

THE NATIONAL LAND TRANSPORT AUTHORITY BILL
(No. XX of 2019)

Explanatory Memorandum

The main object of this Bill is to provide for the establishment of the National Land Transport Authority (NLTA) which shall be the regulatory body for land transport and light rail operations in Mauritius.

2. The National Land Transport Authority shall –
- (a) take over the functions and powers of the National Transport Authority under the Road Traffic Act; and
 - (b) perform such other functions imposed, and exercise such other powers conferred, upon it under the Light Rail Act 2019.

N. BODHA, G.C.S.K.

*Minister of Public Infrastructure and Land Transport,
Minister of Foreign Affairs, Regional Integration
and International Trade*

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A BILL

**To provide for the establishment of the National Land Transport Authority,
and for matters related thereto**

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Land Transport Authority Act 2019.

2. Interpretation

In this Act –

“Chief Commissioner” means the Chief National Transport Commissioner of NLTA;

“Fare Review Committee” means the committee set up as such under section 14;

“Licensing Committee” means the committee set up as such under section 13;

“light rail” has the same meaning as in the Light Rail Act 2019;

“Light Rail Commissioner” means the Light Rail Commissioner of the Light Rail Division;

“light rail operator” has the same meaning as in the Light Rail Act 2019;

“light rail vehicle” has the same meaning as in the Light Rail Act 2019;

“Minister” means the Minister to whom responsibility for the subject of land transport and light rail is assigned;

“Ministry” means the Ministry responsible for the subject of land transport and light rail;

“motor vehicle” has the same meaning as in the Road Traffic Act;

“NLTA” means the National Land Transport Authority referred to in section 4;

“Road Transport Commissioner” means the Road Transport Commissioner of the Road Transport Division;

“Rodrigues Transport Committee” means the Rodrigues Transport Committee referred to in section 16;

“supervising officer” means the supervising officer of the Ministry;

“trailer” has the same meaning as in the Road Traffic Act.

3. Application of Act

This Act shall be in addition to, and not in derogation from, the Road Traffic Act and the Light Rail Act 2019.

PART II – NATIONAL LAND TRANSPORT AUTHORITY

4. NLTA

(1) There shall be, within the Ministry, a department to be known as the National Land Transport Authority which shall be a regulatory body for land transport and light rail.

(2) NLTA shall comprise of –

- (a) the Road Transport Division, which shall be responsible for land transport matters; and
- (b) the Light Rail Division, which shall be responsible for light rail matters.

5. Objects of NLTA

NLTA shall –

- (a) manage, monitor, regulate and oversee land transport and light rail operations;
- (b) regulate road worthiness, including safety accreditation of motor vehicles, trailers and light rail vehicles;
- (c) be responsible for the licensing and registration of motor vehicles, trailers and light rail vehicles;
- (d) regulate the specifications and quality requirements of light rail vehicles and the conditions under which they may be used;
- (e) promote, develop and implement policies, strategies, practices and schemes in relation to land transport and light rail operations;
- (f) promote education and training in land transport and light rail operations; and
- (g) promote human resource development and training to its officers.

6. Functions of NLTA

NLTA shall have such functions as may be necessary to further its objects most effectively and shall, in particular –

- (a) license and register motor vehicles and trailers under the Road Traffic Act;

- (b) license and register light rail vehicles under the Light Rail Act 2019;
- (c) collect, analyse and disseminate information in relation to land transport and light rail operations;
- (d) conduct or cause to be carried out research in relation to land transport and light rail operations;
- (e) engage such technical expertise, as may be necessary, in the discharge of its functions under the Road Traffic Act and the Light Rail Act 2019;
- (f) license and regulate petrol service stations under the Road Traffic Act;
- (g) keep records of licences or permits issued by it under the Road Traffic Act, the Light Rail Act 2019 and under any other relevant enactments;
- (h) advise the Minister in the formulation, planning and management of policies, services, strategies and schemes in relation to land transport and light rail operations;
- (i) carry out such other functions as may be imposed on it under the Road Traffic Act, the Light Rail Act 2019 and any other enactment.

7. Powers of NLTA

NLTA shall have such powers as may be necessary to attain its objects and discharge its functions most effectively and may, in particular –

- (a) vary, renew, suspend or revoke any licence, permit or authorisation issued or granted under the Road Traffic Act and the Light Rail Act 2019;
- (b) have access to the records of the holder of a licence issued under the Road Traffic Act and the Light Rail Act 2019;
- (c) set up such committee as may be necessary;
- (d) ensure compliance with the Road Traffic Act and the Light Rail Act 2019;
- (e) levy and collect fees and charges which may lawfully accrue to it;

- (f) exercise such powers as may be necessary for the purposes of this Act, the Road Traffic Act and the Light Rail Act 2019.

PART III – ADMINISTRATION OF NLTA

8. Chief National Transport Commissioner

(1) There shall be a Chief National Transport Commissioner of NLTA who shall be appointed by the Public Service Commission.

(2) The Chief Commissioner shall be the head of NLTA and shall be responsible for the control and management of the day to day business of NLTA.

9. Road Transport Commissioner

(1) Subject to section 22, there shall be a Road Transport Commissioner of the Road Transport Division who shall be appointed by the Public Service Commission.

(2) The Road Transport Commissioner shall be responsible for road transport matters.

10. Light Rail Commissioner

(1) There shall be a Light Rail Commissioner of the Light Rail Division who shall be appointed by the Public Service Commission.

(2) The Light Rail Commissioner shall be responsible for light rail matters.

11. Staff of NLTA

(1) Subject to section 22, there shall be such public officers as may be necessary for the proper discharge of its functions and exercise of its powers under this Act, the Road Traffic Act and the Light Rail Act 2019.

(2) There shall be appointed on contractual terms such officers who, as professional staff of NLTA, are persons of high integrity and having substantial experience in the field of road transport or light rail operations, as the case may be.

(3) Every officer, including the Road Transport Commissioner, the Light Rail Commissioner and any person appointed under subsection (2), shall be under the administrative control of the Chief Commissioner.

12. Delegation of powers

The Chief Commissioner may, subject to such conditions as it may impose, delegate his functions and powers to such officer as he may determine.

PART IV – LICENSING COMMITTEE, FARE REVIEW COMMITTEE AND SUBCOMMITTEES

13. Licensing Committee

(1) There is set up, for the purposes of this Act, a Licensing Committee which shall be responsible for determining any application made for the issue, grant or transfer of a licence, a certificate, a permit, an authorisation, a clearance or a registration under the Road Traffic Act and the Light Rail Act 2019, as the case may be.

(2) The Licensing Committee shall consist of –

- (a) subject to subsection (3), the Road Transport Commissioner or Light Rail Commissioner, as chairperson;
- (b) the Commissioner of Police or his representative
- (c) a representative of the Ministry;
- (d) a representative of the Prime Minister’s Office; and
- (e) a representative of the Ministry responsible for the subject of finance.

(3) (a) The Road Transport Commissioner or his representative shall chair the Licensing Committee when it relates to road transport matters.

(b) The Light Rail Commissioner or his representative shall chair the Licensing Committee when it relates to light rail matters.

(c) Where any matter before the Licensing Committee is in relation to both road transport matters and light rail matters, the Chief Commissioner shall designate either the Road Transport Commissioner or Light Rail Commissioner to chair the Licensing Committee.

(4) (a) The Licensing Committee shall meet as often as may be necessary but at least once every month.

(b) Three members of the Licensing Committee shall constitute a quorum at any meeting of the Licensing Committee.

(c) Where the chairperson of the Licensing Committee is absent from a meeting of the Licensing Committee, the members present shall elect one of the members to chair the meeting.

(d) The Licensing Committee shall regulate its meetings and proceedings in such manner as it may determine.

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

(5) The chairperson of the Licensing Committee may co-opt such other members as he may, in the circumstances, require.

(6) (a) On receipt of an application made for the issue, transfer or grant of a licence, a certificate, a permit, an authorisation, a clearance or a registration under the Road Traffic Act and the Light Rail Act 2019, as the case may be, the Chief Commissioner shall, subject to subsection (7) refer the application to the Licensing Committee.

(b) The Licensing Committee shall determine an application made under paragraph (a) and shall thereafter make its recommendation to the Chief Commissioner.

(c) The Chief Commissioner may, on the recommendation of the Licensing Committee, grant, transfer or reject the application and shall forthwith notify the applicant of its decision in accordance with the Road Traffic Act and the Light Rail Act 2019, as the case may be.

(7) (a) The Chief Commissioner may, with the approval of the supervising officer, cause certain classes of applications made under the Road Traffic Act or the Light Rail Act 2019 to be dealt with by officers of NLTA.

(b) Paragraph (a) shall not apply to an application made for a public service vehicle licence, road service licence and carrier's licence under Part VI of the Road Traffic Act and to an application for the licensing of a petrol service station under section 166A of the Road Traffic Act.

14. Fare Review Committee

(1) There is set up, for the purposes of this Act, a Fare Review Committee which shall advise and make recommendations to the Minister on matters relating to –

- (a) the regulation and review of fares for the public transport system and the adoption of appropriate fare structures;

- (b) the regulation and review of fees and other charges imposed to road users by virtue of the Road Traffic Act and the Light Rail Act 2019;
 - (c) the overall structure of the public transport industry and make recommendations to ensure its viability;
 - (d) Government support to the transport industry;
 - (e) fare integration in connection with multi-modal travel legs; and
 - (f) the Capital Investment Programme of the light rail operator, including oversight on the funding process for capital expenditure and review of forecasted expenses.
- (2) The Fare Review Committee shall consist of –
- (a) the supervising officer or his representative, who shall be the chairperson;
 - (b) the Chief Commissioner;
 - (c) the Road Transport Commissioner;
 - (d) the Light Rail Commissioner;
 - (e) a representative of the Prime Minister’s Office;
 - (f) a representative of the Ministry responsible for the subject of finance;
 - (g) a representative of the Ministry responsible for the subject of energy;
 - (h) a representative of the Ministry responsible for the subject commerce;
 - (i) a representative of the National Remuneration Board;
 - (j) a representative of the Attorney-General’s Office; and
 - (k) a representative of Statistics Mauritius.
- (3) (a) The Fare Review Committee shall meet as often as may be necessary but at least once every year.

(b) At any meeting of the Fare Review Committee, 7 members of the Fare Review Committee shall constitute a quorum.

(c) Where the chairperson of the Fare Review Committee is absent from a meeting of the Fare Review Committee, the members present shall elect one of the members to chair the meeting.

(d) The Fare Review Committee shall regulate its meetings and proceedings in such manner as it may determine.

(e) Every member of the Fare Review Committee shall be paid such fees or allowances as the Minister may determine.

(4) For the purpose of making recommendations on the fare structure and fare review, the Fare Review Committee shall be guided by the principles of affordability, transparency, sustainability and efficiency based on a pre-set formula to track changes in price movements and indices in view to propose suitable adjustments.

15. Subcommittees

NLTA may set up such subcommittee as it may determine for the proper discharge of its functions and exercise of its powers under the Road Traffic Act and the Light Rail Act 2019.

PART V – RODRIGUES TRANSPORT COMMITTEE

16. Rodrigues Transport Committee

(1) There shall be a Rodrigues Transport Committee which shall, for the purposes of Rodrigues, have the same functions and powers of NLTA under the Road Traffic Act in relation to –

(a) the issue of a motor vehicle dealer's licence, public service vehicle licence, road service licence, taxi licence, contract licence and carrier's licence;

(b) the licensing of petrol service stations under section 166A,

and matters incidental or related thereto.

(2) The Rodrigues Transport Committee shall consist of –

(a) the Departmental Head of the Commission responsible for the subject of road traffic and transport in Rodrigues, as chairperson;

- (b) a representative of the Chief Commissioner's Office;
- (c) a representative of the Ministry;
- (d) a representative of the Ministry responsible for Rodrigues;
- (e) the Road Transport Commissioner or his representative; and
- (f) the Chief of Police in Rodrigues or his representative who shall not be below the rank of Chief Inspector.

(3) (a) The Rodrigues Transport Committee shall meet as often as may be necessary but at least once a year.

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

(c) Where the chairperson of the Rodrigues Transport Committee is absent from a meeting of the Rodrigues Transport Committee, the members present shall elect one of the members to chair the meeting.

(d) The Rodrigues Transport Committee shall regulate its meetings and proceedings in such manner as it may determine.

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

(4) The chairperson of the Rodrigues Transport Committee may co-opt such other members as he may, in the circumstances, require.

17. Appeal against decision of Rodrigues Transport Committee

(1) Any person who feels aggrieved by the decision of the Rodrigues Transport Committee in relation to a matter referred to in section 16(1) may appeal to the Appeal Committee by giving written notice to NLTA and lodging his appeal with the Secretary of the Appeal Committee in accordance with the Road Traffic Act.

(2) The Appeal Committee may determine an appeal under this section by confirming, varying or reversing any decision of the Rodrigues Transport Committee.

18. Reference to Road Traffic Act

Any reference made to NLTA or the Minister in sections 32, 76, 77, 78, 80, 81A, 83, 84, 85, 86, 87, 88, 89, 91, 93, 94, 95, 96, 96A, 97, 99, 103, 104 and 166A of the Road Traffic Act shall, for the purposes of this Part, be

construed as a reference to the Rodrigues Transport Committee or Appeal Committee, respectively.

PART VI – APPEAL COMMITTEE

19. Appeal Committee

(1) There is set up an Appeal Committee which shall determine any appeal under the Road Traffic Act, other than a dispute referred to the Motor Vehicle Insurance Arbitration Committee under section 68E of the Road Traffic Act, and under the Light Rail Act 2019.

(2) The Committee shall consist of –

- (a) a Chairperson, who shall be a barrister of not less than 5 years' standing; and
- (b) 4 other members having suitable qualifications or wide experience in land transport or related fields.

(3) (a) The Chairperson and members shall be appointed by the Minister on such terms and conditions as he may determine and shall be paid such remuneration or allowances as the Minister may determine.

(b) The Chairperson and the members shall be appointed on a part-time basis.

(4) There shall be a Secretary to the Appeal Committee who shall be paid such remuneration or allowances as the Minister may determine.

(5) For the avoidance of doubt, a decision of the Appeal Committee shall be subject to judicial review by the Supreme Court.

20. Proceedings of Appeal Committee

(1) The Appeal Committee shall sit at such place and time as the Chairperson of the Appeal Committee may determine.

(2) The Appeal Committee shall regulate its proceedings in such manner it may determine.

(3) At any meeting of the Appeal Committee, 3 members, including the Chairperson, shall constitute a quorum.

(4) Any appeal made to the Appeal Committee in accordance with the Road Traffic Act or the Light Rail Act 2019, as the case may be, shall be accompanied by such appeal fee as may be prescribed.

(5) The Appeal Committee shall determine an appeal not later than 60 days after the start of the proceedings, except where there is a valid reason, and with the consent of the appellant.

(6) The Appeal Committee shall communicate its findings in writing by registered post, stating briefly the reasons in support thereof, to the appellant not later than 21 days after the date of its determination.

(7) (a) Where a member of the Appeal Committee has any interest, direct or indirect, in any matter which is the subject of an appeal before the Appeal Committee, he shall disclose his interest to the Appeal Committee and shall not take part in the proceedings.

(b) The Minister shall appoint, in relation to the subject matter under paragraph (a), another person to replace the member who disclosed his interest.

PART VII – MISCELLANEOUS

21. Regulations

The Minister may, for the purposes of this Act, make such regulations as he thinks fit.

22. Savings and transitional provisions

(1) (a) The Road Transport Commissioner of the Authority appointed pursuant to section 3(1) of the Road Traffic Act shall, on the commencement of this Act, be deemed to be the Road Transport Commissioner of the Road Transport Division under this Act.

(b) The officers of the Authority appointed pursuant to section 3(2) of the Road Traffic Act shall, on the commencement of this Act, be deemed to be officers of NLTA under this Act.

(c) The period of service of the Road Transport Commissioner referred to in paragraph (a) and every officer referred to in paragraph (b) shall be deemed to be an unbroken period of service with NLTA.

(2) The assets and funds of the Authority shall, on the commencement of this Act, vest in NLTA.

(3) All rights, obligations and liabilities subsisting in favour of or against the Authority shall, on the commencement of this Act, continue to exist under the same terms and conditions in favour of or against NLTA.

(4) Any act or thing done, or any contract or agreement entered into, by the Authority shall, on the commencement of this Act, be deemed to have been done or entered into by NLTA.

(5) All proceedings, judicial or otherwise, initiated before and pending on the commencement of this Act, by or against the Authority, shall be deemed to have been initiated, and may be continued, by or against the Ministry.

(6) Any document, matter or thing which, if this Act had not been passed, would have been admissible in evidence in respect of any matter for, or against, the Authority shall, on the commencement of this Act, be admissible in evidence in respect of the same matter for, or against, NLTA.

(7) A reference in any enactment, arrangement, agreement or certificate or any other document to –

- (a) the Authority shall be construed as a reference to NLTA;
- (b) RTC shall be construed as a reference to the Rodrigues Transport Committee;
- (c) the Road Transport Commissioner of the Authority appointed pursuant to section 3(1) of the Road Traffic Act shall be construed as a reference to the Chief Commissioner.

(8) (a) Any licence, certificate, permit, authorisation or clearance issued or granted, or any registration or application granted by the Authority under the Road Traffic Act which is valid and in force on the commencement of this Act shall be deemed to have been issued or granted by NLTA and shall remain valid for the period specified in the licence, certificate, permit, authorisation, clearance, registration book or any other document, as the case may be.

(b) Any application made to the Authority under the Road Traffic Act which is pending on the commencement of this Act shall be deemed to have been made to NLTA and shall be dealt with in accordance with the Road Traffic Act.

(c) Any appeal made to the Minister under the Road Traffic Act which is pending on the commencement of this Act shall be dealt with by the Minister.

(9) (a) Any licence granted by RTC under the Road Traffic Act which is valid and in force on the commencement of this Act shall be deemed to have been issued by the Rodrigues Transport Committee and shall remain valid for the period specified in the licence.

- (b) Any application made to RTC under the Road Traffic Act

which is pending on the commencement of this Act shall be deemed to have been made to the Rodrigues Transport Committee and shall be dealt with in accordance with the Road Traffic Act.

(c) Any appeal made to the Commissioner to whom responsibility for the subject of road traffic and transport is assigned against the decision of RTC which is pending on the commencement of this Act shall be deemed to have been made to the Appeal Committee.

(10) Where this Act does not make provision for any saving or transition, the Minister may make such regulations as may be necessary for such saving or transition.

(11) In this section –

“Authority” means the National Transport Authority established under the Road Traffic Act;

“RTC” means the Rodrigues Transport Committee established pursuant to the Memorandum of Understanding for Regulating Road Transport in the Island of Rodrigues between the Ministry of Public Infrastructure and Land Transport and the Rodrigues Regional Assembly, signed on 19 March 2005.

23. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
