



THE ROAD TRAFFIC ACT

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Act 22 of 1962 – 1 January 1963

Amended 21/11 (P17/11); 38/11; 27/12 (cio 22/12/12); 17/12 (P22/13 – cio 10/5/13); GN 65/13 (1/1/13); GN 101/13 (cio 10/5/13) Amended by s 21 of Act 26 of 2013 –]- Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014] Amended by s 45 of Act 9/ 2015 (P11/2015 cio 2/7/2015)

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ROAD TRAFFIC ACT

EDITORIAL NOTE: The words “road traffic inspector” have been replaced by the words “road transport inspector” wherever they appear, by s. 15 of Act 38 of 1999 ciociocio. 1 December 2000.

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Road Traffic Act.

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);

Added by [Act No. 36 of 2003]

“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 authorised by the Commissioner to examine any class of motor vehicles so as to ensure that they comply with the requirements of this Act or any regulations made under it;

“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;

“Authority” means the National Transport Authority established under section 73;

“autocycle” 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 or blood is likely to exceed the prescribed limit;

Added by [Act No. 9 of 2003]

“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;

“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 which has been registered before 1 January 1970;

[Inserted 27/12 (cio 2212/12).]

“Commissioner” means the Road Transport Commissioner;

“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;

Added by [Act No. 36 of 2003]

“conductor” means any person who –

(a) holds a valid conductor’s licence issued by the Authority; and

(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;

“Cumulative Road Traffic Convictions Certificate” means the certificate set out in the Ninth Schedule;

“current registration mark” means a registration mark assigned as from 10 April 1992 by the Commissioner;

[Inserted 27/12 (cio 2212/12).]

“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;

Added by [Act No. 9 of 2003]

“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;

“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 22/12/12).]

“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 a paper counterpart; and

[Amended 17/12 (cio 10/5/13).]

- (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 any substance which, when consumed, inhaled, applied to or injected within a person’s body, may influence the performance of a person to safely drive, and which includes, but is not limited to, an intoxicating drink;

Added by [Act No. 9 of 2003]

“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;

Added by [Act No. 38 of 1999]

“electric motor vehicle” means a vehicle which is powered by an electric motor drawing current from –

- (a) rechargeable storage batteries, fuel cells, or other portable sources of electrical current; or
- (b) a non-electrical source of power designed to charge batteries and their components;

[Inserted 27/12 (cio 2212/12).]

“emergency vehicle” includes an ambulance, or a vehicle belonging to the Police or the Fire Services and displaying an intermittently flashing identification lamp as may be prescribed;

[Inserted 17/12 (cio 10/5/13).]

“fail” includes refuse;

Added by [Act No. 9 of 2003]

“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;

“FPN” means a Fixed Penalty Notice;

[Inserted 17/12 (cio 10/5/13).]

“Fixed Penalty Notice” 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;

“full face protective helmet” means a protective helmet which covers the entire head, including the base of the skull, the ears, lower front part of the face and which is provided with vision fitted with a plastic face shield, at the level of the eyes and nose;

Added by [Act No. 29 of 2008]

“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 exceeding 8,000 pounds gross weight;

“heavy vehicle” means a motor vehicle exceeding 8,000 pounds gross weight;

“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 vehicle” means a vehicle which –

(a) combines a conventional internal combustion engine propulsion system with an electric propulsion system; and

(b) is equipped with a regenerative braking system which converts the vehicle's kinetic energy into electric energy to charge the battery;

[Inserted 27/12 (cio 2212/12).]

“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;

“intoxicating drink” means any substance which, when consumed into a person's body, may influence the performance of a person to safely drive, and which includes, but is not limited to, alcohol;

Added by [Act No. 9 of 2003]

“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* or the purposes of article 2202-2 of the Code Civil Mauricien, and which is the holder of a leasing licence;

“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 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;

“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);

“MIPD” has the same meaning as in the Transcription and Mortgage Act;

[Inserted by s 21 of Act 26 of 2013 –] - Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014]

“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” means a mechanically propelled vehicle intended for use, or capable of being used, on roads unless the vehicle has, by regulations, been excluded from this definition;

“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” means a registration mark assigned prior to 10 April 1992 by the Commissioner;

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

“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 hirepurchase 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;

“paper counterpart” means a document in the form set out in Part II of the Tenth Schedule;

[Inserted 17/12 (cio 10/5/13).]

“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 allocated to a person –

- (a) by a Court by way of additional penalty for an offence under this Act;
- or

- (b) pursuant to section 191 or 195;

“Penalty Points Certificate” means a certificate issued under section 123AG(1);

[Inserted 17/12 (cio 10/5/13).]

“Permanent Secretary” means the Permanent Secretary of the Ministry or some other senior administrative officer directly responsible to the Minister;

“personalized 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 Commissioner;

[Inserted 27/12 (cio 2212/12).]

“Photographic Enforcement Device Notice” means a notice issued pursuant to section 195;

[Inserted 17/12 (cio 10/5/13).]

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

“prescribed limit” means, in relation to Part VIIIA—

- (a) 23 microgrammes of alcohol in 100 millilitres of breath;
- (b) 50 milligrammes of alcohol in 100 millilitres of blood;
- (c) 67 milligrammes of alcohol in 100 millilitres of urine; or
- (d) such proportion as may be prescribed;

Added by [Act No. 9 of 2003]

“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;

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

Added by [Act No. 38 of 1999]

“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).]

“RDDS” has the same meaning as in the Registration Duty Act;

Inserted by s 45 of Act 9/2015 (P 11/2015 cio 2/7/2015)

“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; and
- (d) a road reserve not under cultivation or occupied by buildings;

“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 Commissioner to exercise the powers and duties of a road transport inspector;

“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 Authority; and
- (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;

“ton” means a metric ton of 2200 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 Commissioner; and
- (c) in any other case, the total piston displacement as determined by the Commissioner;

“traffic” includes vehicles, pedestrians, processions and bodies of troops, and all animals being ridden, driven or led;

“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 Commissioner to exercise the powers and duties of a traffic warden and to enforce any regulations made under section 190 (4) (n); “trailer”—

- (a) means a vehicle which has no independent motive power of its own and which is drawn, or designed to be drawn, by a motor vehicle; and

- (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 Commissioner the exercise of the powers and duties of a vehicle examiner;

“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.

[S. 2 amended by s. 3 of Act 23 of 1991 cio. 6 July 1991; s. 3 of Act 30 of 1995 cio. 2 December 1995; s. 30 (2) (a) of Act 6 of 1998 cio. 21 July 1998; s. 3 of Act 38 of 1999 cio. 1 December 2000; s. 3 of Act 46 of 2002 cio. 1 August 2004; s. 3 of Act 9 of 2003 cio. 1 September 2003; s. 5 (a) of Act 20 of 2003 cio. 23 July 2003; s. 3 of Act 36 of 2003 cio. 1 August 2004; s. 3 of Act 21 of 2011 cio. 1 November 2011; s. 23 of Act 27 of 2012 cio. 22 December 2012; s.

4 of Act 17 of 2012 cio. 10 May 2013.] Amended s 45 of Act 9/ 2015 (cio on a date to be fixed by proclamation)

3. Appointment of officers

- (1) There shall be appointed a Road Transport Commissioner, who shall, subject to the general directions of the Minister, exercise such powers as are conferred, and perform such duties as are imposed, upon him by this Act or any other enactment.
- (2) There may also be appointed such other officers, subject to the control of the Commissioner, as may be necessary to exercise such powers, and perform such duties, as may be assigned to them by the Commissioner.

4. Classification of motor vehicles

- (1) For the purposes of this Act, motor vehicles shall be divided into the following classes—
 - (a) heavy locomotives, that is to say mechanically propelled motor vehicles which are not constructed themselves to carry any load other than water, fuel, accumulators and other equipment and material used for the purpose of propulsion, loose tools and loose equipment and the unladen weight of which exceeds 11½ tons;
 - (b) light locomotives, that is to say mechanically propelled motor vehicles which are not themselves constructed to carry any load other than any of the articles specified in paragraph (a) and the unladen weight of which does not exceed 11½ tons, but exceeds 7¼ tons;
 - (c) motor tractors, that is to say mechanically propelled vehicles which are not constructed themselves to carry any load other than any of

the articles specified in paragraph (a) and the unladen weight of which does not exceed $7\frac{1}{4}$ tons;

(d) heavy motor cars, that is to say mechanically propelled vehicles, other than vehicles classified under this section as motor cars, which are constructed themselves to carry a load or passengers and the unladen weight of which exceeds $2\frac{1}{2}$ tons;

(e) motor cars, that is to say mechanically propelled vehicles, other than vehicles classified under this section as motorcycles or invalid carriages, which are constructed themselves to carry a load or passengers and the unladen weight of which—

(i) in the case of vehicles which are—

(A) constructed solely for the carriage of passengers and their effects;

(B) adapted to carry not more than 7 passengers exclusive of the driver; and

(C) fitted with tyres of the prescribed type, does not exceed 3 tons;

(ii) in any other case, does not exceed $2\frac{1}{2}$ tons;

(f) motorcycles, that is to say mechanically propelled vehicles, other than autocycles or vehicles classified under this section as invalid carriages, with not more than 4 wheels and the unladen weight of which does not exceed 400 kilograms;

(g) invalid carriages, that is to say mechanically propelled vehicles the unladen weight of which does not exceed 250 kilograms and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from a

physical defect or disability, and are used only for those persons; and

- (h) autocycles, that is to say, two-wheeled motor vehicles, with or without pedals, the engine capacity of which does not exceed 50 cubic centimetres.

(2) The Minister may make regulations for—

- (a) subdividing any class mentioned in subsection (1), whether according to weight, construction, dimension, nature of tyres, use or otherwise;
- (b) making different provision with respect to each subdivision; and
- (c) varying, in respect of any class, the maximum or minimum weight fixed by this section.

(3) A reference in this Act to a class of motor vehicles includes a reference to a subdivision of the class.

(4) For the purposes of this Act—

- (a) where a motor vehicle is so constructed that a trailer may, by partial superimposition, be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself construed to carry a load;
- (b) where a motor vehicle is fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to form part of the vehicle; and

- (c) where a sidecar attached to a motorcycle complies with the prescribed conditions, it shall be regarded as forming part of the vehicle to which it is attached.

[S. 4 amended by s. 4 of Act 43 of 1991 cio. 11 December 1991.]

PART II – REGISTRATION OF MOTOR VEHICLES AND TRAILERS

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 Commissioner shall—

- (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 Commissioner from compliance with the limits under subparagraph (i).
- (4)(a)
 - (i) Subject to subparagraph (ii), the 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.
 - (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 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.
- (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 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 Commissioner by the registered owner of the motor vehicle or trailer in respect of which it has been issued.

7(a) Where it appears to the satisfaction of the Commissioner that-

- (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 Commissioner may, on payment of the prescribed fee, issue a duplicate of the book with the word "Duplicate" written on it.

(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 Commissioner.

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

(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.

[S. 5 amended by s. 4 of Act 23 of 1991 cio. 6 July 1991; s. 23 of Act 27 of 2012 cio. 22 December 2012.]

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.

[S. 5A inserted by s. 5 of Act 23 of 1991 cio. 6 July 1991.]

6. Change of ownership

- (1)(a) Subject to subsections (3) and (4), on the change of ownership of a motor vehicle or trailer—
- (i) the registered owner and the new owner shall forthwith jointly give notice by registered letter to the Commissioner of the change of ownership, of the date of the change and of the name and address of the new owner;
 - (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 Commissioner who shall, subject to subsection (5), register him as the owner of the motor vehicle or trailer.
- (b) Where a person is, under section 7, entered in the register kept by the 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.

- (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 Commissioner.
- (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 Commissioner.
- (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 Commissioner in writing of the change of ownership;
- (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 Commissioner to be registered as the new owner and shall be registered unless the Commissioner thinks fit to order otherwise; and
- (c) (i) where the 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;

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

(5) On the registration of a new owner, the 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.

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 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.

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

(i) make inquiries into the matter;

(ii) make such order as he thinks fit; 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 10 days of the notification to him of the order, appeal to the Minister, whose decision shall be final.

- (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 Commissioner who shall thereupon make the necessary amendment in the register and registration book.
- (b) The 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.
- (c) Any person aggrieved by an amendment under this subsection may, within 10 days of the notification to him of the amendment, appeal to the Minister, whose decision shall be final.

8. Duty of Commissioner

Notwithstanding this Act, the 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—
- (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 RegistrarGeneral;
- or

Amended by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

- (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.

Amended by [Act No. 9 of 2015]

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
 - (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 by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

- (2) The deed or declaration shall be drawn up on paper of A4 size and of not less than 90 grammes, and shall state—
 - (a) the price or consideration for which the transfer of the vehicle was effected; or
 - (b) where the transfer has been effected without consideration, the actual value of the vehicle; and
 - (c) the make, model, engine number and capacity, chassis number and registration mark of the vehicle; and the name and address including the postcode of the transferor and that of the transferee.

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

[Amended by s 21 of Act 26 of 2013 -]- Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014] Amended by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

- (2A) The deed or declaration may be –
- (a) prepared, concluded and saved in the RDDDS; or
 - (b) scanned and saved in the RDDDS.

Inserted by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

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

Inserted by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

- (2C) Any deed scanned for the purpose of the RDDDS 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 by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

(3.)Repealed Act by s 21 of 26 of 2013 –]- Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014]

- (4) The deed, declaration, or electronic deed or declaration registered in the RDDDS 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 by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

(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 the deed, declaration, or electronic deed or declaration registered in the RDDS referred to in subsection (2), together with—

Amended by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

(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 (3).

[Amended by s 21 of Act 26 of 2013 -] - Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014] Amended by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

(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) 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 by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

- (8)) (a) Notwithstanding subsection (7) the Registrar General may accept for registration the original of any deed or declaration drawn up before the commencement of this Act together with a photocopy of such deed or declaration.

(b) The photocopy shall be certified by the transferee as being a true copy of the original.

- (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 the electronic version of the deed or declaration shall be registered and saved for a period of not less than 5 years MIPD.

[Repealed and replaced by s 21 of Act 26 of 2013 - Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014] Amended by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

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

Inserted by s 45 of Act 9/ 2015 (P 11/2015 cio 2/7/2015)

[Amended 38/11 (cio 15/12/11).][S. 9 amended by s. 3 of Act 23 of 1985 cio. May 1985; s. 8 of Act 15 of 1988 cio. 1 July 1998; s. 8 (1) of Act 37 of 1990 cio. 1 January 1991; s. 13 of Act 25 of 1994 cio. 27 July 1994; s. 5 (b) of Act 20 of 2003 cio. 23 July 2003; s. 25 of Act 38 of 2011 cio 15 December 2011] Amended by s 45 of Act 9/ 2015(P 11/2015 cio 2/7/2015)

9A. Derogation relating to 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 registered anew, but subject to such derogations or exceptions from, or modifications of, or adaptations to, section 9, as may be specified in regulations made under this section.

[S. 9A inserted by s. 16 (3) of Act 19 of 1997 cio. 22 December 1997.]

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—
 - (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).

[Amended by s 21 of Act 26 of 2013] Proclaimed GN 46/2014 proclamation No. 16 of 2014 cio 19 May 2014]

- (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.

[S. 9B inserted by s. 4 of Act 46 of 2002 cio. 15 May 2003.]