address of driver ..... Profession of driver ..... Vehicle number ..... Make ..... Colour ..... Type ..... Date ..... Time .....

Reasons for suspicion	Yes	No

1. Difficulty to keep balance		
2. Difficulty to stand up properly		
3. Slurred speech		
4. Signs of over excitation, euphoria, apathy or anxiety		

Any one of the above shall give a positive field impairment test.

Signature of police officer conducting the field impairment test

Date

EXPLANATORY COMMENTARY

This Schedule contains the Field Impairment Assessment Questionnaire.

What Is a Field Impairment Test?

A field impairment test is a physical assessment conducted by a police officer to determine if a driver is under the influence of drugs.

What the Officer Looks For

- Difficulty keeping balance
- Difficulty standing up properly
- Slurred speech
- Signs of over-excitation, euphoria, apathy, or anxiety

Positive Test

If any one of these signs is present, the field impairment test is positive.

Key Takeaway: The Field Impairment Assessment Questionnaire guides police officers in assessing whether a driver is impaired by drugs.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

Fifteenth Schedule: Fees for Seizure and Release of a Motor Vehicle

VERBATIM TEXT

FIFTEENTH SCHEDULE

[Section 123AR]

FEES FOR SEIZURE AND RELEASE OF A MOTOR VEHICLE UNDER PART VIIIB OF THE ROAD TRAFFIC ACT

[Fifteenth Schedule added 15/26 (cio 4/9/26).]

	(Rs)
1. Seizure fee for each period of 24 hours or part thereof	2,000
2. Non-refundable application fee	5,000
3. One-off release fee	10,000

Signed by: Attorney-General's Office Location: Port-Louis, Mauritius Contact Info: (230) 203-4740 Date: 02/09/2026

EXPLANATORY COMMENTARY

This Schedule sets out the fees for seizure and release of a motor vehicle under Part VIIIB.

Fees

- **Seizure fee:** Rs 2,000 for each 24-hour period (or part thereof)
- **Non-refundable application fee:** Rs 5,000
- **One-off release fee:** Rs 10,000

> *Example:* If your vehicle is seized and held for 3 days, the seizure fee would be Rs 6,000 (3 × Rs 2,000). Plus, you'd pay a Rs 5,000 application fee and a Rs 10,000 release fee—a total of Rs 21,000.

Key Takeaway: Getting a seized vehicle back is expensive. The fees are designed to deter driving under the influence.

Guidance provided by roadsafetymoris.org.in.
For more resources, visit roadsafetymoris.org.in.

End of the Schedules

SUMMARY OF THE SCHEDULES

The Schedules contain essential details that supplement the main Act:

- **First Schedule:** Tax rates for vehicle licences based on vehicle type, engine capacity, weight, and other factors.
- **Second Schedule:** Offences involving disqualification, cancellation, and endorsement of driving licences.
- **Third Schedule:** Penalty points for specific offences.
- **Fourth Schedule:** Fixed penalty offences and fines.
- **Fifth Schedule:** Agreed Statement of Facts Form and scales of liabilities.
- **Sixth Schedule:** Procedural rules for the Motor Vehicle Insurance Arbitration Committee.
- **Seventh Schedule:** Fixed Penalty Notice form.
- **Eighth Schedule:** Photographic Enforcement Device Notice form.

- **Ninth Schedule:** Endorsement Certificate form.
- **Tenth Schedule:** Driving Licence form.
- **Eleventh Schedule:** Penalty Points Certificate form.
- **Twelfth Schedule:** Application for Redemption of Penalty Points form.
- **Thirteenth Schedule:** Drugs for drug driving offences.
- **Fourteenth Schedule:** Field Impairment Assessment Questionnaire.
- **Fifteenth Schedule:** Fees for seizure and release of vehicles.

This concludes the Schedules of the Road Traffic Act of Mauritius, Annotated Edition. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.

CONCLUSION

Final Thoughts from roadsafetymoris.org.in

Thank you for reading the Annotated Edition of the Road Traffic Act of Mauritius, brought to you by **roadsafetymoris.org.in**.

This publication has taken you through the entire Act—from the preliminary definitions in Part I to the detailed Schedules that specify tax rates, penalty points, and forms. We hope this annotated edition has made the law more accessible and understandable.

The Road to Safer Roads

Road traffic law isn't just about rules and penalties. It's about protecting lives. Every provision in this Act—whether it's about vehicle registration, driving licences, insurance, or road safety—exists for a reason: to keep people safe on our roads.

When you understand the law, you're better equipped to comply with it. When you comply with it, you help make Mauritius roads safer for everyone—drivers, passengers, cyclists, and pedestrians.

Key Themes of the Act

Throughout this annotated edition, several key themes have emerged:

1. **Responsibility:** As a driver, you're responsible not just for your own safety but for the safety of others. This responsibility is reflected in the severe penalties for dangerous driving, drink driving, and other serious offences.
2. **Accountability:** The law holds drivers, owners, and operators accountable for their actions. The penalty points system, disqualification, and seizure powers all ensure that those who break the law face consequences.
3. **Protection:** Many provisions protect the public—compulsory insurance ensures victims can be compensated, vehicle examinations ensure vehicles are safe, and road safety rules prevent accidents.
4. **Fairness:** The law includes rights of appeal, opportunities to make representations, and defences for those who genuinely couldn't comply with certain requirements.

Using This Book

This annotated edition is designed to be a practical resource. You can:

- Look up specific sections to understand your obligations
- Use the Schedules to check tax rates, penalty points, and fines
- Read the explanations to understand complex legal concepts
- Share this information with others to promote road safety

Stay Informed

Road traffic law changes over time. New amendments are made, new regulations are introduced, and new challenges emerge. To stay informed:

- Visit **roadsafetymoris.org.in** for updates and resources
- Check the official Gazette for new amendments
- Consult the NLTA and other authorities for guidance

A Shared Responsibility

Road safety is a shared responsibility. Government, law enforcement, vehicle manufacturers, drivers, pedestrians—we all have a role to play. By understanding the law and complying with it, you contribute to a safer Mauritius.

Thank You

Thank you for taking the time to read this annotated edition. We hope it has been informative and useful.

Remember: **Drive safely. Respect the law. Protect lives.**

For more resources, visit roadsafetymoris.org.in.

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Your Trusted Source for Road Safety Information in Mauritius

This concludes the Annotated Edition of the Road Traffic Act of Mauritius. For more resources and information about road safety in Mauritius, visit roadsafetymoris.org.in.