

THE ROAD TRAFFIC (AMENDMENT No. 3) BILL
(No. XXX of 2019)

Explanatory Memorandum

The main object of this Bill is to amend the Road Traffic Act –

- (a) to provide for the introduction of digital driving licences;
- (b) so as to enable a person who is served with a Fixed Penalty Notice –
 - (i) to pay the appropriate fine at any District Court, in lieu of a specific District Court;
 - (ii) to authorise another person to pay the appropriate fine, on his behalf, at any District Court; or
 - (iii) to pay the appropriate fine electronically,

and to provide for matters related thereto.

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

13 September 2019

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 46 of principal Act amended
5. Section 191 of principal Act amended
6. Section 192 of principal Act repealed and replaced
7. Section 195 of principal Act amended
8. Fourth Schedule to principal Act amended

9. Seventh Schedule to principal Act repealed and replaced
 10. Eighth Schedule to principal Act amended
 11. Commencement
- FIRST SCHEDULE
SECOND SCHEDULE

A BILL

To amend the Road Traffic Act so as to facilitate payment of fixed penalties

Enacted by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Road Traffic (Amendment No. 3) Act 2019.

2. Interpretation

In this Act –

“principal Act” means the Road Traffic Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended by inserting, in the appropriate alphabetical order, the following new definition –

“digital driving licence” means an electronic version of the original driving licence and shall be in such form as may be prescribed;

4. Section 46 of principal Act amended

Section 46 of the principal Act is amended –

(a) in subsection (1), by inserting, after the words “produce his driving licence”, the words “, his digital driving licence,”;

(b) in subsection (3) –

(i) in paragraph (a), by inserting, after the words “fails to produce his driving licence”, the words “, his digital driving licence,”;

(ii) in paragraph (b), by inserting, after the word “produces”, the words “his digital driving licence or”;

- (iii) by inserting, after the words “may require him to produce his”, the word “original”.

5. Section 191 of principal Act amended

Section 191 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “to the appropriate District Court” and replacing them by the words “at any District Court”;
- (b) in subsection (2), by deleting the word “quadruplicate” and replacing it by the word “triplicate”;
- (c) in subsection (3) –
 - (i) by repealing paragraph (c), the word “and” being added at the end of paragraph (b);
 - (ii) in paragraph (d), by deleting the word “fourth” and replacing it by the word “third”.

6. Section 192 of principal Act repealed and replaced

Section 192 of the principal Act is repealed and replaced by the following section –

192. Payment of fixed penalty

(1) A person on whom an FPN has been served pursuant to section 191(1) shall, within 28 days from the date of offence, at any District Court –

- (a) produce –
 - (i) the FPN;
 - (ii) where he is the holder of a driving licence, a provisional driving licence or an international driving permit, the original licence or original permit, as the case may be; and
 - (iii) his National Identity Card or, where he is holder of an international driving permit, his passport, as the case may be; and
- (b) pay the fine.

(2) (a) Notwithstanding subsection (1), a driver who has been served with an FPN may authorise another person to pay the fine.

(b) The person authorised under paragraph (a) shall, within 28 days from the date the driver has been served with the FPN, at any District Court –

(i) produce –

(A) his National Identity Card;

(B) the FPN;

(C) where the driver is the holder of a driving licence, a provisional driving licence or an international driving permit, the original licence or original permit, as the case may be; and

(D) the National Identity Card of the driver or, where the driver is the holder of an international driving permit, passport of the driver; and

(ii) pay the fine on behalf of the driver.

(3) Notwithstanding subsections (1) and (2), a person on whom an FPN has been served pursuant to section 191(1) may, within 28 days from the date of the offence, electronically pay the fine specified in the FPN.

(4) Subsections (2) and (3) shall not apply to the offences specified in the second column of the Third Schedule.

(5) On receipt of payment made under subsection (1), the District Court Officer shall, in the case of an offence specified in the second column of the Third Schedule, fill in Part B of the FPN and, within 14 days of the date of payment, return the FPN to the licensing officer.

7. Section 195 of principal Act amended

Section 195 of the principal Act is amended –

(a) in subsection (3), by repealing paragraph (a) and replacing it by the following paragraph –

- (a) pay the fine specified in the PEDN at any District Court;
- (b) in subsection (3A)(b), by repealing subparagraph (i) and replacing it by the following subparagraph –
 - (i) attend any District Court within 28 days from the date the driver has been served with the PEDN;

8. Fourth Schedule to principal Act amended

The Fourth Schedule to the principal Act is amended, in item 98, in the second column, by inserting, after the words “produce driving licence”, the words “, digital driving licence”.

9. Seventh Schedule to principal Act repealed and replaced

The Seventh Schedule to the principal Act is repealed and replaced by the Seventh Schedule set out in the First Schedule to this Act.

10. Eighth Schedule to principal Act amended

The Eighth Schedule to the principal Act is amended by repealing Part B and replacing it by Part B set out in the Second Schedule to this Act.

11. 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.

FIRST SCHEDULE

[Section 6]

SEVENTH SCHEDULE

[Section 191]

FIXED PENALTY NOTICE

PART I

Fixed Penalty Notice no.

Surname of offender

Other name(s) of offender

Address

This is to bring to your attention that today, at
....., at, you have committed the
(time) *(place)*
following offence (s) –

SN	OFFENCE	OFFENCE CODE (where applicable)	FINE (RS)

in connection with the presence on the road of the following motor vehicle –

(a) type

(b) registration mark

(c) make

You are requested to attend or you may authorise any other person to attend to pay the fine(s) specified above at any District Court or effect online payment of the fine(s) specified above by *(date)* at latest, failing which you shall be liable, on conviction, to a fine of not less than twice the amount specified above.

SECOND SCHEDULE

[Section 7]

PART B

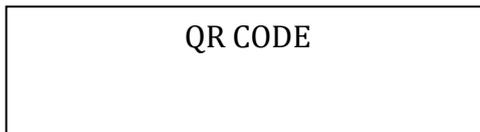
I, Mr/Mrs/Ms* (*other name(s) and surname*),
..... (*telephone number*) wish to inform you that on
..... (*date*) at (*time*), I was not
the owner/driver* of the abovementioned vehicle and the particulars of the
owner/driver*, on the date and at the time of offence, are as follows –

- (a) name of owner/driver*
- (b) telephone no.
- (c) address

.....
Signature

.....
Date

Please note that 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.



**Delete as appropriate*